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Friday
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Highlights

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

13492 **Hazardous Materials** EPA will now allow liquid ignitable wastes in containers to be disposed in landfills under particular conditions until 5-19-81; effective 2-20-81 (Part III of this issue)

13318 **Natural Gas** DOE/EIA publishes computed natural gas ceiling prices and a high cost gas incremental pricing threshold; effective 3-1-81

13202 **Nuclear Power Plants and Reactors** NRC increases monetary amount of civil penalties for noncompliance of reporting defects of certain licensed or regulated facilities or activity; effective 2-20-81

13250 **Grant Programs—Health and Safety** Commerce/NBS announces $2 million funding of program in fire research

13262-13284 **Education** ED lists data acquisition activities for School Year 1981-82; comments by 3-23-81 (3 documents)

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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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13199 **Manpower Training Programs** OPM proposes selection for training be consistent with agency merit promotion procedures and appropriate consideration be made before assigning an employee to training in a non-Government facility; comments by 4–21–81

13200 **Reduction In Force** OPM clarifies; How agencies identify employees with transferring positions under the transfer of function provision and criteria for formally designating positions as trainee or developmental; effective 3–23–81 (2 documents)

13204 **Credit Unions** NCUA releases interpretative ruling and policy statement regarding exclusions from gross income in computing reserve requirements; effective 2–20–81

13260 **Commodity Futures** CFTC publishes notice proposing additional trading months in U.S. Treasury bonds futures contract; comments by 3–23–81

13439 **Wage and Price Controls** OMB rescinds Policy Letter 78–6, governing ineligibility for Federal contracts of companies which do not comply with the wage and price standards; effective 2–5–81

13439 **Health Facilities** OMB rescinds memorandum titled Federal Support for Hospital Construction in Overbedded Areas; effective 2–20–81

13237 **Grant Programs—Indians** Navajo and Hopi Indian Relocation Commission proposes establishment of discretionary fund to alleviate adverse impacts of relocation and resettlement; comments by 3–23–81

13217 **Government Contracts** GSA eliminates mandatory requirement that contractors obtain State operating permits in connection with the movement of Government-owned property; effective 3–9–81

13217 **Maritime Carriers** FMC amends the foreign tariff filing requirements to provide for the publication, filing, justification and suspension of controlled carrier tariff matter; effective 3–23–81

13205 **Reporting Requirements** SEC adopts changes to Part I of the Financial and Operational Combined Uniform Single (FOCUS) reporting system

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: These regulations clarify how agencies identify employees with transferring positions under the transfer of function provisions of OPM's reduction in force regulations.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632–4422.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 1980, OPM published proposed regulations in the **Federal Register** (45 FR 71363) that would explain how agencies identify positions for transfer under the transfer of function provisions found in Subpart C of Part 351 of this title. These proposed regulations did not change OPM's transfer of function policies, but simply incorporated the identification procedures set forth in Appendix C of Federal Personnel Manual (FPM) Chapter 351. The 60-day period for interested parties to submit written comments ended on December 29, 1980.

The transfer of function provisions found in Subpart C of Part 351 of this title are derived from Section 12 of the Veterans' Preference Act of 1944, as presently codified in 5 U.S.C. 3503. Additional instructions implementing the transfer of function provisions of Part 351 are contained in FPM Chapter 351. Specifically, Subchapter 3 of FPM Chapter 351 is primarily concerned with transfer of function while Appendix C of that chapter covers the procedures used by agencies to identify the positions of competing employees with a transferring function. For reference, the identification procedures were originally transmitted to Federal agencies in Supplement Number 2 to Departmental Circular 740, dated June 23, 1960.

Discussion of Comments

Three written comments were received concerning the proposed regulations: one from an agency and two from labor organizations.

The agency and one of the unions submitted comments concerning proposed § 351.303(e)(2). This section would limit employees who volunteer for transfer with a function (even though their positions are not identified with the transferring function) to those employees who are in competitive levels that, because of the transfer of function, have a surplus of employees.

Both the agency and the union believed that if volunteers are permitted, all employees in a competitive area should be eligible to volunteer to transfer with a function. After full consideration of these comments, we agree that proposed § 351.303(e)(2) would, in certain situations, serve to unnecessarily restrict eligible employees from volunteering to transfer with a function. As a result, we have deleted proposed § 351.303(e)(2) from the final regulations. This would permit any employee in the competitive area losing the function to volunteer for transfer with the function when volunteers are permitted.

The agency also suggested that the paragraph following proposed § 351.303(e)(2) be revised by replacing the word "should" with "will". This paragraph would provide that if the total number of employees who volunteer for transfer exceeds the total number of employees required to perform the function in the competitive area that is gaining the function, the losing competitive area should give preference to the volunteers with the highest retention standing.

After full consideration we decided not to adopt this suggestion on the basis that it is unnecessary. At present an agency is encouraged to select volunteers for transfer with a function on the basis of retention standing. We believe that the final decision should be left to the agencies on when to permit employees to volunteer for such transfer.

The other union had no specific objection to our proposed regulations.

Explanation of Final Regulations:

The following changes in Title 5, Code of Federal Regulations, are now made final:

(1) A new § 351.303 is added. Section 351.303(a) provides that the competitive area losing the function is responsible for identifying the positions of competing employees with the transferring function(s) under Identification Method One or Identification Method Two.

(2) Section 351.303(b) provides that Identification Method One must be used if it is applicable. Otherwise, Identification Method Two is used to identify the positions of competing employees with a transferring function or functions.

(3) Section 351.303(c) covers the applicability and operation of Identification Method One.

(4) Section 351.303(d) covers the applicability and operation of Identification Method Two.

(5) Section 351.303(e) covers employees of the competitive area that is losing the function who volunteer to transfer to the competitive area that is gaining the function.

Final § 351.303 is intended to be used in conjunction with final §§ 351.301 and 351.302 published in the **Federal Register** on September 12, 1980 (45 FR 60401).

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

Office of Personnel Management,
Beverly McCain Jones,
Issuance System Manager.

Accordingly, Subpart C of Part 351, Title 5, Code of Federal Regulations, is revised to read as follows:

PART 351—REDUCTION IN FORCE

Subpart C—Transfer of Function

351.301 Applicability.
351.302 Transfer of employees.
351.303 Identification of positions with a transferring function.

§ 351.301 Applicability.

The transfer of function provisions set forth in § 351.203(i)(1) are applicable when the work of one or more employees is moved from one competitive area to another, regardless of whether or not the movement is made

under authority of a statute, Executive Order, reorganization plan, or other authority.

§ 351.302 Transfer of employees.

(a) Before a reduction in force is made in connection with the transfer of any or all of the functions of a competitive area to another continuing competitive area, each competing employee in a position identified with the transferring function or functions shall be transferred to the continuing competitive area without any change in the tenure of his or her employment.

(b) An employee whose position is transferred under this subpart solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than 60 days, is not a competing employee for other positions in the competitive area gaining the function.

(c) Regardless of an employee's personal preference, an employee has no right to transfer with his or her function, unless the alternative in the competitive area losing the function is separation or demotion.

§ 351.303 Identification of positions with a transferring function.

(a) The competitive area losing the function is responsible for identifying the positions of competing employees with the transferring function. Two methods are provided to identify employees with the transferring function:

(1) Identification Method One; and

(2) Identification Method Two.

(b) Identification Method One must be used to identify each position to which it is applicable. Identification Method Two is used only to identify positions to which Identification Method One is not applicable.

(c) Under Identification Method One, a competing employee is identified with a transferring function if:

(1) The employee performs the function during all or a major part of his or her work time; or

(2) Regardless of the amount of time the employee performs the function during his or her work time, the function performed by the employee includes the duties controlling his or her grade or rate of pay.

(d) Under Identification Method Two, competing employees are identified with a transferring function in the inverse order of their retention standing.

(e)(1) The competitive area losing the function may permit other employees in the competitive area to volunteer for transfer with the function in place of employees identified under Identification Method One or Identification Method Two. However, the competitive area may permit these other employees to volunteer for transfer only if no competing employee who is identified for transfer under Identification Method One or Identification Method Two is separated or demoted solely because a volunteer transferred in place of him or her to the competitive area that is gaining the function.

(2) If the total number of employees who volunteer for transfer exceeds the total number of employees required to perform the function in the competitive area that is gaining the function, the losing competitive area should give preference to the volunteers with the highest retention standing.

(5 U.S.C. 1302, 3503)

[FR Doc. 81-5808 Filed 2-19-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: This regulation clarifies the criteria under which agencies may formally designate positions as trainee or developmental positions for reduction in force purposes. In addition, this regulation clarifies the conditions under which an employee may be assigned to a formally designated trainee or development position in reduction in force competition.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ted Dow or Tom Glennon, (202) 632-4422.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1980, OPM published a proposed regulation in the **Federal Register** (45 FR 69469) that would explain how agencies consider trainee and developmental positions in the determination of employee retention standing. The 60-day period for interested parties to submit written comments ended on December 22, 1980.

The proposed regulation represented a clarification, rather than a major change, of OPM's reduction in force policies. For reference, these provisions have been set forth in paragraph 7-6a of Federal Personnel Manual (FPM) Chapter 351 since March 1972.

Discussion of Comments

Three written comments were received concerning the proposed regulation: one from an agency and two from labor organizations. In addition, we received several telephone calls from interested parties concerning the proposed regulation.

The agency suggested that the final regulation be more specific in covering the four characteristics of a formally designated trainee or developmental program. Also, the agency suggested that the final regulation provide that the establishment of separate competitive levels for trainee or developmental positions be optional.

The four characteristics of a formally designated trainee or developmental program that were provided for in the proposed reduction in force regulation are intended to establish general guidelines for agencies to follow in determining employee retention rights. The characteristics covered in the proposed regulation allow agencies considerable flexibility in determining employees rights to trainee and developmental positions in both first and second round reduction in force competition. However, the characteristics are still sufficiently specific to prevent agencies from routinely labeling a position in a career ladder as a trainee or developmental position for reduction in force purposes. In view of the considerable diversity in both the terminology and substance of trainee and developmental programs among different agencies, we believe that we should not at this time establish more specific guidelines for agencies to follow.

One union had no specific objection to the proposed regulation. The other union agreed with the proposed regulations.

Explanation of Final Regulation

The following changes in Title 5, Code of Federal Regulations, are now made final:

(1) Section 351.403(b)(1)(vii) is added. Section 351.403(b)(1)(vii) provides that employees in trainee or developmental positions, as provided for in § 351.701(e), are assigned to separate competitive levels on that basis. This subparagraph incorporates into Part 351 of this title a provision that is presently set forth in paragraph 4-3b of FPM Chapter 351.

(2) Section 351.701(e) is added. Section 351.701(e) covers the four characteristics of a formally designated program that, for reduction in force purposes, may be considered to include trainee and developmental positions. Section 351.701(e) also provides that an employee who does not hold a trainee or

developmental position must meet all of the conditions required for selection and entry into the program in order to displace, as part of second round reduction in force competition, an employee who is presently in the program.

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

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, Title 5, Code of Federal Regulations, is amended as follows:

(1) In § 351.403(b)(1), subparagraph (vii) is added. Revised § 351.403 reads as follows:

§ 351.403 Competitive level.

(a) Each agency shall establish competitive levels consisting of all positions in a competitive area and in the same grade or occupational level which are sufficiently alike in qualification requirements, duties, responsibilities, pay schedules, and working conditions, so that an agency readily may assign the incumbent of any one position to any of the other positions without changing the terms of his appointment or unduly interrupting the work program. Sex may not be a basis for assigning a position to a competitive level, except for a position for which restriction of certification of eligibles by sex is found justified by OPM.

(b)(1) Each agency shall establish separate competitive levels for competitive positions, as distinguished from excepted positions. Among competitive positions and among excepted positions, each agency shall establish separate competitive levels for positions that are:

(i) Under different pay schedules;

(ii) Filled on a full-time basis;

(iii) Filled on a seasonal basis;

(iv) Filled on a part-time basis;

(v) Filled on an intermittent basis;

(vi) Filled by a supervisor or management official, as defined in 5 U.S.C. 7103(a) (10) and (11); or

(vii) Filled by an employee in a formally designated trainee or developmental program having all of the characteristics covered in § 351.701(e)(1) through (e)(4) of this part.

(2) Among excepted positions, each agency shall establish separate competitive levels for positions filled under different appointment authorities.

(3) Employees covered by the Merit Pay System provisions are General Schedule employees for all reduction in force purposes.

(4) A probationary period required by Subpart I of Part 315 of this title upon initial appointment to a supervisory or managerial position does not constitute a basis for establishing a separate competitive level.

(5) Differences in work schedules among other-than-full-time employees who would otherwise be assigned to the same competitive level do not constitute a basis for establishing separate competitive levels.

(2) In § 351.701 Paragraph (e) is added to read as follows:

§ 351.701 Qualifications for assignment.

* * * * *

(e) An agency may formally designate a position in a program with all of the following characteristics as a trainee or developmental position:

(1) The program must have been designed to meet the agency's needs and requirements for the development of skilled personnel;

(2) The program must have been formally designated, with its provisions made known to employees and supervisors;

(3) The program must be developmental by design, offering planned growth in duties and responsibilities, and providing advancement in recognized lines of career progression; and

(4) The program must be fully implemented, with the participants chosen through standard selection procedures.

To be considered qualified for assignment under § 351.603 to a formally designated trainee or developmental position in a program having all of the characteristics covered in paragraphs (e)(1), (e)(2), (e)(3) and (e)(4) of this section, an employee must meet all of the conditions required for selection and entry into the program.

(5 U.S.C. 1302, 3502)

[FR Doc. 81-5809 Filed 2-19-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 292, Amendment 1; Lemon Regulation 293]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 22–28, 1981, and increases the quantity of such lemons that may be so shipped during the period February 15–21. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 22, 1981, and the amendment is effective for the period February 15–21, 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. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other 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 July 8, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

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

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

lemons. 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 times.

1. Section 910.593 is added as follows:

§ 910.593 Lemon Regulation 293.

The quantity of lemons grown in California and Arizona which may be handled during the period February 22, 1981, through February 28, 1981, is established at 215,000 cartons.

2. Section 910.592 Lemon Regulation 292 (46 FR 12191) is revised to read as follows:

§ 910.592 Lemon Regulation 292.

The quantity of lemons grown in California and Arizona which may be handled during the period February 15, 1981, through February 21, 1981, is established at 215,000 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. 81-6053 Filed 2-19-81; 11:47 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 21

Statutory Increase in Civil Penalty Limits for Violations of Part 21

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations governing the reporting of defects and noncompliance, 10 CFR Part 21, to reflect the statutory increase in the monetary amount of civil penalties which the Commission may impose pursuant to Section 234 of the Atomic Energy Act of 1954, as amended. This amendment affects individual directors or responsible officers of firms constructing, owning, operating or supplying the components of any facility or activity which is licensed or regulated under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7678.

SUPPLEMENTARY INFORMATION: Section 206 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5846, requires individual directors or responsible officers of firms constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended (Atomic Energy Act), or the Energy Reorganization Act who obtain information reasonably indicating that such facility or activity or basic components supplied to such facility or activity (1) fails to comply with the Atomic Energy Act or any applicable rule, regulation, order, or license of the Nuclear Regulatory Commission (Commission) relating to substantial safety hazards, or (2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate, to immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply. Subsection 206(b) of the Energy Reorganization Act specifically provides that any person who knowingly and consciously fails to provide the required notice is subject to a civil penalty in an amount equal to the amount provided by Section 234 of the Atomic Energy Act, 42 U.S.C. 2282.

Section 234 of the Atomic Energy Act, "Civil Monetary Penalties for Violation of Licensing Requirements," was recently amended by Congress. The maximum civil penalty per violation was increased from $5,000 to $100,000 and the "cap" which limited the total penalty for violations occurring during a 30-day period to $25,000 was eliminated.[1] Therefore, persons who knowingly and consciously fail to provide the notice required by section 206 of the Energy Reorganization Act are now subject to civil penalties of up to $100,000 per violation.[2]

The Commission's regulations implementing the requirements of Section 206 of the Energy Reorganization Act are codified in 10 CFR Part 21, "Reporting of Defects and Noncompliance." Section 21.61 of the regulation specifies the monetary limits on civil penalties which the Commission may assess for failures to comply with the notification requirements of Part 21. However, § 21.61 does not presently reflect the statutory increase in the amount of civil penalties which the Commission may assess pursuant to amended section 234 of the Atomic Energy Act. Therefore, § 21.61 is amended to account for the increase. The amended regulation references the civil penalty limits of section 234 of the Atomic Energy Act without repeating in the regulation the precise dollar figures set forth in the statute. This avoids the necessity of amending 10 CFR 21.61 again should the Congress subsequently amend the dollar limits in section 234 of the Atomic Energy Act.

Since the amendment to 10 CFR 21.61 is required to comply with the statutory increase in the monetary amount of civil penalties which the Commission may impose pursuant to section 234 of the Atomic Energy Act, the Commission has found that good cause exists for omitting notice of proposed rulemaking and public procedure thereon as unnecessary and for making the amendment effective upon publication in the **Federal Register** without the customary 30-day notice.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 21 is published as a document subject to codification, to be effective on February 20, 1981.

10 CFR Part 21 is amended as follows:

1. The authority citation for Part 21 reads as follows:

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948; sec. 234, Pub. L. 91–161, 83 Stat. 444; sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 2201, 2282, 5846), unless otherwise noted.

2. In Part 21, § 21.61 is revised to read as follows:

§ 21.61 Failure to notify.

Any director or responsible officer subject to the regulations in this part who knowingly and consciously fails to provide the notice required by § 21.21 shall be subject to a civil penalty equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

Dated at Bethesda, Maryland this 27th day of January, 1981.

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[1] Section 206, Nuclear Regulatory Commission FY 1980 Appropriation Authorization, Pub. L. 96–295, 94 Stat. 787, June 30, 1980.

[2] In this regard the Conference Report H.R. Rep. No. 96–1070 at 34, states that "the conferees intend that the increased limits contained in the provision of the conference agreement [amended section 234 of the Atomic Energy Act] will also apply to civil penalties imposed pursuant to section 206 of the Energy Reorganization Act of 1974."

For the Nuclear Regulatory Commission.
William J. Dircks,
Executive Director for Operations.
[FR Doc. 81-5772 Filed 2-19-81; 8:45 am]
BILLING CODE 7590-01-M

10 CFR Part 95

Access by Representatives of the International Atomic Energy Agency

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: These amendments permit Nuclear Regulatory Commission (NRC) licensees to grant International Atomic Energy Agency (IAEA) representatives access to NRC classified information as required by their visits to NRC-licensed facilities under the U.S./IAEA Safeguards Agreement. The amendments also specify recordkeeping requirements related to this access.

EFFECTIVE DATE: March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427-4415.

SUPPLEMENTARY INFORMATION: On July 31, 1980, the Nuclear Regulatory Commission published, as final rules, 10 CFR Part 75, "Safeguards on Nuclear Material—Implementation of U.S./IAEA Agreement," and other conforming amendments which provide the framework under which IAEA representatives will make visits and carry out certain inspections in NRC-licensed facilities (45 FR 50705). The Commission noted in the Statement of Considerations accompanying the rule that additional details of the implementation process would need to be treated by the time the Agreement enters into force. One of the details referred to in that notice was assurance that IAEA representatives could have access to some items of classified information, where required, in carrying out visits and inspections under the Safeguards Agreement.

On March 5, 1980, 10 CFR Part 95, "Security Facility Approval and Safeguarding of National Security Information and Restricted Data," was published as a final rule in the **Federal Register** (45 FR 14476). This part, which sets forth the information and physical security requirements that affected licensees must follow to protect NRC classified information, became effective October 1, 1980. Part 95 as currently written limits access to classified information to individuals possessing an NRC personnel security clearance.

This necessary amendment to Part 95 brings NRC procedures and regulations governing control and access to classified information into conformance with the U.S./IAEA Safeguards Agreement. Under these amendments, licensees are authorized to release (i.e., transfer possession of) copies of classified documents directly to IAEA representatives officially designated by IAEA to make these requests. However, in order that the U.S. may maintain an accurate account of what classified information has been disclosed to IAEA representatives, affected licensees will be required to keep certain records concerning IAEA visitations.

The Commission has determined that there are only three licensees presently affected by these amendments, namely, Rockwell International, General Atomic, and Public Service Co. of Colorado. Each of these licensees has been afforded an opportunity to comment regarding this action, and some clarifying changes have been made in response to their concerns. Other significant comments are discussed below. A record of the communications with these licensees has been placed in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., where it is available for inspection and copying.

One commenter noted that the disclosure provisions of the NRC regulations may be inconsistent with requirements imposed by the Department of Energy (DOE) with respect to work performed under DOE contract at the licensee's site. NRC has brought this matter to the attention of DOE. It is anticipated that DOE will take appropriate action to modify its contract requirements so as to eliminate the potential conflict with NRC regulations.

Another commenter suggested that since the classified information to which IAEA inspections would require access was entirely, or at least primarily, "safeguards information" as defined in section 147 of the Atomic Energy Act of 1954 (as amended by Pub. L. 96-295, the NRC Authorization Act for Fiscal Year 1980), the access and disclosure provisions should be drafted in accordance with that provision. Proposed regulations under section 147 were issued for public comment in the **Federal Register** on December 29, 1980 (45 FR 85459). Licensees, therefore, currently have the opportunity to consider these regulations and comment upon their relationship to Part 95. The immediate need is to provide a means for IAEA inspectors to have access, where required by the Agreement, to information which is currently classified as National Security Information, and this can only be accomplished by amending Part 95 along the lines of the present action.

A commenter suggested that the classification of information subject to disclosure be defined more specifically. The rule now specifically bars disclosure of Restricted Data. By authorizing access or release of National Security Information generally, it allows both Confidential and Secret NSI to be disclosed, where "relevant" to the conduct of a visit or inspection; we do not consider a specific reference to Confidential and Secret classifications to be needed.

Under the circumstances described in the rule, licensees are authorized to permit an IAEA inspector to have access to NSI. An inspector may make notes which reflect the contents of NSI to which he has had access. The inspector may carry these notes, along with copies of documents which have been released pursuant to specific disclosure authorization, away from a licensed facility as set forth in 95.36; measures relating to the protection of any NSI contained in these materials are provided for in the arrangements between the Government and the IAEA and are not the responsibility of the licensee. It should be noted, however, that no reproduction of NSI by the licensee is permitted except as provided under other portions of existing regulations.

One commenter suggested that the duration of the record keeping period be reduced from five years to two years, which would conform to other provisions of Part 95. Two years is considered inadequate, however, in view of the unique aspects arising out of the release of classified information to representatives of international organizations. Compromise of the information, should it occur, is less likely to come to the attention of United States officials within a two-year period. Moreover, the investigation of disclosures might be complicated by the need to make inquiries through diplomatic channels and by the inability to rely upon subpoenas and similar measures that are effectual only within the jurisdiction of the United States. In view of the national security interests involved, the small number of affected licensees, the low number of predicted visits, and the relatively small number of documents likely to be disclosed, the five-year requirement is not regarded as being unduly burdensome. However, in an effort to keep the burden as small as possible, the rule differs from that

discussed with affected licensees by providing that records pertaining to documents to which inspectors have been permitted access (but which have not been released) may identify such documents by category rather than individually.

In view of the fact that each licensee subject to this rule upon entry into force of the Agreement has been afforded an opportunity to comment thereon, and since delay in promulgating this rule could result in actions inconsistent with the Agreement, and because there is involved a foreign affairs function of the United States, the NRC finds that notice of proposed rulemaking and public procedure thereon are unnecessary and contrary to the public interest.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Part 95 of Title 10, Chapter 1, Code of Federal Regulations are published as a document subject to codification.

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

1. The authority citation for Part 95 is revised to read as follows:

Authority: Secs. 145, 161b., i., and o., Pub. L. 83–703, 68 Stat. 942, as amended, 948, as amended (42 U.S.C. 2165, 2201); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841); E.O. 10865 and E.O. 12065. Sec. 95.36 also issued under Sec. 122, Pub. L. 83–703, 68 Stat. 939 (42 U.S.C. 2152).

2. Section 95.27 is revised to read as follows:

§ 95.27 Protection while in use.

While in use, matter containing National Security Information or Restricted Data shall be under the direct control of an appropriately authorized individual to preclude physical, audio and visual access by persons who do not have the prescribed access authorization or other written Division of Security disclosure authorization.

3. Section 95.29(b)(3) is revised to read as follows:

§ 95.29 Establishment of security areas.

* * * * *

(b) The following measures shall apply to security areas:

* * * * *

(3) Access to classified matter shall be limited to persons who possess appropriate access authorization or other written Division of Security disclosure authorization and who require access in the performance of their official duties or contractual obligations.

* * * * *

4. Section 95.35 is amended by adding a new paragraph (c).

§ 95.35 Access to national security information and/or restricted data.

* * * * *

(c) Access to National Security Information at NRC-licensed facilities by authorized representatives of IAEA is permitted in accordance with § 95.36 of this Part.

5. A new § 95.36 is added to read as follows:

§ 95.36 Access by representatives of the International Atomic Energy Agency.

(a) Based upon written disclosure authorization from the Division of Security that an individual is an authorized representative of the International Atomic Energy Agency (IAEA), and that the individual is authorized to make visits or inspections in accordance with the US/IAEA Safeguards Agreement, a licensee will permit the individual (upon presentation of the credentials specified in § 75.7 of this chapter and any other credentials identified in the disclosure authorization) to have access to National Security Information (NSI) which is relevant to the conduct of a visit or inspection. A disclosure authorization under this section does not authorize a licensee to provide access to Restricted Data.

(b) For purposes of this section, NSI is relevant to the conduct of a visit or inspection if:

(1) In the case of a visit, this information is needed to verify information according to § 75.13, or

(2) In the case of an inspection, the information is information to which an inspector is entitled to have access under § 75.42.

(c) In accordance with the specific disclosure authorization provided by the Division of Security, licensees are authorized to release (*i.e.*, transfer possession of) copies of documents which contain NSI directly to IAEA inspectors and other representatives officially designated by IAEA to request and receive classified documents. Licensees are not authorized to reproduce documents containing NSI except as provided in § 95.43 of this part.

(d) Records regarding these visits and inspections shall be maintained for five years beyond the date of the visit or inspection. These records shall specifically identify each document which has been released to an authorized representative and shall indicate the date of such release. These records shall also identify (in such detail as the Division of Security, by letter, may require) the categories of documents to which the authorized representative has had access and the date of such access. A licensee shall also retain Division of Security disclosure authorizations for five years beyond the date of any visit or inspection when access to classified information was permitted.

(e) Licensees shall take such measures as may be necessary to preclude access to classified information to which IAEA representatives are not authorized access.

(Secs. 145, 161 b., i., and o., Pub. L. 83–703, 68 Stat. 942, as amended, 948, as amended, (42 U.S.C. 2165, 2201); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841); E.O. 10865 and E.O. 12065. Sec. 95.36 also issued under Sec. 122, Pub. L. 83–703, 68 Stat. 939 (42 U.S.C. 2152))

Dated at Bethesda, Maryland, this 3d day of February 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-5773 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Definitions; Interpretive Ruling and Policy Statement—Exclusions From Gross Income in Computing Reserve Requirements

AGENCY: National Credit Union Administration.

ACTION: Interpretive ruling and policy statement.

SUMMARY: This statement indicates that credit unions that receive Central Liquidity Facility dividends directly or through an Agent (or Agent group representative) are permitted to exclude those dividends in computing Federally-imposed reserve requirements.

DATE: February 20, 1981.

ADDRESS: National Credit Union Central Liquidity Facility, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Mark Medvin, Assistant to the President, Central Liquidity Facility, at the above address. Telephone: 202–357–1130.

IRPS 81—1

On July 2, 1980, the NCUA Board adopted regulations that, among other

things, permit credit unions that receive CLF dividends, whether directly or indirectly in the form of dividends on "special share accounts," to exclude these dividends from "gross income" in computing the amount required to be transferred to reserves pursuant to NCUA's reserve requirements.

The question has risen as to whether CLF dividends passed through state chartered Agent members of the Facility, or through state or federally chartered Agent group representatives and/or members, qualify for the dividend exclusion to the same extent as those passed through federally chartered Agents. The question arises because § 700.1(1)(2) of the NCUA Rules and Regulations provides an exclusion from gross income for dividends paid on "special share accounts," the designation given to CLF stock reimbursement accounts in Federal corporates, without specifically mentioning dividends paid on accounts, however designated, in state chartered corporates that serve the same CLF stock reimbursement purpose.

In providing an exclusion for dividends on CLF stock, whether received directly or through Agents, it was the intent of the NCUA Board to focus on the original source of the dividend—the CLF—and not the type of charter, structure of the Agent (i.e., direct or group), or designation given to the account, as the determining factor of whether the dividend is excludable.

Therefore, in computing the transfer to reserves required by NCUA, federally insured credit unions can exclude from "gross income" dividends received directly or indirectly (through any Agent member) from the Facility. In the case of federally insured corporate credit unions, this exclusion applies to CLF dividends received directly or through an Agent group representative.

Rosemary Brady,

Secretary of the Board.

February 12, 1981.

[FR Doc. 81-5775 Filed 2-19-81; 8:45 am]

BILLING CODE 7535-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-17534]

FOCUS Reporting System; Requirements for Financial Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting previously proposed amendments to Part I of Form X-17A-5, the Financial and Operational Combined Uniform Single Report required to be filed by brokers and dealers, and related Rule 17a-5 under the Securities Exchange Act of 1934, and is issuing instructions useful to completion of Part I. The amendments to Part I of the FOCUS Report are designed to reorganize the Form so that it follows a more logical progression from an accounting and operational viewpoint. Paragraph (d) of Rule 17a-5 is amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program.

EFFECTIVE DATE: April 1, 1981 (for filing period in May 1981).

FOR FURTHER INFORMATION CONTACT: James G. Moody, Attorney Advisor, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2370.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of certain amendments to Part I of Form X-17A-5 (§ 249.617) and Rule 17a-5 (17 CFR 240.17a-5) under the Securities Exchange Act of 1934. The amendments, which become effective on April 1, 1981, are substantially the same as those proposed in Securities Exchange Act Release No. 17138 (September 9, 1980); 45 FR 62092 (September 18, 1980).[1]

Introduction

Section 17(a)(1) of the Securities Exchange Act of 1934 provides that the Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by brokers and dealers. Under that section the Commission has adopted Rule 17a-5 which is the basic reporting rule for brokers and dealers. It requires the filing of Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS") Report, which was the culmination of years of study and comment by representatives of the securities industry through advisory committees and through the normal rule proposal method.[2] The FOCUS Report was designed to eliminate the overlapping regulatory reports required by various self-regulatory groups and the Commission and to reduce reporting burdens as much as possible.

The FOCUS Report is one of the primary means of monitoring the financial and operational condition of brokers and dealers and enforcing the financial responsibility rules. The completed forms are also used to determine which firms are engaged in various securities-related activities, and how economic events and government policies might affect various segments of the securities industry.

Amendments

Part I of Form X-17A-5 [§ 249.617][3]

Part I of the FOCUS Report is a monthly form which must be filed by every broker or dealer who clears transactions or carries customer securities. In general, the changes to Part I are designed for two purposes. First, the Form has been reorganized. It will call for the net capital computation each broker or dealer is required to make at month end. The prior Form was designed as a "key indicator" report without balancing items. Second, it will now require disclosure from brokers and dealers of information in the following areas which have been of recent regulatory concern: (1) concentrations in government guaranteed mortgage backed securities; (2) concentrations in commodity positions; and (3) current operational difficulties.

In response to the Commission's request for comments from interested members of the public concerning the amendments proposed in Securities Exchange Act Release No. 17138, several commentators addressed the proposed changes to Part I. Although the comments were generally favorable as to the changes to Part I, certain questions were raised requiring definitions and clarification.[4] While many of the concerns expressed are dealt with by the revised instructions[5] to Part I, certain items are discussed herein.

Several commentators requested clarification of the definition of "exempt" securities as it pertains to

[1] In light of the comments received, the staff is reviewing whether to recommend that the Commission repropose for comment in the near future a revision of Parts II and IIA of the FOCUS Report. In so doing, the staff hopes to develop a dialogue with respect to the issues raised by those who commented and the overall purposes of the Form including the time necessary to implement any revisions proposed for the Report.

[2] The Commission adopted the FOCUS Report as of January 1, 1976. See Securities Exchange Act Release No. 11935 (December 17, 1975) 40 FR 59706 (December 30, 1975).

[3] The text of the amended Part I is appended hereto as Appendix A.

[4] Comments received concerning Part II are discussed elsewhere in this release. See Note 1 *supra*.

[5] The text of the instructions to Part I is appended hereto as Appendix B.

cash margin deficiencies and proprietary haircuts.[6] In both instances the instructions make it clear that the only "exempt" securities involved are United States Government guaranteed mortgage backed securities, such as GNMA's.

One commentator indicated that the inclusion of certain balancing items in Part I might increase the reporting burden for brokers and dealers. The Commission notes first, that affected brokers and dealers are required to prepare a net capital computation at least once a month and the preparation of a trial balance should be an integral part of that process. Secondly, no new information is required; only internal additions within the form itself. Accordingly, it is the Commission's view that no significant increase in the reporting burden will result from the inclusion of such items.

Several commentators sought clarification as to whether the Schedule of Operational Exposure Items will be a mandatory filing requirement for all brokers and dealers and, if so, they were concerned that the two (2) business days resolution period alluded to in the corresponding footnote would not be adequate. The Commission recognizes that, due to the nature and limited exposure of the securities business of some broker-dealers, the Schedule of Operational Exposure Items may not be relevant to their mode of operation and its adoption could increase the regulatory burden on such firms. The Commission also recognizes that the nature of the exposure information required for adequate surveillance may vary between self-regulatory organizations depending upon the mix of business of its members. Accordingly, the Commission is not adopting the Schedule as proposed in Securities Exchange Act Release No. 17138. Rather, the Commission is adopting alternate schedules, which may be used by each Designated Examining Authority ("DEA") as it deems appropriate. Each broker or dealer will be required to report only out-of-balance differences where the firm was actually required to deduct the amount of differences from its net capital at month-end. Other brokers or dealers will complete in the first three columns, if the DEA requires. Moreover, even if the firm were not required to charge its net capital at month-end, the DEA may require it to complete a separate schedule if it has open operational items not resolved by the seventh business day following the date of the report.

[6] See Securities Exchange Act Release No. 17138.

Finally, the Commission realizes that, for the purpose of implementation, a DEA may wish to continue to require its members to file the current Part I for the duration of 1981 or until its surveillance systems are revised. Accordingly, the Commission will permit a DEA to require its members to report on the current Part I until January 1, 1982 so long as the DEA collects the additional information required by Part I,[7] as adopted herein, by supplemental schedules (excluding the "balancing items" in the Report).

Audited Report

Paragraph (d) of Rule 17a–5 is amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program.

Accordingly, 17 CFR Chapter II is amended as follows:

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

1. Paragraph (d)(6) of § 240.17a–5 is revised to read as follows:

§ 240.17a–5 Reports to be made by certain brokers and dealers.

* * * * *

(d) * * *

(6) One copy of the annual audit report shall be filed at the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the principal office of the designated examining authority for said broker or dealer. Two copies of said report shall be filed at the Commission's principal office in Washington, D.C. Copies thereof shall be provided to all self-regulatory organizations of which said broker or dealer is a member.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

2. Part I of Form X–17A–5, § 249.617, is amended as set forth in Appendix A.

§ 249.617 [Amended]

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 15(c)(3), 17 and 23 thereof, 15 U.S.C. 78o(c)(3), 78q and 78w, the Commission hereby amends 17 CFR 240.17a–5 and 249.617 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth above. The Commission believes that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 11, 1981.

[7] Items which are currently not required of firms designated to the New York Stock Exchange will continue not to be required (see generally items 30 a & b as well as 35–40).

Appendix A

Name of Broker/Dealer _____

Name and Telephone No. of Person Completing This Report _____

ID No. _____
For month _____
SEC File No. _____

	Item
1710	1. Subordinated Loan Agreements—Cash
1730	2. Secured Demand Notes—Face Amount
3520	3. Total Subordinations Allowable for Net Capital
3501	4. Ownership Equity/Partnership Capital—Beginning of Month
	5. Unconsolidated Income/Expense for the Month:
3950	a. Trading and Investment Account Profit or (Loss)
4212	b. Other Gross Income (Loss)
4201	c. Expenses
4221	d. Federal Income Taxes
4250	6. Net Profit or (Loss) for the Month
	7. Other (Exclude Non-Conforming Capital):
4264	a. Additions to Capital
4274	b. (Deductions) from Capital
3500	8. Ownership Equity/Partnership Capital—End of Month
3525	9. Other (Deductions) or Allowable Credits
3530	10. Total Capital and Allowable Subordinations Deductions and/or Charges to Capital
	11. Added Charges Customer and Non-Customer:
3550	a. Securities Accounts
3560	b. Commodity Accounts
3575	12. Operational Charges to Capital (pg. 2 Line 8 Col. IV)
3540	13. Non-Allowable Assets (Not Includable Above)
3600	14. Proprietary Charges on Commodities
3612	15. Other Charges and/or Deductions
3620	16. Total Deductions and/or Charges (Lines 11 thru 15)
3640	17. Net Capital—Before Haircuts on Securities
3740	18. Haircuts on Proprietary Security Positions (Including Contractual Commitments)
3750	19. Net Capital
4880	20. Scheduled Capital Withdrawals Within 6 Months
4881	21. Net Capital After Withdrawals
1011	22. Total Equity Subordinations
	23. a. Aggregate Indebtedness Under SEC Rule
3840	15c3–1
	b. Aggregate Debits Under SEC Rule 15c3–3
4470	as Adjusted
3760	24. Minimum Net Capital Required
	25. Ratios/Excess Net Capital:
3850	a. Aggregate Indebtedness to Net Capital
3851	b. Net Capital to Aggregate Debit Items
	c. Net Capital in Excess of Greater of 6⅔% of
3770	AI or Minimum
	d. Net Capital in Excess of Greater of 4% of
3910	ADI or Minimum
3852	e. Option Deductions/Net Capital Ratio
4430	26. Total Credits—Rule 15c3–3 Reserve Formula
	27. Total Debits—Rule 15c3–3 Reserve Formula—
4472	Net
4530	28. Amount in Reserve Bank Account

	29. Commodity Exchange Act—Segregation Requirement:
7060	a. Amount Required to be Segregated
7180	b. Amount Segregated
	30. Firm Proprietary Positions:
850	a. Long—All Securities
1620	b. Short—All Securities
841	c. Long—Contractual Commitments Certain Exempt Securities
1621	d. Short—Contractual Commitments Certain Exempt Securities
	31. Customer and Non-Customer Charges—Certain Exempt Securities
3551	
5371	32. a. Security Concentration—Firm
5372	b. Security Concentration—Customer
5375	c. Commodity Concentration—Firm
5376	d. Commodity Concentration—Customers and Others
4960	33. Total Tickets
	34. Aged Fails:
5382	a. To Deliver
5385	b. To Receive
	35. Total Fails:
770	a. To Deliver
1505	b. To Receive
	36. Equity Markets:
114	a. NASDAQ
116	b. Other
	37. Clearing Agency Balances:
810	a. Due from Clearing
1560	b. Due to Clearing
750	38. Unrestricted Cash
	39. Customers' Accounts (Securities):
310	a. Secured Debits
1580	b. Total Credits
103	40. Securities Borrowed

Name of Broker/Dealer _____

Name and Telephone No. of Person Completing This Report _____

ID No. _____
Operational Items for the Month of _____
SEC File No. _____

Operational Deductions From Net Capital

	I No. of items	II Debits (short value)	III Credits (long value)	IV[1] Deductions in computing net capital
1. Money suspense and balancing differences				
2. Security suspense and differences with related money balances				
3. Market value of short and long security suspense and differences without related money (other than reported in item 4 below)				
4. Market value of security record breaks				
5. Unresolved reconciling differences with others:				
A. Correspondents and broker/dealers				
B. Depositories				
C. Clearing organizations				
D. Inter-company accounts				
E. Bank accounts and loans				
F. Other				
G. (Offsetting) Items A–F				
Total line 5				
6. Commodity differences				

Operational Deductions From Net Capital—Continued

	I No. of items	II Debits (short value)	III Credits (long value)	IV[1] Deductions in computing net capital
7. Open transfers and reorganization account items over 40 days not confirmed or verified				
8. Total (lines 1–7)				
9. Lines 1–8 resolved subsequent to report date				

10. Has respondent completed this form in accordance with instructions of the designated examining authority?
Yes ☐
No ☐

[1] All line items (1–8) column IV (columns I, II and III if required) must be answered. If respondent has nothing to report, enter -0-.

NOTE A—Include aged items which resulted in a deduction in the computation of net capital (column IV) at the report date as appropriate (Lines 1–7) whether resolved subsequently or not (see instructions). Complete columns I, II and III only if required by the "designated examining authority."

NOTE B.—The respondent's "designated examining authority" may require on a separate schedule headed "Potential Operational Deductions from Net Capital" that the same information be submitted, as formated above, for line items 1–6 stating open items, at the report date, that were not deducted in the computation of net capital; and which were not resolved in seven (7) business days subsequent to the report date.

Appendix B.—Focus Report Instructions to Part I

General

Line items 1 through 25 represent a computation of the net capital and capital requirement of the broker/dealer and are to be completed in accordance with Rule 15c3–1, appendices thereto and interpretations issued by the Commission. References are to the pertinent subparagraphs of the Rule.

Most line items contained herein correspond to similar line items in Part II and/or IIA and the same instructions, as interpreted, shall be followed unless specified herein.

1710

1. Subordinated Loan Agreements—(as defined in Appendix D, Rule 15c3–1)—enter the total amount of cash obtained pursuant to subordinated loan agreements in effect at the report date. This item corresponds to the same item number in Parts II and IIA.

Appendix D to Rule 15c3–1 sets forth minimum and non-exclusive requirements for satisfactory subordination agreements.

1730

2. Secured Demand Notes—(as defined in Appendix D)—enter the total face amount of all secured demand notes in effect at report date. This item corresponds to the same item number in Parts II and IIA.

Where collateral to a secured demand note is in the form of cash, the collateral account credit should not be reflected as a reduction of the amounts reported. It should be reported as a non-A.I. Liability to the extent that it does not exceed the face amount of the collateralized note. Secured demand note deficiencies should be included as a deduction on Line 15.

The collateral contained in each secured demand note collateral account shall relate only to the specific demand note that it collateralizes. Excess collateral value in one account shall not be applied to the deficiency in another account.

3520

3. Total Subordinations Allowable for Net Capital—(Total of Lines 1 and 2). This item corresponds to the same item number in Parts II and IIA.

3501

4. Ownership Equity/Partnership Capital—Beginning of month—enter here the same total amount from the prior month end (corrections of prior month should be included on line 7.) as reported on Part I or II. Lines 5 through 7 reflect all changes of ownership equity qualified for inclusion in net capital from the last previously filed FOCUS Report.

5. Unconsolidated income/expense.

3950

(a) Enter the net of realized and unrealized gains (or losses) in all trading, investment and other proprietary accounts for the current reporting month. Losses should be recorded in brackets. This item corresponds to the sum of items 3950 and 3952 in Parts II and IIA.

4212

(b) Report unconsolidated gross income for the current reporting month excluding realized or unrealized gains (or losses) reported under item 5(a) above.

4201

(c) Enter the total unconsolidated expenses for the current reporting month. Provision for federal income taxes should not be included in this amount.

4221

(d) Federal income taxes to be reported by corporations only.

4250

6. Net Profit or (Loss) for the Month—Net of lines 5a through 5d.

4264

7a. Additions to Capital—includes all additions to capital even though subsequently withdrawn before the end of the period. Capital additions which are not qualified for Net Capital should be excluded. Also include sale of capital stock or partners' contributions and income adjustments applicable to prior periods, or non-recurring items not included in 5. (a), (b) or (d) related federal income tax provision.

4274

7b. (Deductions) from Capital (Exclude Non-Conforming Capital)—Include contributions made and withdrawn during the period, partners' capital withdrawals, retirement or repurchase of capital stock, dividends, and income adjustments applicable to prior periods, or other non-recurring items (adjusted for any related income tax provision) not included on Line 5. (c) or (d).

3500

8. Ownership Equity/Partnership Capital—End of Month—This item corresponds to the same item number in Parts II and IIA. Include here the total of lines 4, 6 and 7a less 7b.

3525

9. Other (deductions) or allowable credits.

This item allows for adjustments, both (deductions) and additions (such as deferred tax credits) not otherwise provided for in lines 4 to 8. These adjustments will generally arise as a result of the provisions of subparagraph (c)(2)(i); for example:

Tax benefits can be added to net worth to the extent that income tax liabilities could have been reduced on the date of the capital computation, if the related unrealized losses had been realized on that date. This means that, a calendar year company that has unrealized losses to the extent of the realized gains on December 31, will immediately at the beginning of the next year, not have the right of offset for the unrealized losses, since no realized gains would yet exist.

Certain deferred tax debits relating to deferred compensation payable may be treated in a like manner. Where a deferred compensation plan is structured so that the broker/dealer may at any time at its option make payment, the related deferred income tax receivable may be applied to reduce the tax liability on the broker/dealer's books for other items.

Sole proprietors who are registered broker/dealers shall record on line 9 any deductions required by subaragraph (c)(2)(iii).

3530

10. Total Capital and Allowable Subordinations—Total (add lines 3, 8 and 9) represents the capital and subordinated liabilities which are qualified for net capital under Rule 15c3–1. This item corresponds to the same item number in Parts II and IIA.

Item 3550

11a. Added Charges Customer and Non-Customer Securities Accounts. The rule requires a deduction for deficiencies in customers' or non-customers' accounts in meeting the maintenance margin requirements of the broker's or dealer's Examining Authority. See subparagraph (c)(2)(xii), the maintenance margin requirements of your Examining Authority and related instructions. This item corresponds to the same item number in Part II and represents charges other than amounts deducted as nonallowable assets.

3560

11b. Added Charges Customer and Non-Customer Commodity Accounts—this item covers charges under Appendix B to Rule 15c3–1, other than amounts deducted as nonallowable assets. It corresponds to the same item number in Part II.

3575

12. Operational Charges to Capital—Enter total of lines 1–7 in Column IV of Operational Deductions from Net Capital (page 2 of Part I). See separate instructions contained herein.

3540

13. Non-Allowable Assets (Not Included in lines 11 and 12)—This total amount should also exclude the value of securities borrowed under subordination agreements not in satisfactory form and the market value of memberships in exchanges contributed for use of a company and partners' securities which are included in non-allowable assets and excluded from line 10 as non-conforming captial. Also, excludes any non-allowable amounts included on line 12 as deductions.

3600

14. Proprietary Charges on Commodities—see Appendix B for charges applicable to proprietary commodity positions;—include charges on futures, forward contracts and spot commodities.

3612

15. Other Charges and/or Deductions—include on this line all other charges and deductions to capital specified in the rule not included in lines 11 to 14. These deductions will include but are not limited to, any secured demand note deficiency, charges related to aged fails to deliver or fails to receive, deficit in securities loaned, aged security dividends short, losses on contractual commitments, guarantees and insurance claims, etc.

If the respondent has elected under the provision of Subparagraph (c)(2)(xiii) to deduct 4% of indebtedness collateralized by customers' exempted securities or municipal securities in lieu of including the borrowing in aggregate indebtedness, the respondent should make that deduction in this item.

Also deductions for accounts carried under Rule 15c3–1(a)(6), (a)(7) and (c)(2)(x)—brokers or dealers carrying accounts of options specialists or market makers subject to subparagraph (a)(6) or (c)(2)(x) are required to compute deductions in accordance therewith for each such specialist or market maker. Any deficiency existing in each such account is to be deducted in computing the carrying broker's or dealer's net capital.

3620

16. Total Deductions and/or Charges—Add line items 11 through 15.

3640

17. Net Capital before Haircuts on Securities Positions—item line 10 less line 16. This item corresponds to the same item in Parts II and IIA.

3740

18. Haircuts on Proprietary Security Positions—Report the sum of all haircuts applied in the computation of net capital pursuant to subparagraphs (c)(2)(vi), (c)(2)(viii) and Appendix A of Rule 15c3–1 adjusted where applicable by the provisions of paragraph (f) when the alternative computation is elected. This item corresponds to the same item number in Parts II and IIA.

3750

19. Net Capital—Line 17 less line 18. This item corresponds to the same item number in Parts II and IIA.

4880

20. Scheduled Capital Withdrawals Within 6 Months—The amounts included herein shall include, but not be limited to, all obligations to repay, in whole or in part, within the six months subsequent to the reporting date, any Payment Obligation as defined in

Appendix (D) to Rule 15c3–1. Also to be included are those items defined in the instructions to the schedule of capital withdrawals in Part II or Part IIA. This item corresponds to the same item number in Parts II and IIA.

4881

21. Net Capital After Withdrawals—line 19 less line 20—This item corresponds to the same item number in Part II.

1011

22. Total Equity Subordinations—Enter the total amount of approved subordination agreements which are considered equity capital pursuant to paragraph (d) of Rule 15c3–1. This item corresponds to the same item in Parts II and IIA.

23. Aggregate Indebtedness/Aggregate Debit Items.

3840

(a) Report the total amount of all aggregate indebtedness items, i.e., the total money liabilities of the firm exclusive of (i) through (xiii) under subparagraph (c)(1) of Rule 15c3–1, or

4470

(b) If the alternative method is used, report the total of all debit items computed in accordance with the Reserve Formula under Rule 15c3–3 as adjusted. (Note) Do not reduce the aggregate debits by the 3% adjustment specified under Rule 15c3–1(f)(5)(i).

Note.—A broker/dealer electing the alternative may not use any approximation or netting procedures in making the month-end Reserve Formula computation. The calculations should be as complete and accurate as possible.

The debit line item amounts in the Reserve Formula may vary from the final amounts reported for FOCUS Reporting (adjusted amount) due to closing entries or adjustments that a broker/dealer may not have been aware of or was unable to document on a timely basis until after the second business day following the month-end. Some of these adjustments are, but are not limited to:

1. Balancing and bookkeeping errors.
2. Reclassification and undisclosed unsecured debits.
3. Unidentified errors and suspense items.

Report on Line 23 the final adjusted aggregate debits to determine the capital requirement under paragraph (f).

3760

24. Minimum capital requirement.

Report the greater of the dollar amount of minimum net capital required pursuant to Rule 15c3–1, i.e., $5,000, $25,000, $50,000 or $100,000, or;

The amount of net capital required to support 6⅔% of aggregate indebtedness or 4% of aggregate debit items if on the alternative.

25. *Ratios/excess net capital.*

3850

(a) Report the percent of aggregate indebtedness (line 23a) to net capital, if applicable. If not, complete 25b.

3851

(b) Report the percent of net capital to the aggregate debit items (line 23b) in the Reserve Formula, if the alternative computation is used.

3770

(c) Enter the amount of net capital in excess of the greater of: 6⅔ percent of aggregate indebtedness or the minimum dollar net capital requirement. If not applicable, complete 25d.

3910

(d) Enter the amount of net capital in excess of the greater of 4 percent of the aggregate debit items in the Reserve Formula or the minimum dollar net capital requirement, if the alternative computation is used.

3852

(e) Report the percent of the total options deductions under subparagraph (a)(6), (a)(7) and (c)(2)(x) of Rule 15c3–1 to net capital as of the reporting date. (1,000 % test).

4430 and 4472

26, 27. *Total credits and debits—Rule 15c3–3 reserve formula.*

The credit and debit balance to be reported on these lines should be identical with the Rule 15c3–3 Formula "Exhibit A" computation prepared the business day following the month end to determine the amount to be deposited as specified under subsection (e)(1) by 10 A.M. the next (second) business day.

The total debits should be net of the 3% adjustment specified under Rule 15c3–1(f) or 1% specified in Note e(3) of Exhibit A.

4530

28. Amount in Reserve Bank Account. Include on this line item the actual amount on deposit (or deposited) by 10 A.M. of the second business day following the end of the month. Include the total of both cash and qualified securities as defined under Rule 15c3–3, subparagraph (a)(6), which may be deposited in lieu of cash.

7060

29a. Amount Required to be Segregated—this amount represents the requirements under the Commodity Exchange Act—this item corresponds to line number 5 of the Schedule of Segregation Requirements and Funds in Segregation Customers' Regulated Commodity Futures Accounts in Part II.

7180

29b. Amount Segregated—Commodity Exchange Act. This is the amount actually segregated as shown in Part II, line 11 in the schedule cited under 29a.

30. Firm proprietary positions.

850

(a) Long securities—Report at market value all long positions carried in the proprietary accounts of the firm as of the current month end reporting period, i.e., trading and investment accounts, and other proprietary accounts. Do not include secured demand note collateral. Include qualified securities held in banks pursuant to Rule 15c3–3(e)(1).

1620

. (b) Short—All Securities—Report at market value all short positions carried in the proprietary accounts of the firm as of the current month end reporting period.

841 and 1621

(c) (d) Long and Short—Contractual Commitments Certain Exempt Securities—Include only U.S. Government Guaranteed Mortgage Backed Securities, such as GNMA securities.

Report separately the total long and short positions in U.S. Government Guaranteed Mortgage Backed Securities Commitments relating to forward and standby contracts in firm accounts. The face amount of the securities under contract may be reported in lieu of market value or contract value. Please designate which value is reported.

Include forward contracts purchased or sold for delivery after five business days from the date of the transaction. Include delayed delivery contracts such as TBAs (to be announced). Do not net forward contracts to purchase with forward contracts to sell and do not net long and short standby contracts.

Standbys for the purpose of this item are put options, i.e., the purchaser of the standby has the right to sell a security at a specified price within or at a specified time. A dealer who is obligated to buy a security under a standy contract, for which he has received a fee, should report the standby as a long position. A dealer who has paid a fee for the right to sell securities under a standby contract should report the standby as a short position.

31. Customer and non-customer capital charges related to commitment—certain exempt securities. Include only

charges on forward contracts, TBAs (to be announced) and standby contracts in U.S. Government guaranteed mortgage-backed securities.

32. *Security concentration.*

5371

(a) *Firm*—Report the aggregate value of all securities positions which are subject to undue concentration haircuts as specified in subparagraphs (c)(2)(vi)(M) or (f)(3)(iii) of Rule 15c3–1.

5372

(b) *Customer*—Report the aggregate market value of specific securities, other than exempted securities, which exceeds *10 percent* of the value of all securities which collateralize all margin receivables pursuant to NOTE E to Exhibit A of Rule 15c3–3. The percentage standard of Note E has not been changed.

Commodity Concentration

5375

(c) *Firm concentration—trading and investment accounts.*

Report concentrations in commodity futures carried in trading and investment accounts calculated as follows:

(1) Determine the greater of the total number of long or short commodity futures in each commodity. Positions representing purchases and sales of a like amount of the same commodity or hedges of spot (cash) commodity where the spot commodity is in the possession or under the control of the broker/dealer may be eliminated.

(2) Determine the greatest original margin requirement for each commodity stipulated by a registered U.S. Commodity Exchange for speculative accounts. If the commodity exchange has no original margin requirement, use the clearing house margin requirement.

(3) Determine the total amount of margin that would be required as per (2) above on the greater of the total number of long or short positions in each commodity as per (1) above.

(4) For *each commodity* calculated as per (3) above, determine whether (3) exceeds 10% of excess net capital. For purposes of (4) and (5) only, excess net capital at the end of the prior month may be used.

(5) Aggregate and report in one total on line 32.c) those amounts calculated in (3) above for each commodity which exceeds 10% of excess net capital.

5376

(d) *Commodity concentration—customers and others.*

Report concentrations in commodity futures carried for all customers, non-customers, omnibus and general partners' accounts calculated as follows:

(1) Determine the greater of the total number of long or short commodity futures in each commodity. Positions in each account representing purchases and sales of a like amount of the same commodity or hedges of spot (cash) commodity where the spot commodity is in the possession or under the control of the broker-dealer may be eliminated.

(2) Determine the greatest original margin requirement for each commodity stipulated by a registered U.S. Commodity Exchange for speculative accounts. If the commodity exchange has no original margin requirement, use the clearing house margin requirement.

(3) Determine the total amount of margin that would be required as per (2) above on the greater of the total number of long or short positions in each commodity as per (1) above.

(4) For each commodity calculated as per (3) above, determine whether it exceeds 50% of excess net capital. For purposes of (4) and (5) only, excess net capital as of the end of the prior month may be used.

(5) Aggregate and report in one total on line 32(d) the amount calculated in (3) above for each commodity which exceeds 50% of excess net capital.

4980

33. Total Tickets—Enter the total number of buy and sell tickets executed as agent and/or principal. For agency transactions, count both street and customer side as one transaction. Multiple executions at the same price which result in one confirmation should be counted as one transaction. In the case of principal transactions, dealer-to-dealer and retail transactions are counted separately. Firms carrying public customer accounts for other broker-dealers on a fully disclosed basis are to include transactions emanating from those accounts in their total ticket count. Firms which introduce accounts on a fully disclosed basis should include transactions so introduced in their ticket count. Exclude from total ticket counts transactions executed on behalf of monthly investment plans and those filled on a subscription basis wherein payment is made directly to an underwriter, sponsor or other distributor who in turn delivers the security purchased directly to the subscriber. This item corresponds to the same item number on Part II.

5362 and 5365

34(a)(b). Aged Fails—Enter the ledger balances of a) fail to deliver and b) fail to receive aged eleven (11) business days or more (21 business days or more for municipal securities) following settlement date.

Total fails:

779

(a) Report total contract value of all fails to deliver. If records are maintained on a trade date basis, enter here the total amount of all broker-dealer receivables. This item corresponds to the same number in Part II.

1505

(b) Report total contract value of all fails to receive. If records are maintained on a trade date basis, enter here the total amount of all broker-dealer payables. This item is equal to the sum of items 1490 and 1500 on Part II.

36. Equity markets:

114

(a) Enter the total number of equity securities in which a market is made on NASDAQ based on the average number of such markets made during the 30 days immediately preceding the report date pursuant to Rule 15c3–1(a)(4).

116

(b) Enter the total number of other equity securities in which a market is made based on the average number of such markets made during the 30 days immediately preceding the report date pursuant to Rule 15c3–1(a)(4).

37. Clearing agency balances:

810

(a) Report total dollar amount due from clearing agencies on current short positions at current prices as per the clearing agency.

1560

(b) Report total dollar amount due to clearing agencies on current long positions at current prices as per the clearing agency.

750

38. Unrestricted Cash—Report all cash on hand and cash in banks subject to immediate withdrawal net of overdrafts. This would exclude cash segregated in accordance with federal or state securities or commodities law.

39. Customers' accounts:

310

(a) Report total amount of secured debits in customer accounts as of month end reporting date. This item corresponds to the same item number in Part II.

1580

(b) Enter total amount of all customers' free and other credit balances as defined in Rule 15c3-3, subparagraphs (a)(8) and (a)(9).

103

40. Securities Borrowed—Enter the total market value of all securities borrowed from customers and non-customers including other broker-dealers and financial and nonfinancial institutions.

Operational Capital Charge Items

General

For reporting purposes the debit (short value) column II and credit (long value) column III should be rounded to the nearest one thousand dollars ($000 omitted). Omit pennies in column IV.

Complete columns I, II, and III of the Sechedule only if required by your designated examining authority.

Include on lines 1–7 all items that are, or result in, capital charges or additions to aggregate indebtedness at the report date even if resolved subsequently. Items resolved subsequent to the report date may be shown on line 9 at the option of the respondent unless specifically required by the Examining Authority or as noted herein.

All commodity money suspense differences and uncompared and unconfirmed items should be reported on line 6 only.

If the designated examining authority requires completion of columns, I, II and III, all aged operational items (lines 1–7) are reportable whether they result in a capital charge or not.

If more than one item is reportable for each line the aggregate number of items should be reported in Column I. The related aggregate amount (values) are reportable in Columns II, III and IV if required. A related money and security value should be considered as one item.

Suspense and reconciliation difference items may not be updated by transfer, journal entry or otherwise, to another account with a different nomenclature. Each item must retain its original discovery date unless clearly identified with another item.

Suspense Differences (relative to lines 1, 2, 3 and 4)

The net capital treatment of suspense differences is as follows:

The net capital treatment of security positions and money balances whose ultimate disposition is not known, e.g., DKs and suspense items which remain unresolved (7) business days after discovery, is as follows:

(1) Long position and related debit balance, and short position and related credit balance—treat as proprietary commitments that cannot operate to increase net capital (see line 2 instructions);

(2) Long position only—no deduction except as noted herein (see line 3 instructions);

(3) Short position and breaks only—deduct current market value (Rule 15c3-1(c)(2)(v)) (see treatment of security count difference below and lines 3 and 4 instructions);

(4) Credit balance only—include in aggregate indebtedness; and

(5) Debit balance only—deductions (see line 1 instructions).

The resolution of suspense or difference items after the report date shall not result in a reduction of the required charge as of the report date. For example, a short security difference which is open at the report date and has been unresolved for seven (7) business days after discovery is required to be deducted even though the difference is resolved prior to the date the FOCUS Report is filed.

Security Count Differences (relative to lines 2, 3, 4 and 5)

Rule 17a-13 (Quarterly Security Count Requirements) requires unresolved differences to be recorded in a difference account no later than seven business days following the security count and verification. Paragraph (b)(3) of the Rule requires verification of all securities in transfer, in transit, pledged, loaned, borrowed, deposited, failed to receive and deliver or otherwise subject to the broker/dealer's control or direction but not in his physical possession where such securities have been in said status for longer than 30 days. With respect to these items requiring verification, the seven day period begins after verification takes place; that is, when a confirmation is returned indicating a discrepancy with the books and records of the broker/dealer, or where such confirmations have not been returned within a reasonable period of time (15 days) to establish the validity of the position. In instances where confirmations have been outstanding for 15 business days without return, the broker/dealer should record as a difference such securities on the 22nd business day.

Specific Line Item Instructions

Line 1. *Money suspense and balancing differences* (money only).

These differences shall include any amount required to balance the general ledger and unresolved differences between general ledger control accounts and subsidiary records or balancing of blotters, etc.

A "debit" difference is one that, if recorded in the general ledger would result in a debit balance. This may result because of an amount needed to balance excess ledger credits over ledger debits or as a result of adjusting general ledger control accounts to subsidiary records. Report debit differences in columns II and IV.

A "credit" difference is one that, if recorded in the general ledger, would result in a credit balance. This may result because of an amount needed to balance excess ledger debits over ledger credits or as a result of adjusting general ledger control accounts to subsidiary records. Report credit differences in column III only.

Money suspense and balancing differences shall also include all accounts, in whole or part, containing ledger debits or credits representing unidentified or unknown items with no related security position or an account which may contain security positions that cannot be properly related to the money ledger balances.

Money differences could include, but are not limited to the following:

a. Unallocated receipts or disbursements.

b. Cash Dividend Balancing Accounts (out-of-balance proofs).

c. Money Balancing Accounts (EDP), Cage, P&S, Accounting and others.

d. Unresolved Money Differences resulting from the comparison of detail records to control accounts for customer accounts, fail to receive, fail to deliver, stock borrowed, stock loaned, bank loans, inter-office accounts and adjustments of General Ledger control accounts to agree to subsidiary records.

e. Any account utilized to balance "daily work" which contain debits or credits requiring resolution. If any such accounts exist, the ledger balance resulting from one day's "out of balance" work, shall not be netted against another day's "out of balance" work, unless related to each other.

For reporting purposes, debit and credit money differences shall not be netted.

Line 2. *Securities differences with related money balances.*

Report in Columns I, II and III all transactions in *any* accounts containing a long or short security position with a related ledger balance pending determination of ownership, collectibility, or deliverability, which are in doubt.

Long positions and related debits, and short positions and related credits are treated as proprietary commitments in computing net capital if they remain

unresolved seven (7) business days after discovery. This requires mark to market adjustments and haircut charges computed under subparagraph (c)(2)(vi), (f)(3) or Appendix A. The aggregate total of deductions is reportable in Column IV and shall not operate to increase net capital.

Line 3. *Market value of short and long suspense and differences without related money*—Shall include all transactions in any accounts containing long and short security positions, for which no related ledger balance exists regardless of the nomenclature of the account.

Long differences are generally ignored in the capital computation process unless the securities have been sold by the broker/dealer before the differences are adequately resolved. In such instances, include the excess of the market value (Column III) of the long securities sold over any reserve established as deductions in Column IV.

The market value of short security differences is deducted in the computation of net capital if the differences remain unresolved seven days after discovery (see Rule 15c3-1(c)(2)(v)), and should be reported in Columns II and IV.

Unrelated differences in the same security or other securities shall not be netted.

Line 4. *Market value of security record breaks*—Security record breaks are defined as out-of-balance error conditions in the daily recording of security position changes or movements where the total longs do not equal the total shorts on a given security.

"Long" differences are the amounts needed to balance an excess of short positions over long positions. When recorded in a difference account, such would be recorded long on the stock record.

"Short" differences are the amounts needed to balance an excess of long positions over short positions. When recorded in a difference account, such would be recorded short on the stock record.

Security record breaks resulting from one day "out of balance" shall not be netted against another day's "out of balance" work unless research specifically discloses that it is the proper resolution of particular differences.

The day of discovery for security record breaks should be the day following after any movement in a security and may *not* be updated by transferring the break to a suspense or difference account unless related to some other clearly indentifiable item of suspense or difference item.

The market value of long security record breaks unresolved seven business days after discovery should be reported in Column III.

The market value of short security record breaks are deductions in the computation of net capital if they remain unresolved seven days after discovery (see Rule 15c3-1(c)(2)(v)), and should be reported in columns II and IV.

Unrelated security breaks in the same or other securities shall not be netted.

Line 5. *Unresolved reconciling differences with others*—The respondent shall report in column IV the total net overall unfavorable aged reconciling differences disclosed by reconciliations (lines 5A–F) when required to be deducted in computing net capital. Each broker-dealer having any such differences shall maintain a record of the date of receipt of the pertinent statement of account or, in the absence of such record, shall compute the elapsed days (aging) from the date of the statement. The treatment of differences disclosed by reconciliations required under Rule 17a-13 shall be governed by the requirements of that Rule.

Differences which have been resolved but which have not yet been appropriately corrected in the records shall be so identified on the reconciliations and may be considered resolved for purposes of computing net capital. Unresolved favorable and unfavorable differences with the same carrying entity may be netted for purposes of determining the deductions in computing net capital.

Debit amounts and short values (Column II) or credit amounts and long values (Column III) applicable to *all* unresolved reconciling items should be reported broad and not netted. Offsetting favorable and unfavorable differences by the same carrying entity should be reported on line 5 G as a (deduction) in Columns II and III.

Line 6. *Commodity suspense differences unresolved*—Report on this line all unresolved commodity differences or suspense items as a result of internal balancing of records, and comparison of broker-dealer's books of accounts with the records of clearing organizations and others. Such items would include:

1. Customer, non-customer, omnibus and proprietary accounts.

2. Ledger balances and realized and unrealized gains and losses relating to long and short positions in spot (cash) commodities, forward contracts in commodities and futures contracts.

Report in Column II aggregate total debits, unrealized losses or short values and in Column III credits, unrealized gains or long values relating to deductions from net capital. The aggregate deduction from net capital is reportable in Column IV; that is, losses which would be incurred to correct unresolved recordkeeping differences, including differences with other entities as of the report date which have not been resolved, within time frames required, for firm, customer, non-customer omnibus, clearing, and contract difference accounts.

In determining data to be included in the report, the following schedule may be used. It should be noted that this schedule may not be all-inclusive. Other suspense items not included in this schedule should also be reported on line 6.

a. Clearing accounts with commodity clearing organizations:

1. Number and amount of unresolved reconciling money items—

a. Debits
No.:_____
$_____
b. Credits
No.:_____
$_____

2. Gain or loss in unresolved future contract differences after comparison and balancing with proprietary and customers' positions and other positions—

a. Gain
$_____
b. Loss
$_____

b. Clearing accounts with commodity brokers and dealers:

1. Number and amount of unresolved reconciling money items—

a. Debits
No.:_____
$_____
b. Credits
No.:_____
$_____

2. Gain or loss in unresolved future contract differences after comparison and balancing with proprietary and customers' positions:

a. Gain
$_____
b. Loss
$_____

c. Other gains and losses in forward or futures contracts:

Unresolved differences—

a. Debits
$_____
b. Credits
$_____

d. Warehouse receipts on hand:

1. Number of unresolved differences
_____

2. Market value of unresolved differences Long (Short) $———

Line 7. *Open transfers and reorganization items over 40 days not confirmed or verified.*

The term "reorganization account" shall include, but not be limited to, transactions in the following:

(a) "rights" subscriptions
(b) warrants exercised
(c) stock splits
(d) redemptions
(e) conversions
(f) exchangeable securities
(g) spin-offs

See general comment relative to the verification of transfers and reorganization items in connection with Rule 17a–13 quarterly counts and time frames for considering charges to capital.

Line 8. Total of lines 1 thru 7; the total in column IV should be entered here and on line 12 of Part I page I.

Line 9. This line item may be used, at the option of the respondent or as required by the designated examining authority, to report items (lines 1–6) subsequently resolved up to the filing date of the FOCUS Report.

[FR Doc. 81-5652 Filed 2-19-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Certain Handbags From the Republic of Korea; Final Results of Administrative Review and of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

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

SUMMARY: On October 17, 1980, the Department of Commerce published a notice of "Preliminary Results of Administrative Review and Tentative Determination To Revoke" with respect to the countervailing duty order on certain handbags from Korea. Reasons for the tentative determination was given in the notice and interested parties were afforded an opportunity to present written or oral views. The Department received no comments. Therefore, the Department of Commerce is revoking such order on the grounds that net subsidies have been *de minimis* for at least two years. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo, Office of Compliance, Room 2126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 3, 1977, a notice of "Final Countervailing Duty Determination" with respect to certain handbags from the Republic of Korea was published in the **Federal Register** as Treasury Decision 77–152 (42 FR 28532). On October 17, 1980, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (45 FR 68988).

Scope of the Review

Imports covered by this review are pocketbooks, purses, shoulder bags, clutch bags, and all similar articles by whatever name known, customarily carried by women or girls. Such imports are currently classifiable under items 706.06, 706.07 and 706.09 (both formerly 706.08), 706.20, 706.22, 706.23, 706.24, 706.30, or 706.60, Tariff Schedules of the United States (TSUS). Luggage, flat goods or other articles classifiable under these TSUS items and handbags under item 706.40 are not included.

The review covered the period January 1977 through December 1979. The programs found countervailable in the Final Determination were: (1) preferential short-term export financing, (2) tax benefits resulting from the inclusion in loss accounts of sales and entertainment expenses incurred in connection with development of overseas markets, (3) tax benefits resulting from the inclusion in loss accounts of reserve funds for losses accruing from overseas activities, and (4) accelerated depreciation of machinery and equipment utilized for export production. The preliminary results of the review specified a *de minimis* level of net subsidies of not more than 0.3% for over a two-year period. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Results of the Review

As a result of the review, we conclude that the imported merchandise has not benefitted from more than *de minimis* net subsidies for at least the two-year period specified in § 355.42, Commerce Regulations (19 CFR 355.42). As further required by this section, the manufacturers and exporters have agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy. Therefore, the Department hereby revokes the countervailing duty order concerning certain handbags from Korea (T.D. 77–152) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after October 17, 1980. In addition, the Department will instruct Customs officers to proceed to liquidate all unliquidated entries from January 1, 1980 to October 17, 1980 without regard to countervailing duties.

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Korea" by deleting from the column headed "Commodity," the word "Handbags"; from the column headed "Treasury Decision," the number "77–152"; and from the column headed "Action," the words "Bounty declared."

The revocation, administrative review, and notice publication are in accordance with sections 751(a)(1), (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

February 17, 1981.

[FR Doc. 81-5845 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Dinoprost Tromethamine Sterile Solution; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for added uses of dinoprost tromethamine injectable in beef cattle and nonlactating dairy heifers for synchronization of estrus.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed NADA 108-901 providing for intramuscular use of dinoprost tromethamine in beef cattle and nonlactating dairy heifers as a luteolytic agent for synchronization of estrus. Approval was published in the **Federal Register** of November 2, 1979 (44 FR 63097) providing for administration of the drug twice, at 10- to 12-day intervals, with breeding several days later. The supplemental NADA provides for administration of the drug once, then continuation of normal breeding practices. The regulations are amended to reflect approval of the supplemental NADA.

Approval of this supplement provides for reduced use of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this is a Category II approval which will decrease possible human exposure to drug residues and will not require reevaluation of the food safety data in the parent application.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 522.690 is amended by revising paragraph (d), to read as follows:

§ 522.690 Dinoprost tromethamine sterile solution.

* * * * *

(d) *Conditions of use*—(1) *Mares*—(i) *Amount.* Equivalent of 1 milligram of dinoprost per 100 pounds of body weight.

(ii) *Indications.* For its luteolytic effect to control timing of estrus in estrous cycling mares and in clinically anestrous mares that have a corpus luteum.

(iii) *Limitations.* For use once as a single intramuscular injection. Not for use in horses intended for food. Women of child-bearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution when handling this product. Dinoprost tromethamine is readily absorbed through the skin and can cause abortion and bronchiospasms. Accidental spillage on the skin should be washed off immediately with soap and water. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Cattle*—(i) *Amount.* 5 milliliters (equivalent to 25 milligrams of dinoprost), as a single injection or repeated 10 to 12 days after first injection.

(ii) *Indications.* For its luteolytic effect to control timing of estrus and ovulation in estrous cycling cattle that have a corpus luteum.

(iii) *Limitations.* For use in beef cattle and nonlactating dairy heifers, as follows:

(*a*) Double dinoprost injection followed by artificial insemination at estrus: Inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly; repeat injection 10 to 12 days after first injection; observe for estrus after second injection; inseminate at the usual time relative to detection of estrus following second injection. If cattle are estrous cycling and have a corpus luteum, estrus is expected 2 to 5 days after second injection. Cattle that do not become pregnant usually return to estrus 21 to 27 days after second injection.

(*b*) Double dinoprost injection followed by artificial insemination at 80 hours: Inject 5 milliliters (25 milligrams of dinoprost) intramuscularly; repeat injection 10 to 12 days after first injection; inseminate at about 80 hours after second injection without estrus detection or observation. Cattle that do not become pregnant usually return to estrus 21 to 27 days after second injection.

(*c*) Single dinoprost injection followed by artificial insemination at estrus: Inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly; observe for estrus for 5 days; inseminate at the usual time relative to detection of estrus. If the cattle are exhibiting estrous cycles and have a corpus luteum, estrus is expected 1 to 5 days after injection. Cattle that do not become pregnant usually return to estrus 21 to 27 days after injection.

(*d*) Single dinoprost injection on day 5 of breeding followed by artificial insemination at estrus: Observe for estrus for 4 days and inseminate at the usual time relative to detection of estrus; for the cattle not detected in estrus through day 4, inject 5 milliliters of solution (25 milligrams of dinoprost) intramuscularly on the morning of day 5; continue with estrus observation on days 5 through 9 and inseminate at the usual time relative to detection of estrus. Breeding for the remainder of the breeding season may be with artificial insemination, bulls or some combination of artificial insemination and bulls.

(*e*) Do not administer to pregnant cows, abortion may result. Do not administer intravenously, this may potentiate adverse reactions.

(*f*) When handling this product, women of child-bearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution. Dinoprost tromethamine is readily absorbed through the skin and can cause abortion and bronchiospasms. Accidental spillage on the skin should be washed off immediately with soap and water.

(*g*) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective February 20, 1981.

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

Dated: February 5, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-5578 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Prednisolone Sodium Succinate Injection; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for safe and effective use of additional concentrations of prednisolone sodium succinate injection as an anti-

inflammatory agent in horses, dogs, and cats.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (11–593) providing for additional concentrations of 20 and 50 milligrams (mg) of prednisolone (as prednisolone sodium succinate) per milliliter (mL) of injection solution. Upjohn has an existing approval for a 10 mg/mL solution. The drug is indicated for use in horses, dogs, and cats when an adrenal glucocorticoid and/or anti-inflammatory effect is required. The regulations are amended to add the new injection concentrations.

This action, providing for additional injection concentrations, does not affect the conditions of use currently provided for in the regulations. Therefore, in accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplement does not require reevaluation of the safety and effectiveness data in the parent application.

Approval of this supplement is an administrative action that did not require generation of new safety or effectiveness data; therefore, a freedom of information summary is not required for this action.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1884 by revising paragraph (b), to read as follows:

§ 522.1884 Prednisolone sodium succinate injection.

* * * * *

(b) *Specifications.* Each milliliter of prednisolone sodium succinate injection contains: Prednisolone sodium succinate equivalent in activity to 10, 20, or 50 milligrams of prednisolone.

* * * * *

Effective date. This amendment is effective February 20, 1981.

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

Dated: January 27, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-5579 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 548

Bacitracin, Neomycin, Polymyxin B Sterile Ophthalmic Ointment; Certifiable Peptide Antibiotic Drugs for Animal Use

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Burroughs Wellcome Co. providing for safe and effective use of a sterile ophthalmic ointment for the treatment of dogs and cats. The product, containing bacitracin zinc, neomycin sulfate, and polymyxin B sulfate, is used for the treatment of acute and chronic conjunctivitis due to susceptible organisms.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 filed an NADA (65–485) providing for safe and effective use of a sterile ophthalmic ointment containing bacitracin, neomycin, and polymyxin B. The product is used for the treatment of dogs and cats for acute and chronic conjunctivitis caused by susceptible organisms. The product is essentially the same as one codified for animal use in 21 CFR 548.314a. In accordance with 21 CFR 514.1(b)(9), approval of this NADA did not require submission of certain effectiveness data as provided by 21 CFR 514.1(b)(8) but did require meeting certification requirements and conditions of marketing as in 21 CFR 548.314a.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 548 is amended in § 548.314a in paragraph (c)(2)(ii) by adding after the word "To" the phrase "000081 and" to read as follows:

§ 548.314a Bacitracin, bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

* * * * *

(c) * * *

(2) * * *

(ii) To 000081 and 025463: for a drug containing in each gram, 400 units or bacitracin zinc, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B sulfate.

* * * * *

Effective date. This regulation shall be effective February 20, 1981.

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

Dated: January 30, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-5550 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

32 CFR Part 1292

[DLAR 5710.1]

Security of DLA Activities and Resources

AGENCY: Defense Logistics Agency (DLA).

ACTION: Final rule.

SUMMARY: This regulation establishes policy, assigns responsibilities, and prescribes procedures for the issuance of security regulations and orders by Heads of DLA activities. The regulation implements DoD Directive 5200.8 and is applicable to HQ DLA, DLA field activities and property/places subject to the jurisdiction or administration of the Defense Logistics Agency.

EFFECTIVE DATE: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: Maj. David H. Gilmore, Commercial—AC 202–274–7810; AUTOVON—284–7810.

By order of the Director.

R. F. McCormack,

Colonel, USA, Staff Director, Administration.

Part 1292, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

PART 1292—SECURITY OF DLA ACTIVITIES AND RESOURCES

Sec.

1292.1 Purpose and scope.
1292.2 Policy.
1292.3 Background.
1292.4 Responsibilities.
1292.5 Procedures.

Authority: DoD Directive 5200.8 and in accordance with Sec. 21 of the Internal Security Act of 1950, 50 U.S.C. 797.

§ 1292.1 Purpose and scope.

"To establish policy, assign responsibilities, and prescribe procedures for the issuance of security regulations and orders by Heads of DLA activities. This Part 1292 implements DoD Directive 5200.8, Security of Military Installations and Resources, and is applicable to HQ DLA, DLA field activities and property/places subject to the jurisdiction or administration of the Defense Logistics Agency.

§ 1292.2 Policy.

(a) Military Heads of DLA field activities are authorized to issue or approve necessary security regulations and orders for the protection of property and places under their jurisdiction/administration. Regulations and orders for the protection of property and personnel of subordinate activities headed by civilians shall be promulgated by the military commander in the chain of command immediately above such subordinate activity.

(b) Regulations and orders for the protection of property and personnel of primary level field activities (PLFAs), headed by civilians, and subordinate activities of such PLFAs which likewise are headed by civilians, shall be promulgated by the Director, DLA/Deputy Director/Deputy Director, CAS.

(c) Heads of DLA field activities that are tenants on a military reservation, post, camp, station, installation, base, or Government-owned or leased facility administered by another command or agency are responsible for protection of property and places under their command and may issue security regulations and orders in fulfillment of their responsibility to protect property and places under their jurisdiction and administration. However, separate security regulations and orders should not be issued when the host has issued security regulations and orders that afford protection to the DLA activity.

(d) Detailed physical security and emergency plans developed in conjunction with these security regulations and orders will be as prescribed by DLAM 5710.1, Physical Security Manual, and DLA War and Emergency Support Plan (WESP), Part II, Annex A.

§ 1292.3 Background.

Section 21 of the Internal Security Act of 1950 (Appendix A) authorizes the Secretary of Defense to designate military commanders to promulgate or approve regulations and orders for the protection of property and places under their command. DoD Directive 5200.8 designates military commanders of Army, Navy, Air Force, and Defense Agency activities as having authority to promulgate regulations and orders pursuant to the Internal Security Act of 1950.

§ 1292.4 Responsibilities.

(a) HQ DLA.

(1) The Director, DLA/Deputy Director/Deputy Director, CAS will issue necessary security regulations and orders for PLFAs headed by civilians.

(2) The Command Security Officer, DLA (DLA–T) will:

(i) Provide technical staff guidance on the issuance of security regulations and orders.

(ii) Keep the Director, DLA informed of violations of regulations/orders as reported.

(b) Field Activities.

(1) The Heads of Primary Level Field Activities will:

(i) Publish a physical security plan which provides proper and economical use of personnel and equipment to prevent or minimize loss or damage from theft, espionage, sabotage, and other criminal or disruptive activities.

(ii) Report violations of security regulations and orders to HQ DLA, ATTN: DLA–T, in accordance with DLAR 5705.1, Reporting of Security and Criminal Violations.

(2) The Military Heads of DLA field activities will issue security regulations and orders as necessary for the protection of places and property under their jurisdiction pursuant to the provisions of this Part 1292 and other pertinent directives.

§ 1292.5 Procedures.

(a) Security regulations and orders will be promulgated by any of the following means:

(1) Written directives of the activity Head.

(2) Signs and similar media.

(3) Orally, when required by a contingency/emergency.

(b) Written directives and orders will contain so much of the following statement as is pertinent: "This order (directive, bulletin, etc.) is issued pursuant to Section 21, Internal Security Act of 1950, 50 U.S.C. 797, DoD Directive 5200.8, DLAR 5710.1, (directive issued by the Head of a DLA field activity subordinate to HQ DLA)."

(c) Signs used as the sole vehicle for issuing a security regulation or order must contain a recitation of the authority under which issued and the title of the authorized official who issued the regulation or order. DLAM 5710.1, chapter 3, contains instructions on the exact wording of such signs.

(d) Oral orders will include a statement which clearly indicates the authority for issuance similar to the provisions of paragraph (b) of this section.

(e) Written security orders and regulations will be posted in conspicuous and appropriate places to ensure widest dissemination. The posting of a general security regulation/order, or a listing of applicable directives, will suffice provided it cites the authority to issue such directive. The posting of voluminous, individual security regulations and orders will be avoided.

Appendix A.—Section 21 of the Internal Security Act of 1950

"797. Security regulations and orders; penalty for violation

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or

egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places. Sept. 23, 1950, c. 1024, Title I, Par. 21, 64 Stat. 1005."

[FR Doc. 81-5723 Filed 2-19-81; 8:45 am]

BILLING CODE 3820-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-7

[FPR Amendment 214]

Moving Contracts for Relocating a Federal Office

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations are amended to eliminate the mandatory requirement that contractors obtain State operating permits in connection with the movement of Government-owned property. The change was requested by the Office of General Counsel, General Services Administration. The intended effect is to make it possible for contracting officers to delete the contract requirement that contractors have or obtain State operating permits when it is in the best interest of the Government and to delete a certification requirement.

EFFECTIVE DATE: March 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

Section 1-7.703-20 is amended by revising the introductory material to read as follows:

§ 1-7.703-20 Moving contracts for the relocation of a Federal office.

(a) A prospective contractor shall be competent to perform a moving contract involving the relocation of a Federal office, whether a move of this type takes place between States, including the District of Columbia (i.e., an interstate move), or wholly within the borders of one State or the District of Columbia (i.e., an intrastate move).

(b) Paragraph (b) of the Performance Capability clause prescribed by this § 1-7.703-20 and the Permits, Authorities, or Franchises clause prescribed by § 1-7.701-2 may be deleted when the contracting officer determines that the exclusion of the provision is in the best interest of the Government. In these cases, the requirement relating to obtaining or holding State authority to operate within the State, and to maintaining a facility within the State or commercial zone, shall not apply.

(c) The following provisions, subject to paragraph (b) of this section, shall be included in each such invitation and in the resulting contract:

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 3, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-5390 Filed 2-19-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public Land Order 5856

[I-16254]

Idaho; Public Land Order 5778; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct an error in the land description of Public Land Order 5778 of November 28, 1980.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order 5778 of November 28, 1980, in FR Doc. 80-37640 appearing at parge 80290 in the issue of Thursday, December 4, 1980, in the second column under T. 7 S., R., 43 E., the penultimate line reads "Sec. 29, SE¼NE¼, NE¼NW¼, and W½SE¼." It should be corrected to read "Sec. 29, SW¼NE¼, NE¼NW¼, and W½SE¼."

James G. Watt,

Secretary of the Interior.

February 12, 1981.

[FR Doc. 81-5722 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amdt. 7; Docket 80-40]

Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: These final rules implement certain provisions of the Ocean Shipping Act of 1978 (Public Law 95-483, 92 Stat. 1607) which provide for the regulation of the rates and charges of certain state-owned or controlled carriers operating as "cross traders" in the United States foreign commerce. These rules amend the foreign tariff filing requirements to provide for the publication, filing, justification and suspension of controlled carrier tariff matter.

EFFECTIVE DATE: March 23, 1981.

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

SUPPLEMENTARY INFORMATION: The Commission previously gave notice (45 FR 42721-24) that it proposed to amend 46 CFR 536 to prescribe the technical requirements for the publication, filing, justification and suspension of controlled carrier tariff matter. The amendments are necessary to implement portions of the requirements of section 18(c) of the Shipping Act, 1916, which took effect November 17, 1978, pursuant to the Ocean Shipping Act of 1978 (Pub. L. 95-483, 92 Stat. 1607). Comments from the public were invited with respect to the proposed rules, and one set of comments was received from Baltic Shipping Company, Black Sea Shipping Company, Far Eastern Shipping Company and Murmansk Shipping Company (Baltic). The following is a section-by-section analysis of the commentator's position on specific sections of the proposed rules.

1. Section 536.1

Baltic states generally that the exemptions proposed in the rules differ from the statute. Baltic specifically asserts that paragraph (c)(1)(iii) is more restrictive than that provided in the statute and that the Commission lacks the authority to make such a substantive change.

The Commission believes that the proposed rule accurately reflects the intent of the statute. The proposed change in paragraph (c)(1)(iii) merely

clarifies the statutory language, "covered by an agreement approved by section 15 of the Act" in a way which is consistent with the legislative history. As published on page 28 of the Senate Committee on Commerce, Science and Transportation Report No. 95–1260, clarification of the statutory words "covered by" is provided by the following Committee statement:

"* * * [the Ocean Shipping Act is intended] to exempt the rates, charges, classifications, rules or regulations of a controlled carrier which are *established* pursuant to an *agreement* among carriers such as a conference agreement. Rates set independently by a controlled carrier whether in connection with a section 15 agreement or otherwise, should remain subject to the regulatory provisions of these bills." Sen. Rep. No. 95–1260, 95th Cong., 2nd Sess. 28 (1978).

Paragraph (c)(1)(iii) requires that for a rate of a controlled carrier to be exempt it must be set by the duly authorized action of a ratemaking body approved under section 15 of the Act.

Baltic's view that the proposed paragraph (c)(1)(iii) is more restrictive than the statute requires may have originated with a statement in the Notice of Proposed Rulemaking under Supplementary Information wherein it was stated in paragraph Number 1 thereof that the proposed § 536.1(c)(1)(iii) "more clearly indicates that only rates actually set by the concerted action of an agreement's membership are exempt." This language was neither contained in the proposed rule nor is it intended to interpret the language actually contained in the proposed rule.

It appears, however, that a reference to "the *vessels* of the controlling state" was inadvertently omitted from proposed paragraph (c)(1)(i) which could be viewed as altering the intended meaning of the statute. This was not the Commission's purpose, and appropriate revisions have therefore been made in the final version of this paragraph.

The proposed exemption requirement makes no predetermination of the authority encompassed by any particular ratemaking body's section 15 agreement. Therefore, the Commission believes that the proposed rule conveys the precise meaning of the statutory language: "covered by."

2. Section 536.3(d)

Baltic states that the extra costs incurred in filing three copies of tariff pages, rather than two, would be very substantial, but fails to provide any estimate of the additional burden.[1] The Commission believes that the extra copy is an administrative necessity to ensure proper and timely monitoring of controlled carrier tariff filings. We also note that no other classified controlled carrier has chosen to comment on this proposal. Therefore, the Commission will retain the triplicate filing requirement in the final rule.

3. Section 536.5(a)(i)

Baltic states that this designation serves no useful purpose and is an unwarranted attempt to stigmatize certain carriers. To the contrary, the Commission believes that this designation is useful to the general public to alert them that certain carriers are subject to rules which differ from the general tariff filing rules. That difference is important to the shipping public and tariff users who would benefit from knowing that reductions in a certain carrier's tariff are subject to 30 days' notice.

The Commission does not believe that this identification requirement unduly stigmatizes certain carriers. An identification requirement already applies to NVOCCs and carriers party to an approved section 15 agreement primarily for the purpose of alerting the tariff user to important distinctions between common carriers.

The Commission, in addition, has published lists of carriers found to be controlled carriers subject to the provisions of section 18(c) which likewise, do not unduly stigmatize certain carriers, but merely put the public on notice as to which carriers are subject to the requirements of section 18(c). Therefore, the Commission adopts the requirement as proposed.

4. 536.11(g)(3)

The Commission has determined to amend the rule as proposed to avoid the establishment of any single, rigid standard for rejection of replacement rates. However, the lowest comparable charges of U.S. flag or reciprocal flag carriers will continue to be considered as a factor in determining whether to reject such rates.

Under the statute, replacement rates for rates suspended may be filed to be effective during the suspension period. If filed during the suspension period, the rates become effective immediately. Therefore, it is necessary for the Commission to establish a method to expeditiously evaluate and act upon these replacement rates. The lowest total charges then in effect for a U.S. flag or reciprocal flag carrier provide one important factor to assist the Commission in coping with the evaluation and time problem, without establishing minimum levels of rates in the U.S. foreign commerce.

It should be noted that under the statute, the replacement rate concept was primarily designed to allow the controlled carrier to have a set of rates in effect during the suspension period. Any replacement rates filed under the statute can be effective for the duration of the suspension period. However, the controlled carrier is not precluded from filing other rates (at higher or lower levels) during the suspension period, on 30 days' statutory notice. These rates would "replace" the replacement rates, which may have been filed on immediate notice. In such cases, the Commission would have the benefit of the notice period to evaluate the justness or reasonableness of the new rate level. The Commission could then either act to suspend such rates before they become effective, or allow them to go into effect if it is believed that they are just and reasonable.

The final rule, therefore, would require the Commisson to consider the lowest charges then in effect by U.S. or reciprocal flag carrier as proposed, but would not require the rejection of any replacement rate solely upon that criterion.

The commentator notes finally that the concept of "total transportation charge" is improper when considering rate levels. We refer the commentator to *Rates of Far Eastern Shipping Company*, 19 S.R.R. 1541 fn. 9, (1980) (Docket No. 79–10 served 3/10/79) where the Commission held: "Rate comparisons conducted pursuant to section 18(c)(2)(ii) should include not only the applicable freight rate, as stated in the carrier's respective tariffs, but also any differences in surcharges, accessorial charges and tariff rules which may affect the total transportation charge to the shipper." The total transportation concept was also utilized in Commission Docket No. 79–104 (served 12/28/79) and in instituting Docket No. 80–6 (served 1/31/80). Commissioner Kanuk's dissenting opinion in Docket No. 79–10, cited by the commentator, was based on opposition to the introduction of the total charge concept after the proceeding was instituted, and not on opposition to the concept itself.[2]

[1] The Commission notes that the volume of filings made by the companies, on whose behalf the commentator seeks elimination of this requirement, has been severely curtailed in recent months due to the withdrawal of their service from certain U.S. trades.

[2] On page 5 of Commissioner Kanuk's dissenting opinion, it is stated: "I concur with the majority that consideration of 'total charges' may well be a

The Commission notes that a controlled carrier may have a rate published at a level which is higher than that of any other carrier in a trade but that it may apply a surcharge in such a manner that the resulting total transportation charge to the shipper is considerably lower than that of any other carrier in the trade. For this reason the Commission will retain the total charge concept in the final rule.

The Commission has also amended § *536.8 Tariffs containing through rates and through routes* to include a reference to 18(c). This amendment was not included in the Notice of Proposed Rulemaking and appears as part VIII of the attached appendix.

Accordingly, pursuant to the provisions of 5 U.S.C. 553 and sections 18(b), 18(c), and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 817(c) and 841(a)), the Federal Maritime Commission hereby amends 46 CFR 536 in the manner set forth in the attached appendix.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

46 CFR Part 536 is amended as follows:

I. *Authority:* References to section 18(c) and 46 U.S.C. 817(c) are added.

II. The second sentence of § 536.0(b) is revised to read:

§ 536.0 Scope.

* * * * *

(b) * * * These regulations implement this requirement and, in addition, the requirements of sections 14(b) and 18(c) of the Act. * * *

III. A new paragraph (d) is added to § 536.1 to read as follows:

§ 536.1 Exemptions and exclusions.

* * * * *

(d) *Controlled carriers.* (1) A controlled carrier shall be exempt from the provisions of this part exclusively applicable to controlled carriers when: (i) the vessels of the controlling state are entitled by a treaty of the United States to receive national or most-favored-nation treatment; (ii) the controlling state subscribed, as of November 17, 1978, to the shipping policy statement contained in note 1, Annex "A" of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development; (iii) as to any particular rate, the controlled carrier's tariff contains an amount set by the duly authorized action of a ratemaking body approved under section 15 of the Act; *Provided, however,* that this exemption is inapplicable to rates established pursuant to an agreement in which all the members are controlled carriers not otherwise excluded by paragraph (d) of this section; (iv) the controlled carrier's rates, charges, classifications, rules or regulations govern transportation of cargo between the controlling state and the United States (including its districts, territories and possessions); and (v) the controlled carrier operates in a trade served exclusively by controlled carriers.

(2) The Commission will notify any carrier of its classification as a controlled carrier.

(3) Any carrier contesting such a classification may within 30 days after the date of the Commission's notice, submit a rebuttal statement. The Commission shall review the rebuttal and notify the carrier of its final decision within 30 days from the date the rebuttal statement was filed.

IV. Present paragraphs (f) through (n) are redesignated as (g) through (o) and a new paragraph (f) added to read as follows:

§ 536.2 Definitions.

* * * * *

(f) *Controlled carrier.* A carrier which is, or whose operating assets are, directly or indirectly owned or controlled by the government under whose registry the vessels of the controlled carrier operate. Ownership or control by such government shall be deemed to exist if a majority interest in the carrier, or its operating assets, is owned or controlled in any manner by such government, an agency of such government, or any person, corporation, or entity controlled by such government. Ownership or control shall also be deemed to exist if the government of registry has the right to appoint or veto the appointment of a majority of the carrier's directors or its chief operating or executive officer.

* * * * *

§ 536.3 Filing of tariffs; general. [Amended]

V 1. Paragraph (d) is revised to read:

* * * * *

(d) All tariffs published in a foreign language shall be accompanied by two true copies translated into the English language when submitted for filing, except that controlled carriers shall submit three true copies translated into the English language.

2. Paragraph (f) is revised to read:

* * * * *

(f) All tariff matter, including temporary filings by mail pursuant to § 536.10(c)(1) of this part, shall be filed in duplicate, except by controlled carriers who shall file all tariff matter in triplicate; *Provided, however,* that temporary filings made by telegraph or cable pursuant to § 536.10(c)(1) need not be submitted in duplicate or triplicate.

* * * * *

3. Paragraph (k) is amended to add a final sentence reading:

* * * * *

(k) * * * *Provided further,* That a controlled carrier newly admitted to membership in a conference shall, 30 days prior to admission, file notice of cancellation of any applicable independent tariff effective upon the date of admission to conference membership, unless special permission has been granted by the Commission pursuant to § 536.15 of this part.

* * * * *

4. Paragraph (l) is amended so that the first sentence reads:

* * * * *

(l) Any tariff submitted for filing which fails to conform with sections 14b, 18(b), or 18(c) of the Act, or with the provisions of this part, is subject to rejection by the Commission and, upon rejection, shall be void and its use unlawful. Rejection will be accomplished pursuant to § 536.10(d).

* * * * *

VI. Paragraph (a)(1) is amended to add a final sentence to read as follows:

§ 536.5 Tariff contents.

(a) * * *

(1) * * * A controlled carrier subject to section 18(c) of the Act shall so identify itself under the carrier name on the title page.

* * * * *

VII. Paragraph 536.6(n) is amended to add a final sentence which reads as follows:

§ 536.6 Statement of rates and charges.

* * * * *

(n) * * * Controlled carriers filing open rates are subject to the 30-day controlled carrier notice requirement of § 536.10(a)(3) of this part, except when special permission is granted by the Commission under § 536.15 of this part.

* * * * *

VIII. The third sentence in paragraph 536.8(b) is revised to read:

§ 536.8 Tariffs containing through rates and through routes.

* * * * *

(b) * * * Such tariffs will be filed and maintained in the manner provided in

---

matter of great importance in a controlled-carrier proceeding."

section 18(b) and 18(c) of the Act, and rules of this part.

§ 536.10 Amendments to tariffs. [Amended]

IX. 1. Paragraph 536.10(a)(3) is amended to add a final sentence which reads as follows:

(a) * * *

(3) * * * *Provided, however,* that all changes to controlled carrier tariffs shall not become effective earlier than 30 days from the date of filing, unless special permission has been granted by the Commission under § 536.15 of this part, or the change affects tariff matters which are the subject of a suspension proceeding, in which case § 536.11(g) of this part shall apply.

* * * * *

2. Paragraph 536.10(a)(4) is amended by adding a subdivision (iii) which reads as follows:

(a) * * *

(4) * * * and (iii) the carrier is not a controlled carrier and has not received special permission authorizing the amendment.

* * * * *

3. Paragraph 536.10(b)(2) is amended to add a final uniform symbol "K," defined as follows:

* * * * *

(b) * * *

(2) * * *

(K) To denote a rate or charge that is filed by a controlled carrier member of a conference or rate agreement under independent action.

* * * * *

4. Paragraphs 536.10(b)(4), (d)(1) and (d)(2) are amended to add a reference to section 18(c).

§ 536.11 Supplements to tariffs. [Amended]

X. 1. Paragraph 536.11(a) is amended to add a new subparagraph (6), as follows:

(a) * * *

(6) To indicate controlled carrier rates which have been suspended by the Commission.

* * * * *

2. Section 536.11 is amended to add a new paragraph (f), as follows:

* * * * *

(f) General rate increase/decrease supplements filed by controlled carriers are subject to the 30-day notice requirements of section 536.10 of this part, unless special permission has been granted pursuant to § 536.15 of this part or the change affects tariff matter which is the subject of a suspension proceeding, in which case § 536.11(g) of this part shall apply.

* * * * *

3. Section 536.11 is amended to add a new paragraph (g), as follows:

* * * * *

(g) Treatment of suspended tariff matter (controlled carriers).

(1) Tariff matter filed by a controlled carrier may be suspended at any time before its effective date. Tariff matter already in effect may be suspended upon issuance of a show cause order on not less than 60 days' notice to the carrier. In either instance, the suspension period shall not exceed 180 days.

(2) Upon receipt of a suspension order the controlled carrier shall immediately file a supplement which: (i) contains the specific rates, charges, classifications or rules suspended; (ii) cites the date upon which the suspension becomes effective; and (iii) states that all use and application of the suspended tariff matter is deferred for 180 days.

(3) Controlled carrier tariff matter filed to become effective during a suspension period in lieu of the suspended matter may become effective immediately upon filing or upon the effective date of the suspension, whichever is later. In determining whether to reject replacement rates, the Commission shall consider whether such rates result in total charges (*e.g.*, rate plus applicable surcharges), that are lower than the lowest comparable charges effective for a U.S. flag or reciprocal flag carrier serving the same trade.

(i) The filing carrier shall identify the specific U.S. flag or reciprocal flag carrier's rates, charges, classifications, or rules resulting in total charges which equal or are lower than its own.

(ii) All replacement filings shall state on the appropriate tariff page the following:

(Filed pursuant to 46 U.S.C. 817(c)(4) and 46 CFR 536.11(g))

§ 536.14 Transfer of operations, transfer of control, changes in carrier name, and changes in conference membership.

XI. Section 536.14 is amended to add a new paragraph (c), as follows:

* * * * *

(c) Whenever a carrier transfers operations, control or ownership which results in a majority portion of the interest being owned or controlled in any manner by a government under whose registry the vessels of the carrier are operated, the carrier shall immediately notify the Commission in writing of the detailed of the change.

§ 536.15 Applications for special permission. [Amended]

XII. 1. Paragraph 536.15(a) is amended to add a second sentence, as follows:

(a) * * * Section 18(c)(3) of the Act authorizes the Commission to permit a controlled carrier's rates, charges, classifications, rules or regulations to become effective within less than 30 days of filing.

* * * * *

2. Paragraph 536.15(b) is amended so that the first sentence reads as follows:

* * * * *

(b) Applications for special permission to establish rate increases or decreases on less than statutory notice * * *

* * * * *

3. Paragraph 536.15(f) and footnote 2 thereof is amended to read:

* * * * *

(f) Every tariff or tariff amendment filed pursuant to a Special Permission granted by the Commission shall contain the following notation:

"Issued under authority of Federal Maritime Commission Special Permission No.———." [2]

XIII. The statement of General Accounting Office reporting clearance is amend to read as follows:

The reporting requirements contained in §§ 536.3, 536.11(g)(2), 536.14 and 536.15 have been approved by the U.S. General Accounting Office under B-180233 (RO226).

[FR Doc. 81-5853 Filed 2-19-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

Inspection and Certification; Fees and Charges

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to increase the hourly rates for inspection fees.

On October 1, 1980, the President, by Executive Order 12248 (45 FR 69199), increased the rates of basic pay of General Schedule employees. Title 50 CFR 260.81(a) requires that the hourly rates for inspection fees be automatically increased on the effective

[2] "The filing carrier(s) shall fill in the blank with the special permission [letter and] number assigned by the Commission." (for example: No. F-1212 or No. CC-1212).

date of the pay adjustment by an amount equal to the increase received by the average General Schedule grade level of fishery product inspectors receiving such pay increases. This pay increase resulted in a 9.1 percent increase in the basic pay of fishery product inspectors.

DATE: These amended rates became effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Irving D. Sackett, Jr., Field Operations Coordinator, Seafood Research, Inspection and Consumer Services Division, National Marine Fisheries Service, Washington, D.C. 20235. Phone: (202) 634–7458.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), 260.70 of Part 260, Inspection and Certification, is hereby amended by adjusting the rates for fees and charges to provide for the recovery of increased costs attributable to the upward adjustment of the rates of basic pay of fishery product inspectors.

In 260.70, paragraphs (b) (1), (2), and (3) are revised as follows:

§ 260.70 [Amended]

* * * * *

(b) * * *

(1) Type I—Official establishment and product inspection—contract basis:

	Per hour
Regular time	$20.80
Overtime	28.45
Sunday and legal holidays (2 h minimum)	35.15

The contracting party shall be charged at an hourly rate of $20.80 per hour for regular time; $28.45 per hour for overtime in excess of 8 hours per shift per day; and $35.15 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this Section.

(2) Type II—Lot inspection—Official and unofficially drawn samples:

	Per hour
Regular time	$30.55
Overtime	41.90
Sunday and legal holidays (2 h minimum)	53.80
Minimum fee	24.85

For lot inspection services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, $30.55 per hour.

For lot inspection services performed at times Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum) $41.90 per hour. Sunday and national legal holidays (2 hr. minimum) $53.80 per hour. The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $24.85.

(3) Type III—Miscellaneous inspection and consultative services.

When any inspection or related service, such as but not limited to, initial and final establishment surveys, appeal inspections, sanitation evaluation, SIFE inspections, sampling product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time	$26.05
Overtime	34.25
Sunday and legal holidays (2 h minimum)	43.90
Minimum fee	19.65

For miscellaneous inspection and consultative services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday—$26.05; for miscellaneous inspection and consultative services performed at times Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum)—$34.25 per hour.

For miscellaneous inspection and consultative services performed on Sunday and national holidays (2 hr. minimum)—$43.90 per hour. The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be $19.65.

[36 FR 21038, Nov. 3, 1971, as amended at 45 FR 39276, June 10, 1980]

* * * * *

Dated: January 7, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5868 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-22-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1060

General Characteristics of CSA Funded Programs; Income Poverty Guidelines (Revised)

AGENCY: Community Services Administration.

ACTION: Withdrawal of final rule—income poverty guidelines (Revised).

SUMMARY: The Community Services Administration is withdrawing its revision of the Income Poverty Guidelines (45 CFR 1060.2–1 and 1060.2–2) published in the January 22, 1981, edition of the **Federal Register**, (46 FR, No. 14, pp. 6950–6951). This rule was scheduled to go into effect on February 23, 1981. However, recent interpretation of the President's January 29, 1981 memorandum to many Federal agencies requesting postponement of final regulations makes it necessary that CSA review the Final Rule—CSA Income Poverty Guidelines (revised) and provide the Office of Management and Budget certain data before the rule can again be submitted for publication. In lieu of new Income Poverty Guidelines, please revert to the rules published April 21, 1980, and August 4, 1980. The Agency anticipates publishing the guidelines in the near future.

EFFECTIVE DATE: This notice of withdrawal of final rule is effective February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ernest F. Powers, Office of Policy, Planning & Evaluation, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632–6630, Teletypewriter: (202) 254–6218.

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

William Allison,

Acting Director.

[FR Doc. 81-6052 Filed 2-19-81; 12:19 pm]

BILLING CODE 6315-01-M

OPER:	KS	RND'D
ACTUAL	1746	17
COPY BONUS, 00-.0%	ERR	
PREC CODE	560	
TOTAL	2306	23

Proposed Rules

Federal Register
Vol. 46, No. 34
Friday, February 20, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 410

Training

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes changes in the regulations implementing the Government Employees Training Act relating to: situations in which selection for training must be consistent with agency merit promotion procedures and the nature of an appropriate consideration of already fully trained employees before assigning an employee to training by, in, or through a non-Government facility. It also proposes to eliminate an out of date regulation relating to the organizational level necessary to authorize training.

DATE: Comments must be received on or before April 21, 1981.

ADDRESS: Send or deliver written comments to U.S. Office of Personnel Management, Training Policy Division—Room 200TC, Attn: Mr. Masterson, P.O. Box 7230, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Ms. Constance Guitian, [202] 653–6171.

SUPPLEMENTARY INFORMATION: These proposed changes will affect three parts of the selection or authorization procedures. First, procedures affecting selection for training which lead to a promotion or advancement will be clarified. Agency merit promotion procedures would have to be followed when selecting employees for training that is: (1) for career or occupational change; (2) part of a promotion program such as upward mobility or internships; and (3) required before an employee may be considered for promotion.

Second, the initial regulations implementing the Government Employees Training Act placed the authority for authorizing two types of non-Government training at the headquarters level of the agency. Experience has shown that agencies no longer need this sort of direction from OPM. The sections (5 CFR 410.302(b) (1) and (2)), which specify how far down in the organization an agency head may delegate the authority to approve non-Government training over 40 hours and training outside the limits of the United States, will be eliminated. The agency heads will have the flexibility to delegate training decisions to the level each agency finds the most efficient.

Third, before an agency trains an employee in a non-Government facility, it is necessary to determine that appropriate consideration is given to already trained employees. We believe it is impracticable to do this for every instance of non-Government training. The proposed regulation would make it necessary to determine if there are other employees who could assume the function for which training is needed before training in a non-Government facility only when the training would lead to a change in occupational series or be for more than 120 hours in a single program.

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

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 410 as follows:

1. Section 410.302 is revised to read as follows:

§ 410.302 Selection and assignment of trainees.

(a) An agency must follow its merit promotion procedures when selecting a career or career-conditional employee for training which is: (1) part of an authorized training agreement; (2) part of a promotion program, except for career promotions which are described in the Federal Personnel Manual, chapter 335, section 1–5.c.(1)(a); or (3) required before an employee may be considered for a promotion.

(b) The head of an agency shall prescribe such procedures as are necessary to assure that the selection of employees for training is made without regard to race, color, religion, sex, national origin, age, or other factors unrelated to the need for training.

2. Section 410.503 paragraph (e) is revised to read as follows:

§ 410.503 General prohibitions, training through non-Government facilities.

* * * * *

(e) When training by, in, or through a non-Government facility in a single program exceeds 120 hours, or is used to prepare an employee for a different occupational series, the head of the agency must determine, before authorizing the training, that the functions for which the training would be needed cannot be assumed by other employees.

(5 U.S.C. 4101 *et seq.*)

[FR Doc. 81–5810 Filed 2–19–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1076

[Docket No. AO–260–A24]

Milk in the Eastern South Dakota Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes in the present milk marketing order provisions for the Eastern South Dakota marketing area based on industry proposals which were considered at a public hearing held March 11, 1980. The recommended amendments would provide plant operators and cooperative associations greater flexibility in handling and accounting for milk under the order. Also, the late-payment charge on overdue payments by handlers would be increased and a marketing services payment by producers would be instituted. The amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

DATE: Comments are due on or before March 9, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant." This decision constitutes the Department's Draft Impact Analysis Statement for this proceeding.

Prior document in this proceeding: Notice of Hearing: issued February 21, 1980; published February 27, 1980 (45 FR 12823).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern South Dakota marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the **Federal Register.** Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business ours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Sioux Falls, South Dakota, on March 11, 1980. Notice of such hearing was issued February 21, 1980 (45 FR 12823).

The material issues on the record of the hearing relate to:

1. The definition of a plant.
2. Pooling standards for supply plants.
3. Diversion of producer milk.
4. Cooperative association as a handler.
5. Application of location adjustments.
6. Charges on overdue accounts.
7. Deductions for marketing services.
8. Reporting and payment dates.
9. Base pricing points.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The definition of a plant.* A "plant" definition should be included in the order for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely a intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities at which milk is only reloaded from on tank truck to another would not be a plant as defined herein.

Under the present provisions of the order the term plant is used in describing the types of facilities involved in the handling of the milk supply for the market. The two principal types of plant operations subject to regulation under the order are distributing plants and supply plants. A distributing plant is defined as a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which there is route disposition during the month in the marketing area. A supply plant is defined as a plant from which milk or skim milk acceptable to an appropriate health authority for distribution in the marketing are under a Grade A label is shipped during the month to a pool distributing plant.

Distributing plant operators in the market use facilities separate from their plants in the disposition of milk on routes to retail or wholesale outlets. Packaged fluid milk products processed at a distributing plant are in some cases moved to and stored in a distribution point en route to retail or wholesale outlets. In the case of milk assembly operations milk picked up at farms in tank trucks is sometimes reloaded into another tank truck at a reload point en route to a distributing plant or supply plant.

A cooperative association that operates both a distributing plant and a supply plant regulated under the order proposed the adoption of a "plant" definition in the order to specify that milk must be received, processed, or packaged at a plant and that separate facilities used as distribution points or reload points not be considered plants. Proponent operates reload points in its milk assembly and distribution points and distribution/operations in the market. These separate facilities are not considered plants under the current application of the order and proponent desires that the terms of the order be made more specific in this regard. Otherwise, these types of handling facilities could conceivably be considered plants with respect to the application of the accounting, pricing, and pooling provisions of the order.

In accounting for disposition of fluid milk products on routes from a plant, it is not necessary to provide any different treatment under the order for milk that is distributed through distribution points than for milk delivered directly from the plant to retail or wholesale outlets. Handlers maintain fluid milk product disposition records for each distributing plant on the basis of retail or wholesale sales accounts served by the plant irrespective of whether the product is moved through distribution points or not. In the case of records of sales accounts served through a distribution point, the handler merely needs to assemble those records along with all other records of sales originating from the plant to conform with the plant accounting system provided in the order.

If a distribution point were to be treated under the order as a plant, it could unduly complicate the acounting and administrative procedures under the order. This would especially be so in the application of plant inventory and shrinkage provisions of the order. It is much simpler to account for inventory and shrinkage on the basis of each processing plant as opposed to extending inventory and shrinkage accounting to the several individual distribution points that may be associated with the processing plant. To separately account for inventory and shrinkage at distribution points would place an increased recordkeeping burden on handlers as well as an increased administrative burden on the market administrator in carrying out his duties of verifying the disposition of milk by handlers.

Similarly, if the accounting provisions of the order were to be made applicable at reload points, it could increase the recordkeeping burden on handlers and the verification work to be undertaken by the market administrator.

The proponent cooperative operates reload points in the assembly of milk at its supply plant as well as in moving milk from farms to pool distributing plants. Milk is picked up at farms by several tank trucks and moved to a reload point where the milk is transferred directly to a large over-the-

road tank truck for movement to the processing plant. In this circumstance, the identity of the producer milk that is transshipped in the over-the-road tank truck is ascertainable. Thus, it is not necessary to consider milk received at a reload point as being received at a plant for purposes of accounting for an individual producer's milk. Accordingly, any facility at which milk from farms is only reloaded onto another tank truck need not be considered a plant for purposes of proper application of the order's accounting provisions.

Under the present terms of the order, that portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, is not considered a part of a pool plant. The two pool supply plants in this market are operated in plants that have non-Grade A manufacturing facilities. This application of the order should be continued, as requested by the proponent of the previously described plant definition. It is customary for health authorities having jurisdiction in the order area to permit the operation of both Grade A and non-Grade A facilities in the same plant.

Cooperative association spokesmen testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining facility which is not approved for the handling of Grade A milk in lieu of transfer in a tank truck. The cooperative witnesses held that recognition of pipeline transfers would promote efficient handling of milk.

It is essential to the proper operation of the order that movements of milk from a pool plant be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of movements of milk is necessarily an administrative matter that must be left to the discretion of the market administrator. Accordingly, no specific changes in the order provisions are made in this regard.

2. *Pooling standards for supply plants.* Several modifications should be made in the pooling standards for supply plants.

First, producer milk that is delivered by the operator of a supply plant directly from producers' farms to pool distributing plants should count as qualifying shipments from the supply plant for purposes of determining the supply plant's pooling status. However, such direct deliveries should count as qualifying shipments only from plants located in the marketing area or any county adjacent to the marketing area.

Second, the months of automatic pooling on the basis of shipment of 50 percent or more of a supply plant's receipts during each of the prior months of September through November should be extended from March through June to March through July.

Third, an optional shipping standard of 35 percent of a supply plant's receipts during the 12-month period immediately preceding the current month should be adopted.

Presently, a supply plant must transfer 35 percent of its receipts of milk to pool distributing plants during the month to qualify as a pool plant. However, if a supply plant transfers 50 percent of its milk receipts to pool distributing plants in each of the months of September through November, it need only make one or more shipments in each of the months during the next March through June period.

Several proposals dealing with supply plant performance standards were considered at the hearing. All such proposals were made by a cooperative association representing most of the producers supplying the market. One proposal would count that milk moved directly from farms to pool distributing plants by a supply plant operator as qualifying shipments in meeting the supply plant shipping performance standards. In support of this proposal, the witness for the cooperative stated that its adoption could result in more efficient milk handling practices because in certain cases milk associated with supply plants could be moved most efficiently directly from farms to distributing plants.

Another proposal by the cooperative would add the month of July to the present March through June period during which a supply plant is automatically qualified as a pool plant on the basis of shipments of 50 percent or more during the prior months of September through November. Additionally, the proposal would modify this pooling standard to include a minimum shipping percentage of 15 percent during each of the months of March through July. The cooperative's witness stated that July should be included as a month of lower shipping requirements because the market's Class I utilization in July is significantly lower than during the months of August through February. However, the witness contended that at least 15 percent of a supply plant's milk receipts should be shipped during March through July to meet pool distributing plant requirements for milk.

The operator of a proprietary pool supply plant opposed the adoption of a 15 percent shipping requirement during March through July. He contended that this would require increased shipments from his supply plant at a time when milk produced on farms located nearer to pool distributing plants normally is used to meet the needs of the distributing plants.

An additional proposal by the cooperative would include a 12-month moving average pooling standard for a plant operated by a cooperative association. Specifically, a cooperative would have the alternative of meeting the pooling performance requirement for a plant that it operates on either the basis of shipments during the current month or shipments made during the prior 12-month period. The cooperative's witness stated that this modification to the pooling standards would facilitate the pooling of milk of its member producers in the event of a sudden change in supply-customer relationships, since it would allow the cooperative time to make any necessary changes in market outlets for its milk supplies.

The hearing evidence supports the adoption of the cooperative's pooling performance proposals with certain modifications. The proposal to count direct movements of milk from farms to pool distributing plants as qualifying shipments, in meeting pooling standards for supply plants, should be adopted. However, it should be limited to those supply plants located in the present production area for the market.

Presently, there are two supply plants pooled under the order. One is located at Lake Norden, South Dakota, in the northern segment of the marketing area and is operated by a cooperative association. The other supply plant is located at Mitchell, South Dakota, in the western edge of the marketing area and is operated by a proprietary handler. The pool distributing plants served by the two supply plants are located at Sioux Falls, South Dakota, in the southern portion of the marketing area. The production area for the market encompasses that territory within the marketing area plus the counties bordering on the marketing area. A major proportion of the production area is located closer to the pool distributing plants at Sioux Falls than are the supply plants at Lake Norden and Mitchell. Thus, a majority of the farms of producers on the market are either located closer to the pool distributing plants than the pool supply plants or are located between the pool supply plants and the pool distributing plants.

The majority of the farm bulk tank truck routes serving the market are

located either between the pool distributing plants at Sioux Falls and the pool supply plants or closer to the distributing plants. Thus, in this circumstance, milk transportation mileage can be minimized by moving milk directly from farms to pool distributing plants. For example, the milk assembly route for the supply plant at Mitchell operates primarily in the area between Mitchell and Sioux Falls. Thus, as stated by the plant operator, transportation savings can be realized by moving the milk on this route to Sioux Falls directly from the farms rather than through the supply plant at Mitchell.

The proponent cooperative association has followed the practice of serving pool distributing plants primarily on a direct-shipped basis. Under the present terms of the order, a cooperative may pool a plant, other than a distributing plant, on the basis of counting direct shipments of member producer milk to pool distributing plants as qualifying shipments. This type of plant is commonly referred to in the industry as a cooperative association balancing plant. Thus, the proposal to count direct shipments as qualifying shipments for supply plants will enable a proprietary supply plant operator to pool its plant by the same shipment method permitted for a cooperative association balancing plant.

Adoption of the proposal, however, would make the separate cooperative association balancing plant pooling provision redundant. This provision calls for a shipping percentage of 50 percent while the proposal would be applicable to the regular supply plant pooling provision which has a 35 percent shipping requirement. Thus, any cooperative association balancing plant pooling under the 50 percent shipping requirement would also be qualified for pool status under the regular supply plant pooling standard. Accordingly, the cooperative association balancing plant provision is no longer needed.

The adoption of the direct-shipment method of qualifying a supply plant for pool plant status should be accompanied by a geographical plant location limit to insure that the milk pooled at the plant is reasonably associated with the market. Presently, the production area for the market encompasses that territory within the marketing area plus the counties located adjacent thereto. Moreover, all of the plants (both pool and nonpool plants) to which producer milk is delivered are located within the production area. However, a milk manufacturing plant located in territory remote from the production area could be pooled primarily on the basis of direct shipments of milk from within the production area. Thus, without some appropriate limitation on the area within which a plant can pool on the basis of direct shipments from the farm, there would be a possibility of milk being pooled that is produced in an area remote from the market which is not a practicable source of milk supply for pool distributing plants. This could in turn detract from the basic purpose of the pooling provisions, which is to aid in insuring that adequate milk supplies will be made available to pool distributing plants. Accordingly, the option of pooling a plant on the basis of direct shipments should be limited to those plants located within the normal production area, which is the marketing area or those counties adjacent to the marketing area. This limitation would not preclude, however, a supply plant located outside the current production area from being able to qualify as a pool plant on the basis of shipments of milk from the plant to pool distributing plants.

The cooperative's proposal to add July to the March through June period of reduced shipping requirements for a pool supply plant that shipped at least 50 percent of its receipts to pool distributing plants in the prior months of September through November should be adopted. However, the cooperative's companion proposal to require at least a 15 percent monthly shipping requirement during March through July for a plant qualifying for pool status under this pooling option should not be adopted.

There is a wide seasonal variation in the Class I utilization percentage in this order market. For example, during 1979 the market's Class I utilization percentage varied from a seasonal low of 38 percent in June to a seasonal high of 58 percent in October. With a Class I utilization perentage pattern of this seasonal nature in the market, it can be expected that there would be a wide seasonal variation in the need for shipments of milk from supply plants to distributing plants. This is particularly the case when distributing plants obtain a large proportion of their milk supplies from producers that deliver their milk to the distributing plants on a year-round basis.

Supply plants tend to serve the function of balancing the milk requirements of distributing plants. Typically, distributing plants in the market obtain a major proportion of their milk requirements directly from farms. During the months of seasonally high production, receipts of producer milk supplies associated with the distributing plants fulfill a much larger proportion of the milk requirements of the distributing plants than is the case during the months of seasonally low milk production. Consequently, the seasonal variation in the amount of milk needed from supply plants as supplemental supplies is much more pronounced than the seasonal variation in Class I utilization in the market. The supply plant pooling option of virtually automatic pool plant status during the flush production months for a plant that shipped 50 percent or more of its receipts during the prior short production months of September through November is intended to accommodate this type of milk procurement situation.

To adopt increased shipping requirements, as proposed, for supply plants in the flush production months could tend to encourage displacement of direct-delivered nearby milk supplies with distant supply plant milk. This would tend to increase total milk transport costs in supplying distributing plants, as was contended by a proprietary pool supply plant operator.

Witnesses for the supply plant operators in the market stated that it is a practice in the market for supply plant operators to make milk shipping agreements with distributing plant operators on a yearly basis. In this circumstance, it is not necessary nor desirable to adopt additional shipping requirements under the order. Supply plant and distributing plant operators can negotiate on the level of supply plant shipments to be made during the flush production months. The adoption of additional shipping requirements under the order could detract from the flexibility in shipping performance that plant operators may desire to arrange between themselves to best serve their particular marketing situation.

In this regard, the addition of July to the period of no specified shipping percentage under the order would afford greater flexibility in milk shipping arrangements between supply plant and distributing plant operators. Moreover, reduced shipping requirements for July would be desirable since, as pointed out by proponent, it is one of the months of seasonally lower Class I utilization in the market. For example, in 1979 Class I utilization in the market was lower in July than in all other months except May and June.

The cooperative's proposal to adopt an additional alternative supply plant pooling performance standard of a 12-month moving average shipping percentage will provide an increased degree of flexibility in the shipping

arrangements that can be negotiated between supply plant and distributing plant operators. In addition, it will afford the supply plant operator an opportunity to retain pool plant status for a month or more in the event of an unexpected change in supply-sales arrangements. As noted by proponent, there is always a possibility that a distributing plant operator could lose a major sales account that would significantly reduce his milk requirements from a supply plant. In such an event the supply plant operator may need time to arrange for an alternative pooling outlet for its milk supply that has been associated with the market on a regular basis. Appropriately, producers who have been regularly supplying the market should be afforded the opportunity to retain pooling status during the time it takes to make necessary adjustments in outlets for milk supplies.

3. *Diversion of producer milk.* Rules concerning the diversion of producer milk from a pool plant to another plant should be modified. The order should provide that a handler may divert milk from any pool plant to any other plant except a producer handler plant. The order should also provide that at least one day's production of a producer must be physically received at a pool plant during each month in order to be eligible for diversion. A handler's diversions of milk to nonpool plants should be limited during the months of August through February to 35 percent of the handler's producer milk supplies. Also, the provisions with respect to the identification of milk diverted in excess of the 35 percent limit (commonly referred to in the industry as "overdiverted" milk) should be modified to account for such milk on the basis of that milk last diverted during the month, if the handler fails to designate those producers whose milk constitutes excess diversions.

Presently, the order provides that milk may be diverted only from pool distributing plants to nonpool plants. To be eligible for diversion, the order now requires that a producer's milk must be delivered to a pool plant on at least 3 days during the month. Diversions to nonpool plants are now limited during the months of July through February to 35 percent of the volume of milk received at pool plants.

Several changes in the order's diversion provisions were proposed by a cooperative association and were supported by another cooperative association at the hearing. The proposals would (1) permit the diversion of producer milk from pool supply plants to nonpool plants and between pool plants in addition to the present allowable diversions of milk from pool distributing plants to nonpool plants, (2) provide that only one day's production of a producer must be received at a pool plant during the month in order for the milk of such producer to be eligible for diversion, and (3) limit the proportion of a handler's total producer milk supply that may be diverted to nonpool plants to 50 percent during each month in the March through July period and to 35 percent in any other month of the year.

The cooperatives' witnesses supported these modifications to the order primarily on the basis that they would facilitate greater efficiency in milk handling and hauling. With respect to permitting diversions from supply plants, one witness stated that his cooperative operates a pool supply plant in conjunction with a nonpool manufacturing plant at which reserve pool milk supplies transferred from the supply plant are processed. He reasoned that it would be a more efficient handling practice for the cooperative to divert the reserve milk supplies directly from farms to the nonpool manufacturing plant rather than first receiving such milk at the pool supply plant. In addition, he stated that the same milk handling situation exists for the proprietary pool supply plant operator in the market. Moreover, he pointed out that the proprietary supply plant operator could realize transportation savings by diverting milk from his supply plant to pool distributing plants, as was mentioned previously in this decision.

In connection with the proposal that only one day's production of a producer be required to be received at a pool plant each month, instead of three deliveries per month, a witness stated that his cooperative could reduce its farm bulk tank truck mileage by about 400 miles per month if the proposal were adopted. This, he said, would be accomplished by making increased deliveries to pool distributing plants from its bulk tank truck route that is located closest to the distributing plants and less frequent deliveries from its more distant bulk tank truck route. The other cooperative witness stated that the proposal would permit his cooperative to reduce milk assembly mileage since milk of its Grade A producers that is not needed for fluid use could be transported to manufacturing plants more frequently on the same bulk tank trucks hauling milk of its Grade B dairy farmers.

The proposal to change the percentage limit on a handler's diversion from pool plants to nonpool plants to 35 percent of his total producer milk supplies rather than 35 percent of that volume received at pool plants would increase total allowable diversions during the months of August through February. This is because 35 pounds of milk could be diverted for each 65 pounds received at pool plants compared to the present 35 pounds for each 100 pounds received. Proponents contended that this relaxation of diversion limits could also facilitate reductions in hauling mileage in milk assembly operations.

The proponent cooperative supported the adoption of a 50 percent diversion limit in the months of March through July on the basis that it would encourage handlers on the market to serve the fluid milk needs of distributing plants as opposed to making one delivery per month and diverting the remainder for manufacturing use.

Except for this proposal to adopt diversion limits during the flush production months, the cooperative's proposed changes in diversion provisions should be adopted. As pointed out by the witnesses for the cooperatives, the proposals would allow for more flexibility in milk assembly operations and, thus, better enable handlers to effect increased efficiency in handling milk, particularly in the disposition of the market's reserve milk supplies. Pool supply plant operators will be able to avoid moving reserve milk supplies through their pool plants en route to manufacturing plants. Also, they will be able to divert milk directly from farms to pool distributing plants and avoid reloading it at the supply plant (except for one occasion per month).

The requirement that each producer's milk be received at a pool plant each month will tend to insure that milk pooled on the market can be relied on as a source of milk to meet the needs of fluid milk processors. Also, it will encourage the use of quality control measures with respect to all producer milk, since it must be marketed in fluid milk channels each month.

Increased diversion allowance in the months of August through February will more closely reflect that proportion of the market's reserve milk supplies that must be disposed of in manufacturing use, which takes place at nonpool plants. For example, Class III utilization in the market during such months of 1979 ranged between 29 and 40 percent of producer milk on the market. The 35 percent diversion limit will be enable handlers to move virtually all of the milk for Class III use directly from farms to nonpool manufacturing plants.

A further modification of the diversion provisions concerning any overdiverted milk of a handler was suggested by cooperatives and should be adopted. Under the present terms of the order, a handler who overdiverts milk may designate those producers whose milk is overdiverted. If he fails to do so, all of the milk that the handler diverts to nonpool plants is disqualified from being producer milk. It was proposed that only that milk last diverted during the month, starting with the last day of the month, then the second to last day, until all the overdiverted milk is accounted for, be disqualified as producer milk. This proposal would have less severe impact on handlers who may mistakenly overdivert milk and, therefore, is a much preferable provision.

The proposal to adopt diversion limits during the flush production months would tend to detract from the efficient handling of reserve milk supplies on the market. This would especially be the case with respect to a supply plant that pools under the option of making shipments of 50 percent or more during the months of September through November and is thereby entitled to pool plant status the following March through July by meeting the supply plant definition, which simply requires that a milk shipment be made to a pool distributing plant each month. If diversion limits were to be made applicable to such a plant it would require that milk be received at the supply plant before being transferred to a nonpool manufacturing plant. This is directly opposite to the intent of the cooperatives' proposal to allow diversions from supply plants. In view of these circumstances, the proposal is not adopted.

At the hearing, a proprietary distributing plant operator proposed a modification to the cooperatives' proposed limit on diversions of milk to nonpool plants. The modification would permit a handler to divert to nonpool plants a quantity of producer milk equivalent to 35 percent of his producer milk supply and milk purchased from a cooperative supply plant located in the marketing area. In support of this modification the handler stated that it would enable him to divert the milk of the nonmember producers associated with his plant to a nonpool plant closer to the producers' farms and thereby reduce the hauling cost paid by such producers. The handler stated that he could increase his milk purchases from the cooperative to replace the increased diversions of his producer milk.

The cooperative supplying this handler opposed the proposal, in its brief, on the basis that its supply plant is located more distant from the handler's pool distributing plant than the location of the farms from which the handler purchases nonmember milk. Consequently, the cooperative contended, the proposed modification could result in increased trucking costs in supplying milk to the market.

The handler's proposed modifications to the method of computing diversion limits should not be adopted. The proposal would increase a pool distributing plant operator's allowable diversions during August through February by an amount equivalent to 35 percent of the volume of milk purchased from a supply plant operated by a cooperative. In a situation where the distributing plant purchases a large proportion of its milk supply from a cooperative association supply plant, the proposal would tend to permit the distributing plant operator to divert its supply of producer milk on a year-round basis, except for one day's production of each producer each month. Consequently, the proposal could be used to circumvent the diversion limits with respect to certain handlers' supplies of producer milk. Such nonuniform application of diversion limits among handlers would not be appropriate.

4. *Cooperative association as a handler.* The order should be modified with respect to the treatment of milk which a cooperative moves from the farm to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. Specifically, a cooperative should be permitted to act as a bulk tank handler with respect to milk of a producer who is not a member of the cooperative and with respect to milk that it delivers to a pool plant operated by the cooperative. In addition, cooperative association bulk tank handler milk should be transferred between pool handlers on the basis of the uniform price.

Presently, the order provides that a cooperative may be a bulk tank handler only with respect to milk of member producers and only on that milk transferred to the plant of another handler. Such transfers of milk between handlers are accounted for on a classified use basis.

The largest cooperative in the market proposed that a cooperative be permitted to be a bulk tank handler for milk on routes under its control that is produced by nonmember as well as member producers. Also, it proposed that the cooperative be permitted to report in its capacity as a bulk tank handler rather than as a plant operator on milk that it delivers to its own pool plant, in addition to being a bulk tank handler on milk delivered to a pool plant of another handler. Another proposal by the cooperative would provide that cooperative bulk tank handler milk transfers be accounted for on the basis of the uniform price.

In support of its proposals, the cooperative stated that on occasion it picks up the milk of a nonmember producer on a bulk tank truck route that it operates. Also, milk from its bulk tank truck routes is delivered to its own pool plants as well as to pool plants operated by other handlers. The cooperative's witness indicated that its plant operations and its milk procurement operation are separate divisions within the association and separate milk accounting systems are maintained with respect to each division. In this circumstance, the cooperative would prefer to account for bulk tank milk delivered to its own pool plants on the same basis as that delivered to pool plants of other handlers. One benefit pointed out by the cooperative's witness is that the cooperative would be able to maintain one payroll for all its milk deliveries to pool plants as opposed to maintaining a separate payroll for those producers whose milk is received at its own pool plants. With respect to the payment procedure for cooperative bulk tank handler milk, proponent witness contended that accounting for such interhandler transfers at the uniform price rather than class prices would facilitate administration of the order with respect to the matter of financial responsibility and audit adjustments.

A cooperative should be the handler with respect to any milk which it receives for its account from the farm of a producer for delivery to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. When the milk of any producer is commingled in a tank truck with that of other products, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the handler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at pool plants in the market is picked up at the farm in trucks owned or operated by, or

under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator agrees to purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, either the cooperative or the pool plant operator may be the reporting handler for such milk, according to the agreement reached between them. The order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants.

If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its member producers for delivery to a pool plant. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. In the event a cooperative does market the milk of a producer who is not a member of the association, a question arises about the appropriate method of paying such producer. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk and collect payments therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a written contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Transfers of bulk tank milk by a cooperative handler to a pool plant operator should be made at the uniform price rather than at class prices as is now the case. The purchase of such milk by the pool plant operator should be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer-settlement fund for the milk received by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the uniform price. Under the present procedure where the plant operator settles with the cooperative at class prices and the cooperative settles with the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and, thus, its obligation to the pool for such milk.

5. *Application of location adjustments.* The order should be modified with respect to the application of location adjustments on bulk milk transferred between pool plants. The present provision that assigns to a distributing plant's Class I use 95 percent of any direct receipts from producer farms before any assignment of receipts from supply plants for location adjustment purposes should be changed to a 10 percent "set-aside" for unavoidable Class II and Class III utilization at pool distributing plants. Also, the assignment of Class I location adjustment credits among supply plants should be on a pro rata basis rather than in sequence beginning with the plant at which the least location adjustment would apply.

The major cooperative in the market proposed that transportation credits from the pool be provided under the order with respect to all movements of milk from supply plants to pool distributing plants. Specifically, the proposal would accomplish this by pricing all bulk milk transfers at the uniform price applicable at the location of the transferee plant. Proponent contended that the order should provide the same location pricing incentive to move milk to pool distributing plants irrespective of whether it is received directly from producers' farms or from another pool plant.

To encourage the efficient movement of milk between plants under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of utilization or in the application of location adjustment credits, to protect the pool from bearing the costs of unnecessarily moving milk to the central market for other than Class I use. Otherwise, the net return to producers is reduced by the amount of any location adjustment credit assigned to other than Class I milk, since no location adjustments apply to Class II or Class III use. This principle is reflected under the present terms of the order and it should not be completely abandoned by allowing unlimited transfers of milk between plants for which location adjustment credits from the pool would be provided.

As an alternative to the proposal to provide location adjustment credits with respect to all transfers of milk from supply plants to pool distributing plants, proponent proposed that a 15 percent "set-aside" be adopted under the order to cover unavoidable Class II and Class III use at pool distributing plants. In addition, the proposal would prorate a pool distributing plant's Class I use plus a 15 percent "set-aside" to all sources of fluid milk receipts in computing location adjustment credits to be given to pool supply plant operators.

In support of its proposed 15 percent "set-aside" to cover unavoidable Class II and Class III use, proponent related that there are several types of non-Class I uses that are unavoidable at distributing plants, namely, cream from standardization, shrinkage, route returns, milk disposed of for animal feed or dumped, and inventory at the end of the month. He stated that such uses could represent as much as 14 percent of a plant's utilization of milk receipts.

In further support of the proposed increase in the "set-aside" provision of the order, a proprietary pool distributing plant operator offered into evidence certain figures with respect to non-Class I use at his plant. He stated that for the four-month period preceding the hearing he averaged 1.25 percent shrinkage and 0.5 percent dumped milk. In addition, he sold significant quantities of cream from standardization of his milk receipts and had variation in inventories of fluid milk products at the end of each month. Consequently, his Class I utilization averaged 92 percent for the four-month period.

It is concluded on the basis of the evidence presented that a "set-aside" allowance of 10 percent should be provided under the order. A 10 percent allowance should accommodate the necessary Class II and Class III use experienced by pool distributing plants in most months. An allowance above 10 percent, as proposed, is clearly excessive and should not be adopted.

The aggregate amount of Class I milk assigned to transferor pool plants for location adjustment credit purposes should be prorated to each transferor pool plant based on the proportion of receipts from each plant. This will assure that each transferor pool plant gets a proportionate share of the Class I location adjustment credit, instead of, as

is presently being done, giving preference first to the closest plant and then to successively more distant plants.

The latter procedure was adopted to encourage milk to come from the closest source of production, thereby eliminating unnecessary transportation. However, changes in milk marketing have made this procedure impractical in this market.

Whereas, in the past, a handler would bottle a fairly even amount of milk six or seven days a week, now handlers bottle on only 4 or 5 days a week, and there is a wide variation in the amount bottled from one day to the next. Accordingly, on certain days handlers may require more milk than can be supplied from the nearest supply plant. However, if a handler purchases milk from more than one supply plant, the more distant supply plant may not be allocated its proportionate share of Class I location adjustment credits. To avoid this problem, a handler would have the incentive to purchase all his milk from a larger, but more distant, supply plant, thereby being assured that all of the milk purchased from the supply plant would get the maximum amount of Class I location adjustment credits available. Under these circumstances, the provisions now in the order would result in greater transportation costs from the pool, which is the opposite of what it is intended to do.

The proposed pro rata assignment of Class I use at a pool distributing plant to all sources of fluid milk product receipts for the purpose of computing location adjustment credits should not be adopted. Such procedure would result in granting some location adjustment credits to supply plants irrespective of the Class I utilization percentage at the transferee plant. It was argued by proponent cooperative, that Class II products are a part of a distributing plant operator's regular product line and such operators expect to receive a regular supply of milk for Class II use as well as Class I.

It would not be appropriate under the order to encourage the movement of milk for Class II use unless handlers paid for such transportation under the order. Otherwise, the handlers would get free transportation of this milk at the expense of all producers in the market. If handlers want milk at deficit production locations for Class II use, they should be willing to pay the transportation costs involved. Under the order, this could be accomplished by increasing the Class II price. Location adjustments could then be incorporated in the order to accommodate the movement of milk for this use. Any accommodation for the movement of milk for Class II use should be accompanied by some restructuring of the classification and pricing provisions for such milk under the order, which is beyond the scope of this hearing.

6. *Charges on overdue accounts.* The order should be revised to extend the application of the charge on overdue accounts to all handler obligations to the market administrator. Also, the rate of the charge should be increased to 1 percent per month.

Presently, under the order a late payment charge of 0.5 percent per month is applicable to any overdue obligation of a handler to the producer-settlement fund.

The application of the late-payment charge to all handler obligations to the market administrator and the increase in the rate charged was proposed by a cooperative. In support of such amendments the cooperative's witness stated that they are needed to better assure equity among handlers. There was no opposition to these proposed amendments.

The charge on overdue payments to the producer-settlement fund is intended to encourage handlers to make such payments on time. If the charge is to have any impact on handlers in terms of encouraging prompt payments, it must be an amount that is reasonably comparable to what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. If this is not so, handlers who may have financial problems would be encouraged to delay their payments, knowing that the charge under the order is cheaper than borrowing money commercially at a higher loan rate. The record testimony indicates that a monthly charge of 1 percent more nearly reflects the current cost of borrowed money. Thus, the rate charged under the order should be increased to 1 percent to provide more reasonable assurance that order obligations do not represent a cheap source of money.

With respect to handler obligations to the market administrator, the amounts owed to the producer-settlement fund account for the major portion of such obligations. However, handlers are also obligated to make payments to the market administrator for his costs of administration of the order and for any adjustments to a handler's obligation based on audit of handler's reports. In addition, provision is made in this decision to adopt a marketing service program under the order whereby handlers will be obligated to make deductions from payments to producers who are not members of a cooperative and remit such money to the market administrator. Such other handler obligations to the market administrator also should be made subject to the late-payment charge, as proposed, to better insure compliance with the payment provisions of the order.

The present order language with respect to the late-payment charge is redrafted to make it more specific that the full charge is to be assessed on the first day an obligation is overdue and on the same day of each succeeding month until the obligation is paid. There was discussion on the record concerning whether the charge of 1 percent per month should be apportioned on a daily basis, such as 1/30 of 1 percent if the obligation is paid one day late. This latter procedure should not be adopted. If late-payment charges were treated strictly on a money market basis, the order would merely represent a banking service for handlers who desire to use order obligations as a source of borrowed funds. This is not the intended purpose of the late-payment charge. Rather, it is to be an inducement for handlers to pay their obligations under the order on time.

7. *Deductions for marketing services.* Provision should be made under the order to conduct a marketing services program for producers supplying the market. Such services should include providing marketing information to producers and providing for the vertification of the weights, samples, and tests of milk of producers. The program should be financed by handlers' deductions from payments to producers. In the case of producers for whom a cooperative association is actually performing the services set forth above, each handler should make deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between the cooperative and such producers. In the case of other producers, the market administrator performs the specified marketing services. The order should provide for a maximum deduction of 6 cents per hundredweight for marketing services furnished by the market administrator. Handlers should remit marketing service deductions to the market administrator and cooperatives by the 15th day after the end of the month.

This marketing service program was proposed by a cooperative association representing most of the producers supplying the market. A witness for the cooperative stated that cooperative associations in the market are providing marketing services for member producers and the member producers

pay the cooperatives to provide the service. In the case of nonmember producers, he stated that the market administrator is performing the specified services; however, administrative expense funds are being used for this purpose rather than deductions from producers. Proponent stated that nonmember producers should be charged for the services performed for their benefit.

It is essential to the proper application of the order that weights and butterfat tests of all producer milk be accurate. Otherwise, a handler could gain a competitive advantage at the expense of producers if reported producer milk weights and butterfat tests are understated.

The Agricultural Marketing Agreement Act, as amended, under which milk orders are issued, expressly provides that a marketing service program may be included in an order. Most Federal milk orders now in effect contain marketing service provisions. The neighboring order markets of Nebraska-Western Iowa, Upper Midwest, and Iowa have marketing service provisions.

Until recent years a marketing service provision was not needed in the Eastern South Dakota order, since all of the producers on the market were members of cooperative associations that provided the services for their members. A few years ago the order area was expanded to include Brookings, South Dakota, at which a plant supplied by nonmember producers was located. The plant has since closed, but the producers are still marketing their milk under the order to a proprietary pool distributing plant in Sioux Falls. More recently a proprietary pool supply plant at Mitchell became associated with the order market. This handler's supply of milk is from nonmember producers.

Since these nonmember milk supplies became associated with the market, the market administrator has performed milk weight and butterfat test verification services with respect to the milk pool handlers buy from the nonmembers. Such activities are necessary to insure that the handlers are accounting properly for the milk received from the producers. Appropriately, the nonmember producers should be assessed for the performance of these services as is done under the neighboring orders.

The market administrator for the Eastern South Dakota order is also the market administrator for the neighboring Nebraska-Western Iowa and Iowa orders, as well as the Greater Kansas City order. Each of these other orders has a marketing service program with a maximum producer assessment rate of 6 cents per hundredweight. In the administration of the several orders under a single agency, a joint marketing services budget is maintained. This is because there are agency employees engaged in performing marketing services activities for the several markets being administered by the one agency. In this circumstance, it is appropriate that the marketing service assessment be maintained at the same rate under the several orders administered by the same market administrator. Accordingly, the maximum rate of assessment should be set at 6 cents, the same as the other orders administered by the market administrator.

8. *Reporting and payment dates.* Several of the reporting and payment dates provided in the order should be set at a later date. Handlers' reports of milk receipts and utilization should be changed from the 7th day to the 8th day after the end of the month. Handler obligations to the producer-settlement fund should be made due on the 15th rather than the 13th day after the end of the month. Payments from the producer-settlement fund should be set back two days also.

With respect to handler payments to cooperatives for milk received from the cooperative during the first 15 days of the month, payment should be made by the 28th day rather than the 26th day of the month. Final payment to cooperatives by handlers should be moved from the 13th to the 15th day after the end of the month. Final payments to individual producers should be on or before the 18th day after the end of the month rather than the 15th.

These changes in the order's reporting and payment dates were proposed by a cooperative association which represents most of the producers suppling the market. The cooperative is the reporting handler with respect to most of the producer milk on the market. It also operates two of the five pool plants regulated under the order. The basic reason given by the cooperative in support of the proposed later dates was that the cooperative is experiencing delays in delivery through the mail of its milk receipts and sales reports from its several reload points, distribution points, and plants to its central bookkeeping office located in Minneapolis. Such mail delays have made it extremely difficult for the cooperative to file its report of receipts and utilization by the 7th day after the end of the month.

The date by which the market administrator is required to announce a uniform price based on handler reports is not until the 12th day after the end of the month. Consequently, an allowance of an extra day, to the 8th, for handlers to file reports should not cause any undue burden for the market administrator in processing reports and announcing the uniform price on time. In this circumstance, and since a reporting date of the 8th would provide some relief for handlers in their bookkeeping operations, the proposal should be adopted.

With respect to setting back the due dates for handlers' payments, proponent stated that the proposed dates would better align such payment dates among orders in the region. Proponent is a regional cooperative that markets milk under neighboring orders as well as the Eastern South Dakota order. Its payments to all member producers throughout the order areas in the region are coordinated on the same date. The cooperative's witness stated that it is the cooperative's policy to pay its members by the 20th day after the end of the month.

Under the neighboring orders the final date for payments to individual producers by handlers is the 18th day after the end of the month. Thus, the proposal to change the final payment date under the Eastern South Dakota order from the 15th to the 18th day after the end of the month would coordinate the producer payment dates throughout the region. There is a significant degree of overlapping of milk procurement areas for the Eastern South Dakota market and neighboring order markets. For example, there is nearly as much milk produced in South Dakota pooled on the Nebraska-Western Iowa market as is pooled on the Eastern South Dakota market. In addition to intermarket procurement competition, there is a significant amount of intermarket sales competition among handlers regulated under the orders in the region. Consequently, adoption of the proposed producer payment date will provide a more uniform intermarket competitive situation among both producers and handlers in the region.

Adoption of a later payment date for payments to producers will enable setting later dates for payments into and out of the producer-settlement fund. This should tend to benefit handlers with respect to their cash flow position and, thus, should be adopted.

9. *Base pricing points.* The proposal to delete Mitchell, South Dakota, as a base pricing point under the order should not be adopted.

Presently, the order provides a plant location adjustment for milk received from producers at a plant located in

Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90. At a plant located in such territory Class I and uniform prices are reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the nearer of the Post Offices in Mitchell or Sioux Falls, South Dakota. Mitchell and Sioux Falls are located on U.S. Highway 90 that crosses the southern portion of the marketing area in an east-west direction.

The major cooperative association in the market proposed that Mitchell should be deleted as a base pricing point for the purpose of plant location adjustment and that all plant location adjustments be based on the distance that the plant is located from Sioux Falls. Proponent stated that the proposal would reduce Class I and uniform prices at plants in Mitchell, which is 70 miles west of Sioux Falls, by 10.5 cents per hundredweight. In support of the proposal, the witness for proponent stated that his cooperative operates a reload point at Mitchell through which milk produced on farms located north of Mitchell is moved to pool distributing plants at Mitchell and Sioux Falls. The witness indicated that the majority of this milk supply is moved to Sioux Falls, which is the primary milk processing and consumption center in the market. He argued that a reduction in the order prices at Mitchell would better encourage milk to be moved from the market's production areas to the primary processing and consumption center of the market.

The operator of a pool supply plant and a nonpool manufacturing plant, both located at Mitchell, opposed the proposal. He stated that the proposal would reduce the order price to his producers below the price that the proponent cooperative would be able to pay its producers in his procurement area and, thus, he would be forced to pay a premium to his producers to stay competitive in obtaining his milk supply.

The proposed 10.5-cent reduction in the order's Class I and uniform prices at Mitchell relative to Sioux Falls raises the question of whether the pool distributing plant located to Mitchell would be adversely affected with respect to its ability to attract a supply of milk under the order's price structure. The adoption of a single base pricing point at Sioux Falls would tend to attract all the market's milk supplies to such location relative to any other plant location unless the other plant were located at or near a point through which milk would be transported en route from the farm to Sioux Falls. Mitchell is located on the western edge of the milk production area for the market. On the basis of December 1979 data, less than 20 of the market's 449 producers are located in Davison County, where Mitchell is located, and the nearby counties of Aurora, Jerauld, Douglass and Charles Mix. In this circumstance, there is serious question whether the order price structure would attract adequate supplies of milk to the pool distributing plant at Mitchell if the order prices at such plant were reduced 10.5 cents relative to plants in Sioux Falls.

Intermarket procurement competition could be disrupted if the order prices were reduced at the Mitchell location. The Nebraska-Western Iowa market is supplied in part by milk produced on farms in the general vicinity of Mitchell. Thus, the pool plants at Mitchell are in procurement competition with Nebraska-Western Iowa handlers.

Presently, there is close alignment of Class I prices at Mitchell and Sioux Falls under both orders. The Eastern South Dakota Class I differential is $1.40 at Mitchell and Sioux Falls. The Nebraska-Western Iowa Class I differential adjusted for location is $1.39 at Sioux Falls and $1.375 at Mitchell. The proposal would provide a differential of $1.295 at Mitchell, or 8 cents under the Class I differential at such location under the Nebraska-Western Iowa order.

A 10.5-cent reduction in the location adjustment at Mitchell would reduce the uniform price by the same amount relative to Sioux Falls. With an overlapping of procurement areas under the Eastern South Dakota and Nebraska-Western Iowa orders, it could be expected that, until the uniform prices under the two orders at the Sioux Falls location become essentially equal through changes in market utilization, producers would be attracted to the market with the higher uniform price. In such circumstance, the uniform price under the Nebraska-Western Iowa order would be 9 cents higher than the Eastern South Dakota uniform price at a plant in Mitchell. Thus, it could be expected that producers in the vicinity of Mitchell would be attracted to the Nebraska-Western Iowa market before alignment of the respective order prices is realized at the Sioux Falls location.

In view of the above considerations, it is concluded that the proposed elimination of Mitchell as a base point could threaten the availability of milk supplies for the pool distributing plant at Mitchell on the basis of both intramarket and intermarket procurement competition. Accordingly, it should not be adopted.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby

proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Eastern South Dakota marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Add a new § 1076.4 to read as follows:

§ 1076.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

2. In § 1076.7 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1076.7 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, transferred to pool distributing plants is not less than the applicable percentage, specified in paragraph (b)(1) (i), (ii) or (iii) of this section, of Grade A milk received at such supply plant from dairy farmers (including milk diverted therefrom by the plant operator) and handlers described in § 1076.9(c).

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 35 percent for the current month;

(ii) 35 percent for the 12-month period immediately preceding the current month; or

(iii) One or more shipments in each of the months of March through July if shipments were not less than 50 percent during each of the immediately preceding months of September through November.

(c) Any plant located in the marketing area or in any county adjacent to the marketing area that meets an applicable shipping standard described in paragraph (b) of this section, subject to the following conditions:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1076.9(c).

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1076.13 to pool distributing plants.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to this section:

(i) From which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area either as route disposition or to pool plants qualified on the basis of route disposition than in the marketing area of another order issued pursuant to the Act or to other order plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part;

(3) For the period of March through July, inclusive, if the operator of a plant qualified pursuant to paragraph (b)(1)(iii) of this section submits a request to the market administrator in writing that such plant not be a pool plant, such nonpool status will be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements of 35 percent or more as set forth in this section;

(4) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition; and

(5) A governmental agency plant.

3. In § 1076.9 paragraph (c) is revised to read as follows:

§ 1076.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer which is delivered to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative association. If the milk is delivered to the pool plant of another handler, the plant operator may be the handler for such milk if both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

* * * * *

4. Section 1076.13 is revised to read as follows:

§ 1076.13 Producer milk.

"Producer milk" of each handler means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1076.9(c); or

(c) Diverted from a pool plant, for the account of the handler operating such plant or for the account of a handler described in § 1076.9(b), to another plant (other than a producer-handler plant) subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the months of August through February may not exceed 35 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plant during the month;

(3) The total quantity of milk diverted by a proprietary operator of a pool plant during the months of August through February to a nonpool plant may not exceed 35 percent of the milk received at or diverted from such pool plant (excluding any milk under control of a cooperative association that diverted milk during the month pursuant to paragraph (c)(2) of this section);

(4) Any milk diverted in excess of the limits prescribed in paragraph (c)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the milk diverted in excess of the limit is accounted for; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1076.30 [Amended]

5. In the preamble of § 1076.30 the number "7th" is changed to "8th".

6. In § 1076.41 paragraph (b)(2) is revised to read as follows:

§ 1076.41 Shrinkage

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1076.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

7. In § 1076.42 paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 1076.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1076.44(a)(12) and the corresponding step of § 1076.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1076.44(a)(7) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1076.44(a) (11) or (12) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee plant or divertee plant.

* * * * *

(e) *Transfers by a handler described in § 1076.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1076.9(c) to a pool plant shall be classified pursuant to § 1076.44 pro rata with producer milk received at the transferee-handler's plant.

8. In § 1076.43 the preamble and paragraph (a) are revised to read as follows:

§ 1076.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1076.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1076.9(b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1076.40, 1076.41 and 1076.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1076.9 (b) or (c) shall be the classification of producer milk for such handler;

* * * * *

9. In § 1076.44 the preamble, paragraph (a) (13) and (14), and paragraph (c) are revised to read as follows:

§ 1076.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1076.9(a) for each of its separate pool plants the classification of producer milk and milk received from a handler described in § 1076.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1076.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceeds the pounds of skim milk in producer milk and milk received from a handler described in § 1076.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

(c) The quantity of producer milk and milk received from a handler described in § 1076.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

10. In § 1076.52 paragraphs (a) and (b) are revised to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or from a handler described in § 1076.9(c) at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferee-plant after the computations pursuant to § 1076.44(a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1076.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transferor-plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (b)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

* * * * *

11. In § 1076.60 the preamble and paragraph (a) are revised to read as follows:

§ 1076.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator

shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1076.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1076.9(c) in each class as determined pursuant to § 1076.43(a) and § 1076.44(c) by the applicable class prices and add the resulting amounts.

* * * * *

12. In § 1076.71 paragraph (a) is revised to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1076.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1076.75, of such handler's receipts of producer milk and milk received from a handler described in § 1076.9(c) for which a value is computed pursuant to § 1076.60(a); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1076.60(f).

* * * * *

§ 1076.72 [Amended]

13. In § 1076.72 the number "14th" is changed to "16th."

14. Section 1076.73 is revised to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 18th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight, as adjusted pursuant to §§ 1076.74 and 1076.75, plus or minus adjustment for errors made in previous payments to such producer, less the following amounts:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Location adjustment deductions pursuant to § 1076.75;

(iii) Proper deductions authorized by such producer; and

(iv) Deductions for marketing services pursuant to § 1076.86.

(b) Except as provided in paragraph (c) of this section each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1076.9(c) as follows:

(1) On or before the 28th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the uniform price for the preceding month; and

(2) On or before the 15th day after the end of each month not less than the value of such milk at the uniform price, as adjusted by the butterfat differential specified in § 1076.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from a pool plant operated by the cooperative association as follows:

(1) On or before the 28th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the uniform price for the preceding month, adjusted by the butterfat differential pursuant to § 1076.74 for the preceding month; and

(2) On or before the 15th day after the end of the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1076.74, that are applicable at the location of the transferee plant, less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from the producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount of rate per hundredweight and nature of each deduction claimed by the handler, including any deduction claimed pursuant to § 1076.86; and

(6) The net amount of payment to such producer or cooperative association.

15. In § 1076.75 paragraph (a) is revised to read as follows:

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1076.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

* * * * *

16. Section 1076.78 is revised to read as follows:

§ 1076.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1076.71(a), 1076.77(a), 1076.85 or 1076.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid.

17. The centerheading immediately preceding § 1076.85 is revised to read:

"Administrative Assessment and Marketing Service Deduction"

18. A new § 1076.86 is added to read as follows:

§ 1076.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer (other than himself) pursuant to § 1076.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk

received from the producer's farm during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Signed at Washington, D.C., on February 17, 1981.

William T. Manley,

Acting Administrator.

[FR Doc. 81-5765 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9144]

Sherman A. Hope, M.D., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, that five individual Brownfield, Tex. physicians each cease, for the ten-year duration of the order, from taking any concerted action with another person or entity which would improperly restrict, impede, or otherwise interfere with a hospital's physician recruitment program or contractual arrangement with a physician.

DATE: Comments must be received on or before April 21, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., and Harlan L. Willis, M.D. as individuals; agreement containing consent order to cease and desist.

The agreement herein, by and between Dr. Sherman A. Hope, Dr. Morris S. Knox, Dr. Carl R. Smith, Dr. Noah W. Stone and Dr. Harlan L. Willis, hereinafter referred to as respondents, and their attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondents are individuals, whose addresses are as follows:

Dr. Sherman A. Hope, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316

Dr. Morris S. Knox, Knox-Stone-Hurd Clinic, 706 E. Felt Street, Brownfield, Texas 79316

Dr. Carl R. Smith, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316

Dr. Noah W. Stone, Knox-Stone-Hurd Clinic, 706 E. Felt Street, Brownfield, Texas 79316

Dr. Harlan L. Willis, Brownfield Medical Clinic, 901 Tahoka Road, Brownfield, Texas 79316.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission charging them with violation of Section 5 of the Federal Trade Commission Act.

3. Respondents admit all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby. They understand that once the order has been issued, they will be

required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

I

It is ordered that respondents Dr. Sherman A. Hope, Dr. Morris S. Knox, Dr. Carl R. Smith, Dr. Noah W. Stone, and Dr. Harlan L. Willis shall each cease and desist from directly or indirectly, through any agent or otherwise, taking any concerted action with any person or entity with the purpose or effect of restricting, impeding, or in any way interfering with any hospital's recruitment of or contractual arrangement with any physician by any means, including but not limited to any threatened or actual concerted refusal to:

(a) provide emergency room coverage;

(b) perform administrative functions; or

(c) professionally refer patients to, or receive referrals of patients from, any physician.

The above provisions do not prohibit respondents from:

(a) commenting on bona fide quality of care considerations relating to any physician who is recruited or employed by, or associated with, any hospital;

(b) recruiting, employing, or associating with any physician for the private practice of medicine; or

(c) contacting, reporting to, or conferring with the Texas State Board of Medical Examiners, any state or federal drug enforcement agency, and/or any other governmental body concerning a violation of law by any physician.

II

This Order will expire ten years after the date on which it is served on respondents.

III

It is further ordered that each respondent shall within sixty days after service upon them of this Order file with the commission a written report setting forth the manner and form in which the respondent has complied with this Order and that additional reports shall be filed at such other times as the Commission may by written notice to each respondent require. Each compliance report shall include all information and documentation as may be required by the Commission to show compliance with this Order.

Hope, et al., Docket No. 9144, Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Sherman A. Hope, M.D., Morris S. Knox, M.D., Carl R. Smith, M.D., Noah W. Stone, M.D., and Harlan L. Willis, M.D.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will determine whether it should withdraw the agreement or make final the agreement's proposed order.

A complaint issued by the Commission on July 30, 1980, alleges that the respondents named above engaged in a group boycott of a hospital to prevent the hospital from recruiting new physicians, regardless of their medical qualifications. The complaint alleges that respondents entered into a conspiracy to boycott the hospital by refusing to provide emergency room coverage or to fulfill certain administrative obligations to the hospital. The complaint also alleges that the respondents conspired to boycott physicians recruited by the hospital by refusing to work with them, to refer patients to them, or to accept patient referrals from them. The complaint alleges that these activities are unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that the respondents were the only physicians in active medical practice in Brownfield, a small community in west Texas, at the time they allegedly engaged in the boycotts. The Brownfield Regional Medical Center, a county hospital, is the only hospital in Terry County, Texas. The next nearest hospital is approximately 35 miles away. If medical services are not available in Brownfield, residents must go at least 35 miles to receive medical care.

The complaint alleges that the Board of Directors of the hospital decided in February 1979 to begin a recruitment program to bring six more physicians to Terry County. As part of this program, the board recruited and signed an agreement with an obstetrician-gynecologist. There was no obstetrician-gynecologist in practice in Brownfield at that time.

The complaint alleges that the respondents entered into a conspiracy to prevent the recruited physician from coming to Brownfield. In furtherance of the conspiracy, the complaint alleges, the respondents delivered petitions to the hospital board threatening that they would not provide emergency room coverage and would not perform certain administrative tasks which they had previously agreed to perform. Furthermore, the complaint alleges that the respondents threatened to refuse to work with, refer patients to, or receive referrals from the recruited physician, and that one of the respondents wrote to the recruited physician to tell him that he probably would not be accepted into the local medical society if he came to Brownfield. The complaint alleges that, as a result of the respondents' actions, the new physician did not come to Brownfield and the hospital board terminated its recruiting program.

The proposed order would prohibit each respondent from joining together with anyone else to take any action with the purpose or effect of restricting, impeding, or in any way interfering with physician recruitment efforts by any hospital. It would also prohibit each respondent from joining together with anyone else to take any actions having the purpose or effect of restricting, impeding, or interfering with any contractural arrangement between any hospital and any physician. The order does not in any way limit unilateral actions taken by any of the physicians.

The order contains three provisos, which essentially provide that the physicians can take some concerted actions (but not concerted refusals to deal) in certain circumstances. The first proviso, stating that the provisions of the order do not prohibit respondents from "commenting on bona fide quality of care considerations," is included to allow the respondents to comment on the competence, qualifications, or disabilities of a physician where they genuinely have a bearing on the quality of care provided by that physician. The second proviso, allowing physicians to recruit, employ, or associate with any physician for the private practice of medicine, is included so that respondents may seek to recruit new physicians to associate with their practices in Brownfield, even if the hospital is recruiting some or all of the same physicians. The third proviso allows respondents to contact appropriate state, federal, or other governmental agencies concerning a violation of law by any physician. For example, respondents could contact drug enforcement agencies if they knew of a physician who was prescribing narcotics illegally.

The order will expire after ten years. Respondents will be required to file a report with the Commission sixty days after the order is served on them (as well as any other reports the Commission may require) explaining how the respondents have complied with the terms of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-5774 Filed 2-19-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

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

[Docket No. 77N-0076]

New Animal Drugs for Use in Animal Feeds; Definitions and General Considerations; Revised Procedures Re Medicated Feed Applications

Correction

In FR Doc. 80-40845, published at page 2456, on Friday, January 9, 1981, make the following corrections:

(1) On page 2462, in the second column, in the sixth paragraph, in the third line "section 210" should be corrected to read "section 201".

(2) On page 2495, § 558.195(g)(1) in Table 1, in the entry for "Chlortetracycline 200" in the second line under "Indications for use", "*E. acervulina*" should be corrected to read "*E. mivati, E. acervulina.*"

(3) On page 2495, in Table 1, in the last entry, in the third line under "conditions in grams portion", "bacitracin 2 to 50." should be corrected to rad "bacitracin 1 to 50."

(4) Also on page 2495, in the third column, in paragraph (f)(1)(ii) of § 558.205, in the ninth line "day for 3" should be corrected to read "day for 2".

(5) On page 2506, in the third column, in paragraph (b)(1) of § 558.525, in the second line "Feeds:" should be corrected to read "Articles:".

(6) On page 2511, § 558.680(e)(1)(i), in the table, in the entry "Bacitracin 100 to 500", at the bottom of the page in the right-hand column, "As bacotracom zomc;" should be corrected to read "As bacitracin zinc;".

(7) And on page 2512, in the table, in the entry "Chlortetracycline 100 to 200", at the top of the page, in the left-hand column, in the third line, "enteritis); development" should be corrected to read "enteritis); prevention of synovitis; development".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 203, 207 and 220

[Docket No. R-81-906]

Debenture Interest Rate

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule on debenture interest rate with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30 day delayed effective date for the final rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Parts 203, 207 and 220—Debenture Interest Rate

This rule change provides for an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act (the Act), as amended, except for debentures issued under the Act's Section 221(g)(4) provision, committed or endorsed on or after January 1, 1980. The Secretary of the Treasury determines debenture interest rates in accordance with established procedure and the Act. The intended effect of this rule change is to increase debenture interest rates for appropriate mortgages.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C. February 12, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-5922 Filed 2-19-81; 8:45 am]

BILLING CODE 4210-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Discretionary Funds

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Proposed rule.

SUMMARY: The Navajo and Hopi Indian Relocation Commission proposes to establish Subpart N, Discretionary Funds, to 25 CFR Part 700. Proposed Subpart N would provide procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93-531 as amended (25 U.S.C. 640d-25). The proposed rule lists States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals as eligible to apply for financial assistance under this subpart and describes the requirements which applicants must meet to be eligible for financial assistance.

DATE: Comments must be received on or before March 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779-3311, Extension 1376, FTS: 261-1376;

The principal author is William G. Lavell, Field Solicitor, Valley Bank Center, Suite 2080, 201 N. Central Avenue, Phoenix, Arizona 85073.

SUPPLEMENTARY INFORMATION: Pub. L. 93-531 as amended, establishes a discretionary fund for use in alleviating adverse impacts caused by the relocation and resettlement of individuals under the Act. The discretionary fund delineates two categories of programs or projects for which financial assistance is available.

The purpose of both categories is to aid relocatees, however, the two categories address different areas of relocatee needs. Eligible applicants for the first category are States, local governments, the Navajo and Hopi Tribes, tribal chapters, and profit and nonprofit organizations. Eligible applicants for the second category are the same as for the first with the addition of individuals.

For the first category of financial assistance, the Navajo and Hopi Indian Relocation Commission may match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization. The focus of the applications should be the indirect impacts of relocation upon relocatees and should include assisting the host communities, towns, cities, or other entities in accommodating the relocatees. Examples of activities eligible under the first category of financial assistance are: (1) economic development projects providing jobs to relocatees; and (2) community development projects which permit communities, towns, cities or chapters accepting relocatees to build, expand, or improve community facilities. Although others may accrue benefits from projects such as these, projects must be designed so that relocatees are the primary beneficiaries.

For the second category of financial assistance, the Commission may provide grants, cooperative agreements, or contracts of up to 100% (one hundred percent) to States, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals for demonstration projects in housing or for programs which provide related community projects or other related services in the relocation and resettlement of individual relocatees.

The proposed rules place a significant limitation on eligible costs for both categories by prohibiting payment of operating costs, except in the case of a demonstration project or a specific annual contract for services. The intention of this limitation is to focus the objectives of applications on fairly short-term, completable activities. The purpose of financial assistance from the discretionary fund is to provide relocatees with rapidly perceivable benefits whose usefulness is not contingent upon a continual flow of financial assistance. The life of the Commission is limited; therefore, it cannot fund the operating costs of long-term projects.

In both categories, the Commission has the legislative authority to fund a wide range of applicants for a variety of programs or projects. This latitude allows the Commission to deal effectively and sensitively with the diverse kinds of problems which may arise as a result of relocation. However, this latitude could create a situation where the Commission would receive numerous applications which do not address the most pressing needs of the relocatees. To avoid this situation, the Commission intends to publish annually a list of priorities in the **Federal Register**. The list will describe activities receiving the highest priority in obtaining financial assistance. This list will be developed with input from interested groups and will enable the Commission to exercise flexibility in designating eligible projects but at the same time will permit it to utilize its own staff time efficiently and to provide adequate guidance to potential applicants.

The list of priorities will specify both the types of activities which are eligible and any constraints related to their eligibility. The limitations are important for projects which could fit into either category of financial assistance depending on who will benefit from the project.

The list of priorities will also specify whether applications for certain types of programs or projects to be funded under the second category require matching funds from the applicants. If the Commission requires matching funds, the applicant may meet this requirement through in-kind contributions.

Applicants wishing an initial determination on the acceptability of a program or project before preparing an application may submit a letter of inquiry.

As soon as applications are received for either category, the review and approval process will begin. The Commission recognizes the need for rapid implementation of acceptable applications and will develop a thorough yet speedy review and approval process. If an applicant submits a generally sound application which meets the purpose of the first or second category but which contains deficiencies or problems, the Commission may, if requested and resources permit, assist the applicant in making necessary changes to the application.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is proposed to be amended by adding regulations now designated as Subpart N—Discretionary Funds, to read as follows. The present sections in Part 700 remain in effect until a complete revision is published.

PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart N—Discretionary Funds

Sec.

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Subpart N—Discretionary Funds

§ 700.451 Purpose.

The purpose of this subpart is to establish procedures for the submission, review and approval, and administration of applications for financial assistance from the discretionary fund established by Pub. L. 93–531, as amended. The purpose of the discretionary fund is to provide financial assistance to activities which will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals.

§ 700.453 Definitions.

(a) Act means Pub. L. 93–531 (88 Stat. 1712, 25 U.S.C. 640d), as amended.

(b) Applicant means with respect to this subpart, any applicant as defined under § 700.459(c) or § 700.462(b).

(c) Business means any lawful activity, except a nonprofit organization or a farm operation, that is—

(1) Conducted primarily for the purchase, sale, lease and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Conducted primarily for the sale of services to the public.

(d) Commissioners means the three Commissioners of the Navajo and Hopi Indian Relocation Commission.

(e) In-kind contribution means a noncash contribution as described in attachment F of OMB Circular A–102.

(f) Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special

district, council of governments, and other regional or interstate entity, or any agency or instrumentality of a local government.

(g) Nonprofit organization means a corporation, partnership, individual, or other public or private entity that is engaged in a lawful business, professional, or instructional activity on a nonprofit basis and that has established its nonprofit status under applicable Federal, State, or Tribal law.

(h) Related facilities means any building or structure normally found in a community and includes but is not limited to water, sewer and electrical lines, community centers, health centers and clinics, roads, and business establishments.

(i) Services means activities relating to human development including, but limited to, educational and job training, mental health counseling, health care, and technical assistance in business administration, agriculture, and home economics.

(j) Tribe means the Navajo Tribe or the Hopi Tribe.

(k) Tribal subdivision means a Navajo Chapter or a Hopi Village.

§ 700.455 Financial assistance.

(a) The Commission may provide financial assistance to applicants eligible under this subpart from funds available for any fiscal year.

(b) To obtain financial assistance, an applicant shall submit an application in accordance with § 700.468.

(c) The Commission may make funding decisions throughout the year as applications are approved. The Commission shall, to the extent possible, make funds available throughout the year for approved applications. Based upon the merit of applications received under this subpart, the Commission shall determine how funds available under this subpart shall be apportioned among the activities described in § 700.459 and § 700.462.

§ 700.457 Assistance to match or pay 30% of grants, contracts or other expenditures.

(a) The purpose of applications for financial assistance under this section shall be to aid individuals subject to relocation under the Act and to assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of the relocatees. For this purpose, the discretionary fund may be used to match or pay not to exceed 30% (thirty percent) of any grant, contract, or other expenditure of the Federal Government, State or local government, tribal government or chapter, or private organization for the benefit of the Navajo or Hopi Tribe, if the Commission determines that such grant, contract, or expenditure would significantly assist the Commission in carrying out its responsibilities or assist either Tribe in meeting the burdens imposed by this Act.

(b) An "other expenditure" under this subsection is defined as cooperative agreements, direct provision of services, or in-kind contributions. The Commission may match or pay not to exceed 30% (thirty percent) of an other expenditure through a grant, contract, or cooperative agreement.

(c) Eligible applicants under this section for a grant, contract, or cooperative agreement are defined as States, local government, the Navajo and Hopi Tribes, tribal chapters or villages and profit and nonprofit organizations.

(d) Total Federal financial assistance under this section may reach 100% (one hundred percent) if the applicant receives 70% (seventy percent) Federal funding from Federal agencies other than the Commission.

(e) When another Federal agency is a primary source of financial assistance for an applicant, the Commission may, pursuant to an interagency agreement, transfer funds to the primary Federal agency providing financial assistance to the applicant.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a). Financial assistance transferred to accomplish an eligible activity under paragraph (a) may not exceed the funding limitations of paragraph (a).

(g) An applicant may apply for financial assistance under this section in accordance with the funding limitations described in paragraph (a) for the purpose of undertaking a technical feasibility study of a construction project or any major project with a total funding of over $200,000 (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.459 Assistance for demonstration projects and for provision of related facilities and services.

(a) The purpose of applications for financial assistance under this section shall be to directly and solely aid individuals subject to relocation under the Act. For this purpose, the discretionary fund may be used by the Commission to engage or participate either directly through Federal activities, or by cooperative agreement, grant, or contract in demonstration efforts to employ innovative energy or other technologies in providing housing; and in providing related facilities and services in the relocation and resettlement of individuals under this Act.

(b) Applicants eligible under this section to receive grants, cooperative agreements or contracts are; states, local governments, the Navajo and Hopi Tribes, tribal chapters, profit and nonprofit organizations, and individuals.

(c) The Navajo or Hopi Tribe may submit a single application to accomplish several of the activities described in paragraph (a) (1) and (2).

(d) Applicants for assistance under this section may receive up to 100% (one hundred percent) project or program funding from the Commission, however, the Commission may specify in the list of priorities published pursuant to § 700.465 if applications for certain types of programs or projects under this section require matching funding from the applicant.

(e) Activities described in paragraph (a) (1) and (2) may be provided by the Commission through in-house activities which receive financial assistance under this section.

(f) The Commission may, pursuant to an interagency agreement, transfer not to exceed 10% (ten percent) of the funds available under this subpart to another Federal agency directly assisting relocatees if such agency's activities would accomplish the purpose of paragraph (a) (1) and (2).

(g) An applicant may apply for financial assistance under this section for the purpose of undertaking a technical feasibility study of a construction project, or any major project with a total planned funding of over $200,000, (two hundred thousand dollars) or any dollar amount which the Commission may prescribe at some future time.

§ 700.461 Application priorities.

(a) The Commission shall prioritize those types of applications for financial assistance under this subpart which would most effectively achieve the purposes of § 700.459(a) or § 700.462(a). In developing a list of priorities, the Commission shall—

(1) Solicit views from interested groups on which types of applications would most assist persons subject to relocations;

(2) Publish the list annually in the **Federal Register**;

(3) Review and if necessary, revise the list at least annually or as needed following the procedures described in

paragraph (a)(1) of this section and publish the revision in the **Federal Register.**

(b) Examples of possible priorities for applications under § 700.459 include—

(1) Projects which build, expand or improve community facilities to be used by relocatees in communities, towns, cities, or other entities accepting relocatees; and

(2) Projects which will provide job opportunities which are accessible to and intended for relocatees.

(c) Examples of possible priorities for applications under § 700.462 include—

(1) Demonstration houses for relocatees which achieve energy conservation through low cost maintenance and low cost operation, building design, building materials, and solar or other technologies;

(2) Projects which provide electricity directly to and solely for relocatees through solar photovoltaic and wind power systems;

(3) Projects providing other community facilities or services directly to and solely for relocatees; and

(4) The establishment of businesses which are owned solely by relocatees.

§ 700.463 Requirements for applications.

(a) Brief letters of inquiry are encouraged for all applicants except for a State, local government (exclusive of an institution of higher education or a hospital), or the Navajo or Hopi Tribe which submit an application for a grant or cooperative agreement meeting the conditions described in OMB Circular A–102, attachment M, which requires a preapplication for a construction, land acquisition, and land development project or program for which the need for total Federal funding exceeds $100,000 (one hundred thousand dollars). A letter or inquiry shall contain—

(1) The name and address of the applicant;

(2) Budget information;

(3) A brief narrative describing how the program or project will meet the purpose of § 700.459(a) or § 700.462(a).

(b) The Commissioners shall review each letter of inquiry to determine if the preapplication conforms to the purpose of § 700.459(a) or § 700.462(a) and may, in writing, invite each applicant submitting an acceptable preapplication to submit an application.

(c) Application for financial assistance for a project or program may be submitted on an ongoing basis after publication of the final regulations for this subpart. An original and 5 (five) copies of each application must be submitted to the Commission. An application shall contain—

(1) The name and address of the applicant;

(2) Budget information, including where appropriate, the source and amount of other Federal and all non-Federal contributions to the proposed or actual project or programs; and

(3) The following for applications under § 700.459—

(i) A narrative statement which shall include an explanation of how the application would aid relocatees and assist the host communities, towns, cities, or other entities in adjusting to and meeting the needs of relocatees;

(ii) Documentation that the applicant has fulfilled all of the requirements of any Federal agency, State or local government, tribal government or chapter, or private organization from which financial assistance is also requested;

(4) For applications under § 700.462, an explanation of how the application would directly and solely aid relocatees and a thorough description of either the demonstration effort in housing or the related facilities and services which the proposed project or program would provide; and

(5) The requirements described in § 700.471, as applicable.

(d) The format of the preapplication or application may be selected by the applicant except that an applicant covered by OMB circular A–102 or A–110 as described in § 700.489(a) and (b) shall use such forms as the Commission may prescribe in conformity with these circulars.

§ 700.465 Technical feasibility.

Unless required by a non-Commission source of financial assistance, completed plans and specifications are not required in an application for construction, technology, or an other engineering project, however, an application for a construction, technology or an other engineering project shall:

(a) Include sufficient information to determine the nature and scope of the project, its probable useful life, and a reasonable estimate of cost;

(b) Fully show that the applicant will follow design and performance criteria which conform to professionally recognized standards and which adequately define the technical capability of the project to serve current and foreseeable needs; and

(c) Justify any evidence or use of unorthodox design.

§ 700.467 Construction costs.

Construction costs and costs relating to construction such as machinery and equipment, architect/engineer services, and administrative services may be allowable as determined by the Commission.

§ 700.469 Unallowable program and project costs.

Costs for program or project operating expenses are not allowable except in the following cases—

(a) An application for an annual contract for services under § 700.459 or § 700.462 may include necessary operating expenses; and

(b) An application for a demonstration effort under § 700.462 may include costs relating to the operation of the demonstration.

§ 700.471 Review and approval.

(a) Upon receipt of an application for financial assistance under this subpart, members of the Commission staff shall begin a preliminary review of the application with the intent of submitting a recommendation to the Commissioners of whether to accept or deny the application. The Commission staff shall inform the applicant in writing and before its recommendation to the Commissioners, of any special problems or impediments which may result in a recommendation for disapproval; may offer any available technical assistance required to overcome such problems or impediments; and solicit the applicants written response.

(b) The Commission staff may solicit comments on an application from technical specialists, community groups and others, when such advice is needed to fully evaluate the application.

(c) The Commission staff shall forward the application with their recommendation to the Commissioners. The Commissioners shall review each application. Applications may be approved if the Commissioners determine that—

(1) The application meets the requirements of this subpart;

(2) The application meets the intent of the Act;

(3) The application fully demonstrates that it will expedite the relocation and resettlement of individuals under the Act and ease the hardship incurred by these individuals or by the Tribes.

(4) The application is compatible with the list of priorities published in the **Federal Register;** and

(5) The applicant can carry out the activities described in the application and can maintain proper financial controls on the activities for which financial assistance is requested.

(6) Funds are available.

§ 700.473 Administrative expenditures of the Commission.

The Commission may use funds in an amount not to exceed 5 percent of the funds authorized under this subpart for expenses relating to the administration of the discretionary fund including—

(a) Personnel, whose time is expended directly in support of such administration;

(b) Supplies which are expended directly in support of such administration;

(c) Contracts, where the work performed is directly related to such administration;

(d) Printing, directly in support of such administration; and

(e) Travel, directly related to such administration.

§ 700.475 Reports.

Reports shall be furnished by any recipient of financial assistance under this subpart, in such manner as may be required by the Commission.

§ 700.477 Administration of financial assistance and recordkeeping requirements.

(a) A State or local government [except an institution of higher education or a hospital since they are governed by paragraph (b)], or the Navajo or Hopi Tribe receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" including attachment C describing recordkeeping requirements; and

(2) Federal Management Circular 74–4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts With State and Local Governments."

(b) A nonprofit organization, institution of higher education, or hospital receiving a grant or cooperative agreement under this subpart shall comply with applicable law including the following requirements—

(1) Office of Management and Budget Circular A–110, entitled "Grants and Agreements With Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" including attachment C describing recordkeeping requirements; and

(2) Office of Management and Budget Circular A–122, entitled "Cost Principles for Nonprofit Organizations."

(c) A profit organization receiving a grant or cooperative agreement under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Subpart 1–15.2) for determining the reasonableness, allowability, and allocability of costs.

(d) A profit organization, tribal chapter, or individual receiving a grant or cooperative agreement under this subpart shall—

(1) Follow sound and proper procedures for the administration of the financial assistance including any procedures established by the Commission; and

(2) Retain records as required by the Commission.

(e) A State, local government, the Navajo or Hopi Tribe, a tribal chapter or an individual receiving a contract under this subpart shall comply with applicable law including Federal Procurement Regulations (41 CFR Parts 1–1 through 1–30). Recordkeeping requirements for contracts are described in §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.603–20, and 1–7.603–7 of the Federal Procurement Regulations.

(f) A State, local government, profit or nonprofit organization, or an individual residing off of the Navajo or Hopi reservation applying for a grant or cooperative agreement under this subpart shall comply with Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" unless exempted under Part I, section 8.b. of this circular.

(g) Recipients of financial assistance under this subpart shall comply with other procedures which the Commission may from time to time prescribe for the administration of financial assistance provided under this subpart.

§ 700.479 Administrative review.

(a) If the Commissioners intend to deny an application for financial assistance submitted under this subpart, the Commissioners shall give notice to the applicant.

(b) If the Commissioners determine that implementation of an application approved according to § 700.471 fails to meet the requirements of this subpart, the Commissioners shall give notice to the recipient of their intent to terminate or suspend financial assistance to the recipient.

(c) The Commission shall issue such notice in written form sent by registered mail, return receipt requested, including—

(1) A statement of the reasons for the findings referred to in paragraph (a) or (b) of this section, including an explanation whether any amendments or actions would result in compliance with the regulation; and

(2) An explanation of the availability of a hearing for actions to suspend or terminate financial assistance.

(Pub. L. 96–305, 94 Stat. 929, 25 U.S.C. 640–d)

Roger Lewis,

Chairman Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81–5719 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–HB–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 601

[LR–74–80; LR–78–80]

Secretarial Authority To Add Items to the List of Items Eligibile for Certain Energy Credits

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearings on proposed regulations.

SUMMARY: This document provides notice of public hearings on proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit and proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property.

DATES: The public hearings will be held on April 30, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 16, 1981.

ADDRESS: The public hearings will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines for oral comments on the proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit, should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–74–80), Washington, D.C. 20224. The outlines for oral comments on the proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property, should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–78–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subjects of the public hearings are:

1. Proposed regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit under section 44C (c) of the Internal Revenue Code of 1954. These proposed regulations appeared in the **Federal Register** for Wednesday, October 15, 1980 (45 FR 68399).

2. Proposed regulations relating to Secretarial authority to add items to the category of specially defined energy property under section 48 of the Internal Revenue Code of 1954. These proposed regulations appeared in the **Federal Register** for Wednesday, January 7, 1981 (46 FR 1753).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearings. Persons who have submitted written comments within the time prescribed in the respective notices of proposed rulemaking and who desire to present oral comments at the respective hearing on such proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by April 16, 1981. Each speaker will be limited to 10 minutes for an oral presentation on each of the above listed proposed regulations for which timely comments have been submitted, exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

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

By direction of the Acting Commissioner of Internal Revenue:

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-5778 Filed 2-19-81; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A3 FRL 1758-8]

Proposed Revision of the Pennsylvania State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction of Proposed Rule (Hearing Notice).

SUMMARY: This notice clarifies and corrects the language contained in the preamble to EPA's proposed revision to Pennsylvania's State Implementation Plan, appearing at page 9128, in the **Federal Register** of Wednesday, January 28, 1981. Please note the following changes:

1. On page 9129, second column, fourth full paragraph, fifth line, "permit" should be corrected to read "prevent".

2. On page 9130, second column, second full paragraph, sixteenth line, "will hold a public hearing on this" should be corrected to "will hold a public hearing at 9:00 a.m. on February 25, 1981 on this".

FOR FURTHER INFORMATION CONTACT: Ed Shoener, U.S. Environmental Protection Agency, Region III, Air Media and Energy Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone Number 215/597-8174.

Both of these corrections apply to the preamble of the referenced rulemaking notice, and do not affect the regulations that were submitted to EPA.

(42 U.S.C. 7401-7642)

Dated: February 12, 1981.

H. Glenn Hanson,

Chief, Pennsylvania Section, Air Media and Energy Branch.

[FR Doc. 81-5821 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 123

[SW 10-FRL 1757-6]

Oregon Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA), Region 10.

ACTION: Notice of Public Comment Period and Recommencement of Review Periods.

SUMMARY: EPA regulations to protect human health and the environment from improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (40 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. On September 16, 1980, the State of Oregon applied for Phase I Interim Authorization. Today EPA is announcing the availability for public review of additional material submitted by the State in support of their application, and is giving notice that the review period for the Oregon application is being recommenced.

DATE: Written comments on the additional material submitted by Oregon in support of their application must be received by March 23, 1981. Furthermore, if sufficient public interest is demonstrated, EPA will hold a public hearing to receive oral comments on the additional material. Requests for a public hearing should be submitted to EPA by March 12, 1981.

ADDRESSES: Copies of the material under review are available at the following addresses for inspection and copying by the public.

Oregon Department of Environmental Quality, Solid Waste Division, 14th Floor, 522 SW., 5th Street, Portland, Oregon, (503) 229-5913.

Environmental Protection Agency, Region 10, Library, 12th Floor, 1200 Sixth Avenue, Seattle, Washington, (206) 442-1289.

Comments and/or requests for a hearing should be sent to: David Hanline, Program Development Section, M/S 530, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1260.

FOR FURTHER INFORMATION CONTACT: Same as above.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated Phase I of its regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: The initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional

stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for Interim Authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479).

On September 16, 1980, the State of Oregon applied to EPA for Phase I interim authorization of their hazardous waste management program. On October 16, 1980, EPA issued in the **Federal Register** (45 FR 68693) a notice of a public hearing and comment period on the State's application. The public hearing was held in Portland on November 17, 1980, and the comment period remained open until November 24, 1980.

As discussed in the October 16 **Federal Register** Notice, one of the major issues of concern to EPA in reviewing Oregon's application was Oregon's lack of full authority to apply standards substantially equivalent to the interim Status Standards (45 FR 33232, May 19, 1980) to facilities which are not required to obtain licenses in Oregon (i.e., on-site treatment and collection facilities). In the course of discussions with the State on this issue, the State pointed out that additional authorities under the water quality control program offered the State a means to apply the Interim Status Standards to facilities in Oregon which utilize surface impoundments for on-site storage or treatment of hazardous wastes.

Because these authorities were not fully documented in their original application, Oregon requested on January 13, 1981 that EPA extend the review period of the application, and agreed to submit additional material pertaining to their authority to require compliance with the Interim Status Standards by facilities in Oregon utilizing on-site surface impoundments, through the water quality control program. This material was received by EPA on February 5, 1981, and is now available for public review and comment.

Since the State's submission has been materially changed, the formal review period for the interim authorization application is hereby recommenced (40 CFR 123.123(c), 45 FR 33480). As noted above, requests for a hearing will be received until March 12, 1981 and written comments will be received until March 23, 1981. EPA will make a final determination on Oregon's application within 90 days of the date of this Notice.

Dated: February 6, 1981.

Donald Dubois,

Regional Administrator.

[FR Doc. 81-5707 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL MARITIME COMMISSION

46 CFR Part 524

[Docket No. 81-18]

Exemption of Agreements Covering the Collection, Compilation and Exchange of Credit Information

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: This Rule would exempt agreements covering the collection, compilation, and exchange of credit information from the filing and approval requirements of section 15 of the Shipping Act, 1916. Experience has shown that this exemption would not impair the Commission's effective regulation. The exemption will reduce regulatory requirements.

DATE: Comments (original and fifteen copies) due on or before April 21, 1981.

ADDRESS: Address comments and inquiries to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney (202) 523-5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule to exempt certain agreements covering the collection, compilation, and exchange of credit information from the filing and approval requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 841).

This category of agreements covers the collection, compilation and exchange of credit information. It does not include credit rule enabling authority found in conference or ratemaking agreements.

While current Commission policy requires that the subject agreements be subjected to the full section 15 review process prior to their implementation, it is apparent that the resulting delay, and use of staff time that could be used more productively on other matters, is not offset by a corresponding regulatory benefit under the Act.

Section 35 of the Shipping Act, 1916 (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

Based on the information presently before the Commission, this exemption would present no impairment of the Commission's effective regulation of the parties' activities under the subject agreements, nor would it be unjustly discriminatory or detrimental to commerce.

The proposed exemption would not confer antitrust immunity. Section 15 approval consideration will, however, remain available to parties requesting it.

The Commission certifies that this proposed rule will not, if promulgated and adopted, have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, September 19, 1980 (5 U.S.C. 601 et seq.).

Therefore, pursuant to sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a), the Commission proposes to amend 46 CFR Part 524 as follows:

1. A new paragraph (e) would be added to § 524.2, *Definitions*, to read as follows:

§ 524.2 Definitions.

* * * * *

(e) Agreements covering the collection, compilation, and exchange of credit information, but not including credit rule enabling authority found in conference or ratemaking agreements.

2. A sentence would be added to § 524.3, *Exemption of agreements*, to read as follows:

§ 524.3 Exemption of agreements.

* * * Agreements as defined in paragraph 524.2(e) shall be kept by the parties and shall be available for inspection by the Commission during the term of the agreement and two years thereafter.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-5646 Filed 2-19-81; 8:45 am]

BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1206 and 1207

[Docket No. 37465]

Business Entertainment Expenses

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule: Change of comment date.

SUMMARY: The American Trucking Associations, Inc. and the Associations of American Railroads have requested a 30-day extension for filing comments in this proceeding concerning business entertainment expenses. As set forth in our notice of proposed rulemaking published in the **Federal Register** of January 6, 1981 (46 FR 1323), the current comment date is February 20, 1981. The request shall be granted. An extension is warranted to enable the motor and rail industries to develop their positions in order to file comments.

DATE: Comments are due March 23, 1981.

ADDRESS: Send comments with 10 copies, if possible, to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Phone No. (202) 275–7448.

Decided: February 12, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5320 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 643

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Fishery Management Plan for Atlantic Billfishes.

DATES: Written comments on the billfish plan from members of the public may be submitted no later than close of business on March 30, 1981.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

March 9, 1981—New Orleans, Louisiana; Biloxi, Mississippi
March 10, 1981—Lakes Charles, Louisiana; Mobile, Alabama
March 11, 1981—Galveston, Texas; Destin, Florida
March 12, 1981—Corpus Christi, Texas; St. Petersburg, Florida
March 13, 1981—Port Isabel, Texas

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Bobby G. O'Barr, Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

See Supplementary Information for location of public hearings.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) 228–2815.

SUPPLEMENTARY INFORMATION: The hearings will be held at the following locations:

March 9, 1981—Landmark Motor Hotel, 2601 Severn Avenue, Metairie, Louisiana
March 9, 1981—Community Center, 500 East Howard Avenue, Biloxi, Mississippi
March 10, 1981—Downtowner Motor Hotel, 507 North Lakeshore Drive, Lake Charles, Louisiana
March 10, 1981—Municipal Auditorium, Room 3, 401 Auditorium Drive, Mobile, Alabama
March 11, 1981—Jury Assembly Room, County Court House, 722 Moody Avenue, Galveston, Texas
March 11, 1981—Destin County Center, Stahlman Avenue, Destin, Florida
March 12, 1981—Texas A&M Research and Extension Center, Highway 44, Corpus Christi, Texas
March 12, 1981—Bayfront Center, Posno Room, 400 First Street, South, St. Petersburg, Florida
March 13, 1981—Port Isabel Community Center, Corner, Yturria and Maxan, Port Isabel, Texas.

These are fact-finding hearings to obtain public input on a proposal to implement a fishery management plan for billfish in the geographical area of the Gulf of Mexico Fishery Management Council under the authority of the Magnuson Fishery Conservation and Management Act.

The draft plan for billfish, when approved, will serve to manage the billfish fishery for optimum yield (OY) and therefore, contains proposed regulatory measures applicable to domestic and foreign fishing. The management area is the U.S. fishery conservation zone (FCZ) of the Gulf of Mexico, Atlantic and Caribbean. Proposed regulations discussed at the hearings will be those which apply to the Gulf of Mexico.

Species: Billfish are defined in this plan as sailfish *(Istiophorus platypterus)*, white marlin *(Tetrapturus albidus)*, blue marlin (*makaira nigricans)* and longbill spearfish *(Tetrapturus pfluegeri)*.

Specific Management Objectives

A. Promote conservation of the stocks throughout their range.

B. To optimize the social and economic benefits to the nation from the billfish fishery by continuing the traditional use of billfishes in the FCZ.

The fishery on the continental United States has been and currently is almost entirely a recreational fishery. In the Caribbean, the fishery is both a recreational and commercial fishery where billfishes are primarily used as a source of food.

C. Maintain a high availability of billfishes to U.S. recreational fishermen.

D. Increase understanding of the condition of the stocks and the fishery.

Maximum Sustainable Yield

The estimated maximum sustainable yield of the four species in the management unit for their entire range, including areas outside the FCZ are:

White marlin—3,000 metric tons
Blue marlin—2,000 metric tons
Sailfish/spearfish—2,100 metric tons

Proposed Management

Implementation of the Fishery Plan for Atlantic Billfishes will provide for restrictions on longline fishermen, both domestic and foreign, and on U.S. recreational fishermen, in order to maintain a high availability of billfish. This will maximize social and economic benefits to the nation by maintaining the billfish fishery as primarily recreational and by maximizing recreational opportunities in the fishery.

Optimum yield is defined as 5,665 blue marlin, 13,929 white marlin, and 59,545 sailfish and spearfish. OY includes fish caught and released as well as those retained. Ninety-eight percent of OY is allocated to U.S. fishermen and two percent to foreign longliners.

Directed fisheries for billfish will be limited to the use of rod and reel gear of the sort customarily used in the recreational fishery.

Management measures for foreign longline fishermen include no retention of billfish, limitation on fishing effort, closed areas, statistical reporting requirements, 100 percent observer coverage, and use of electronic locating devices.

Management measures affecting domestic longliners seeking swordfish or tuna include a retention limit of one billfish per boat per trip, and possible future restrictions on their fishing operations if their billfish incidental catch exceeds 10 percent of OY.

Management measures for U.S. recreational fishermen include mandatory statistical reporting, bag limits in the South Atlantic region, possible future bag limits in the Gulf if catches begin to exceed OY, and no further retention of billfish in the South Atlantic region during any year when the catch exceeds OY.

Dated: February 17, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5809 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 34
Friday, February 20, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee Agency Decisional Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, March 6, 1981 in the offices of Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue, NW, Suite 300, Washington, D.C.

The Committee is meeting to discuss Professor Michael Asimow's report on separation of functions in agency proceedings and to formulate a schedule for the development and consideration of a draft recommendation on this topic.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this offcie at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

FOR FURTHER INFORMATION CONTACT: Charles R. Pouncy (202–254–7065). Minutes of the meeting will be available on request.

SUPPLEMENTARY INFORMATION: At the Plenary Session held on December 11–12, 1980, the Assembly of the Administrative Conference voted to table a proposed recommendation, entitled Separation of Functions and Staff Communications with Decisionmakers in Agency Proceedings. The Assembly's action contemplated further consideration of this topic and on January 28, 1981, the Chairman of the Administrative Conference assigned responsibility for this project to the Committee on Agency Decisional Processes.

Dated: February 11, 1981.

Richard K. Berg,

Executive Secretary.

[FR Doc. 81–5834 Filed 2–19–81; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

Green Mountain National Forest Land and Resource Management Plan, State of Vermont; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Green Mountain National Forest in Vermont.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction affecting the natural and human resources within the proclamation boundaries of the Green Mountain National Forest.

The planning process begins with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria must be developed, and data collected and analyzed in order to best address the identified issues and concerns. An assessment of the capability of the land to produce goods and services and an estimation of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

A range of alternative plans will be considered and described in the environmental impact statement. This range will be broad enough to respond to the major issues, concerns, and opportunities. One alternative will be the continuation of current management practices and policies. These alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent, to the extent practical, a cost efficient combination of management practices which will best meet the objectives of that alternative.

Public participation is a vital part of the Forest planning and environmental analysis processes. Federal, State and local agencies, organizations and individuals who may be interested in or affected by the decision will be invited to participate early and throughout the process. Public participation activities will include meetings, periodic written reports, media releases, and other techniques to inform and involve interested citizens. These activities are essential to a complete and accurate identification of the full range of issues important to the Green Mountain National Forest. Each major public participation activity will be announced through the news media and mailings to interested parties.

The draft environmental impact statement is scheduled for release in June 1982 with a 90 day review and comment period. The final environmental impact statement is scheduled for filing in December 1982.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan. Stephen C. Harper, Forest Supervisor of the Green Mountain National Forest, is the responsible official in charge of preparation and implementation of the plan.

Questions about the proposed action and environmental impact statement should be directed to Richard T. Ackerman, Lands and Planning Staff Officer on the Green Mountain National Forest at 802–775–2579. Written comments on this proposed action are encouraged and should be directed to: Forest Supervisor, Green Mountain National Forest, Rutland, Vermont 05701.

James H. Freeman,

Director, Planning, Programming and Budgeting.

February 9, 1981.

[FR Doc. 81–5784 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Monongahela National Forest Land and Resource Management Plan, State of West Virginia; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Monongahela National Forest in West Virginia.

The plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. It will propose management direction for the natural and human resources within the proclamation boundaries of the Monongahela National Forest.

The planning process will begin with identification of public issues, management concerns, and resource use and development opportunities. Planning criteria will be developed, and data will be collected and analyzed to determine how the identified issues and concerns can be resolved. An assessment of the capability of the land to produce resource outputs and a determination of the public's future demands for these outputs will be made. Methods for resolving the identified public issues will be developed from this information and will be used to formulate alternatives.

Alternatives will display a range of resource outputs at several expenditure levels. Each alternative will represent a cost-effective combination of management practices which can best meet the objectives of the alternative. In addition, each identified major public issue will be addressed; each alternative will specify methods to maintain or enhance renewable resources, and a no-change alternative will be included.

A preferred alternative will be selected by ranking the alternatives according to their physical, biological, social, and economic effects. It will include the best combination of resource uses on the Forest and will also provide for a continuous monitoring and evaluation process.

A draft environmental impact statement will be released around January 1983. The final land and resource management plan and environmental impact statement will be released approximately 8 months later.

Public participation will be an intergral part of the planning process. Response forms, meetings, and other public involvement tools will be used to identify issues early in the planning process. Each public involvement activity will be announced through the news media and mailings to interested agencies, organizations, and individuals.

Steve Yurich, Regional Forester of the Eastern Region, is responsible for approval of the Forest Plan, and Ralph F. Mumme, Forest Supervisor of the Monongahela National Forest is the responsible official in charge of preparation and implementation of the plan.

Further information about the planning process can be obtained by calling Gilbert Churchill, Planning Staff Officer on the Monongahela National Forest at 304–636–1800, extension 261. Written comments on this Notice of Intent should be directed to: Forest Supervisor, Monongahela National Forest, Post Office Box 1548, Elkins, West Virginia 26241.

James H. Freeman,

Director, Planning, Programming and Budgeting.

[FR Doc. 81–5785 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet March 20, 1981 at 10:00 a.m. in Room 2002 at the Federal Building in Fresno, California.

Purpose of the meeting includes:

A. Identify Board's purposes, functions, responsibilities, and limitations.

B. Identify rules of operation of the newly-formed Board.

C. Elect Board chairman, vice-chairman, and secretary.

D. Scenario of the grazing situation on the Sierra National Forest.

E. Plan Board activities for 1981.

F. Identify date and purpose of next meeting.

The meeting is open to the public. Matters identified by the public will be considered by the Board at close of the above agenda to the extent that time is available before 5:00 p.m.

Dated: February 12, 1981.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

[FR Doc. 81–5830 Filed 2–19–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Central Electric Power Cooperative; Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) intends to adopt the Final Environmental Impact Statement (FEIS) prepared by the Corps of Engineers, in order to fulfill REA's requirements under the National Environmental Policy Act of 1969, in connection with providing financial assistance to Central Electric Power Cooperative (Central Electric), P.O. Box 269, Jefferson City, Missouri 65101, for the construction of a 161 kV transmission line. The proposed project is a 161 kV, three-phase, five-wire overhead transmission line across the Osage River adjacent to the Hurricane Deck Bridge and across the Niangua River adjacent to Highway 5 Bridge on the Lake of the Ozarks, Missouri.

On July 26, 1979, a Draft Environmental Impact Statement was issued by the Kansas City District Corps of Engineers on this proposed project. On March 21, 1980, the FEIS was issued. The FEIS addressed the comments and concerns raised on the Draft Environmental Impact Statement by Federal agencies, including REA, state and local agencies, organizations and interested individuals. The FEIS states:

> The U.S. Corps of Engineers has acted as lead agency in the preparation of this Environmental Statement. REA has participated in the preparation of this Environmental Statement by providing review and comment throughout the National Environmental Policy Act (NEPA) process. REA intends to use this Statement to fulfill its requirements under the NEPA. In this case, REA's anticipated potential actions are those of guaranteeing or insuring loan funds for Central Electric to construct the subject transmission line crossing.

REA has reviewed the FEIS and comments to it and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the NEPA, REA is adopting this statement as a Final EIS. Based on (1) REA's participation in the NEPA process as a cooperating agency (2) the recent circulation of the FEIS by the Corps of Engineers, and (3) REA's conclusion after an independent review of the Final EIS that our comments and suggestions have been satisfied, REA is adopting the FEIS without recirculation.

The Corps of Engineers' FEIS may be examined during regular business hours at REA in the offices of Mr. Frank W. Bennett, Room 5168, in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C. 20250, or at Central Electric's Headquarters, Jefferson City, Missouri.

Final REA action with respect to this matter will only be taken after REA has reached satisfactory conclusions with respect to the proposed action's environmental effects and after requirements set forth in the NEPA have been met.

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

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5528 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Continental Telephone Co. of Kansas, Inc; Gardner, Kans.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $20,440,000 to Continental Telephone Company of Kansas, Inc. of Gardner, Kansas. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Eugene J. Fix, President, Continental Telephone Company of Kansas, Inc., P.O. Box 307, Wentzville, Missouri 63385.

To assure consideration, proposals must be submitted on or before March 23, 1981, to Mr. Fix. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Kansas, Inc. and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. This program is listed in the Catalog of Federal Domestic Assistance as 10.851-Rural Telephone Loans and Loan Guarantees.

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

Joseph S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5720 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Puerto Rico Electric Power Authority, Loan Guarantee; Intent To Hold Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA) will hold public scoping meetings in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with a possible loan guarantee commitment to the Puerto Rico Electric Power Authority (PREPA), P.O. Box 4267, San Juan, Puerto Rico, 00936, to provide partial financing for the construction of certain generation and related transmission facilities.

PREPA has been and is exploring all viable alternatives and their environmental impacts for meeting the increasing power requirements of its consumers. Such studies are being conducted in consultation with and using input from Federal and local agencies and officials. PREPA is tentatively proposing the construction of 3-300MW coal/oil-fired units and auxiliary facilities at one of four new site locations on the Island of Puerto Rico. The sites that PREPA has indentified as possible sites are near Aguada, Rincon, Punta Borinquen and Puerto Arroyo. PREPA has tentatively identified the Aguada site as a preferred site and the Punta Borinquen site as an alternate.

REA, if lead agency, will consider the need for additional generating capacity and the environmental effects of both structural and nonstructural alternatives. Public scoping meetings will be held in order to receive public input and comments concerning the need for the project, finalist alternatives, and sites proposed by PREPA, other potential alternatives, significant issues that should be addressed in the Federal Environmental Impact Statement and other matters concerning the proposal.

A representative of REA will act as a chairperson of the public scoping meetings and other involved agencies have been invited to send representatives. The schedule for these meetings is:

March 23, 1981, 7:00 p.m. in the auditorium of the College of Engineers and Surveyors of P.R. located in Urbanizacion Roosevelt at the intersection of Antolin Nin and Ricardo Skerret, Hato Rey, PR 00926.

March 24, 1981, 7:00 p.m. in the Rotary Club Barrio Asomante at the intersection of Aguada and Aguadilla Roads, Aguada, PR 00925.

REA encourages the public to attend these meetings and provide their input. Any person, group, or government entity which desires to make its comments, questions and/or recommendations in writing may do so either at the meeting or by submitting them to: Mr. Joe S. Zoller, Assistant Administrator Electric Rural Electriification Administration USDA, Washington, D.C. 20250.

A record will be made of each meeting. These records will be held open until April 24, 1981, to receive additional written comments. If REA is lead agency, comments made at these meetings will be addressed in the Draft Environmental Impact Statement. If another agency assumes the role of a lead agency, the records of the meetings will be made available to the lead agency.

Any questions prior to the meetings, concerning the nature of the project or the meetings, should be directed to PREPA at the address given above, or by calling Mr. Vincent F. Kaminski at 202-447-3855. Copies of the Site Selection Study and Alternative Evaluation, prepared for this projected by the PREPA, can be reviewed in Room 3331, South Building, USDA, Rural Electrification Administration, 14th and Independence Avenue, SW., Washington, D.C. 20250 and the following locations in Puerto Rico:

The Library of the College of Engineers and Surveyors of Puerto Rico located in the Urbanizacion Roosevelt at the intersection of Antolin Nin and Ricardo Skerret, Hato Rey, PR 00926.

The San Alberto Building of the Puerto Rico Electric Power Authority, Room 517, Condado Avenue, No. 605, Santurce, PR 00907.

The Municipal Library at Aguada, Aguada, PR 00925.

Any financing assistance to PREPA which may be made pursuant to a potential loan application will be subject to, and the release of funds thereunder will be contingent upon, REA reaching satisfactory conclusions with respect to environmental effects. Final action will be taken only after compliance with the environmental impact statement procedures required by the National environmental Policy Act of 1969. This Federal Assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of February 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-5879 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Sun River Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and based upon this EA REA made a Finding of No Significant Impact (FONSI) which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed construction of 32.0 km (20 miles) of 69 kV transmission line and associated substation facilities by Sun River Electric Cooperative, Inc. (Sun River), of Fairfield, Montana. A proposed insured loan by REA will assist Sun River in the construction of these facilities.

The 69 kV transmission line will be built between the proposed Highwood Substation to be located in Cascade County, Montana and Montana Power Company's existing Rainbow Switchyard in Chouteau County, Montana. Related substation facilities include the construction of a new distribution substation at Highwood and expansion of the Rainbow Switchyard. Sun River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and flood plains, and other potential impacts of the project are adequately considered in the Sun River and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Sun River's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21: 320-21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by Sun River and REA. The alternatives include no action, use of existing facilities and alternative corridors. The most viable alternative to deliver power to existing and future loads of Sun River is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and Sun River's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, Sun River Electric Cooperative, Inc., P.O. Box 217 Fairfield, Montana 59436.

This program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification loan and loan guarantees.

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

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-5529 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Connellsville Redevelopment Authority Critical Area Treatment, RC&D Measure, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Connellsville Redevelopment Authority Critical Area Treatment RC&D Measure, Fayette County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize heavy use areas in parks. Practices include waterways, subsurface drains, grading, a catch basin, and seeding with mulch.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. the FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until March 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-5783 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-16-M

George Stevens Academy Critical Area Treatment, RC&D Measure, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth E. Growe, Acting State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the George Stevens Academy Critical Area Treatment, RC&D Measure, Hancock County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Kenneth E. Growe, Acting State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for surface and subsurface water control and disposal on a steep embankment, fire access road, and parking lot in the town of Blue Hill, Maine. The planned works of improvement include installation of three paved diversion ditches, two closed conduit systems, and subsurface drainage to collect, convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Kenneth E. Growe. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be intiated until March 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-5782 Filed 2-19-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Steel Trigger Price Mechanism; Preclearance Requests

AGENCY: International Trade Administration, Commerce.

ACTION: Preclearance requests.

SUMMARY: This notice is to advise the public which companies have applied for preclearance, under the preclearance procedures, in addition to those published on November 24, 1980 (45 FR 77501) and on December 31, 1980 (45 FR 86523) in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

F. Lynn Holec, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

The Department of Commerce uses trigger prices to monitor imports of steel mill products into the U.S. Sales below trigger price indicate possible sales of the subject merchandise at less than fair value within the meaning of Title VII, Tariff Act of 1930, as amended. In those instances where imports appear to be priced at less than fair value, the Secretary of Commerce may exercise his authority to self-initiate antidumping investigations.

The Department of Commerce recognizes that there may be certain manufacturers/exporters that can produce and/or export steel to the U.S. at prices below the TPM which are not at less than fair value. Where this is the case, the foreign producer/exporter can avoid the risk of a TPM initiated antidumping investigation by requesting preclearance and cooperating with the Department's preclearance review of the producer's/exporter's production costs and pricing practices.

A number of preclearance requests have already been filed and were published on November 24, 1980 (45 FR 77501) and on December 31, 1980 (45 FR 86523) in the **Federal Register.** A list of those companies which have subsequently requested preclearance follows in Table I. A request may cover any of the categories in the TPM Price Manual published by the U.S. Department of Commerce for the fourth quarter of 1980.

Any additional preclearance requests or comments on these requests should be filed with the U.S. Department of Commerce, International Trade Administration, Import Administration, Office of Compliance, Room 1001, Washington, D.C. 20230

Algoma Steel Corp., Ltd.:
- Structurals
- Plates
- Rail and track accessories
- Carbon bars
- Alloy bars
- Cold finished bars
- Pipe and tubing

Stelco:
- Wire rods
- Plates
- Rail and track accessories
- Carbon bars
- Alloy bars
- Cold finished bars
- Pipe and tubing
- Wire
- Wire nails
- Barbed wire
- Black plate
- Tin plate
- Sheets
- Hot rolled strip

Sidbec-Dosco:
- Wire rods
- Structural
- Carbon bars
- Welded pipe and tubing
- Wire

Atlas Steels:
- Alloy bars
- Cold finished bars

Dominion Steel Export Co., Ltd.:
- Structural tubing

Courtice Steel, Ltd.:
- Bars
- Structurals

Welded Tube of Canada, Ltd.:
- Welded pipe and tubing

Condel:
- Welded pipe and tubing

Standard Tube Canada, Ltd.
- Welded pipe and tubing

Namasco Ltd.
- Plates
- Sheets

N. V. Bekaert
- Wire

Pusan Steel Pipe Industrial Co., Ltd.
- Welded pipe and tubing

Dated: February 13, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-5686 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Center for Fire Research; Research Grant Program

In accordance with section 4.02 of the "Department of Commerce Grants Administration" Department Administrative Order 203-26, dated January 13, 1981, notice is hereby given of the Research Grant Program of the Center for Fire Research.

The Center for Fire Research (CFR), National Engineering Laboratory, National Bureau of Standards, supports a grant program in fire research. Funding is approximately $2 million per year. The CFR program is based on Pub. L. 93-498, Section 18 (88 Stat. 1545; 15 U.S.C. 278f), which authorizes a wide range of fire research directly or through contracts or grants. The effort supported by grants is considered an integral part of the CFR program.

The current and planned future program as detailed in the Center's long range plan includes 10 task areas. A large fraction of the grants support task areas 5, 6, and 8.

1. Fire Suppression Systems
2. Toxic Hazard Assessment
3. Ignition Source Control
4. Test Method Development
5. Mechanisms of Fire Phenomena
6. Analytical Fire Growth Studies
7. Decision Analysis/Hazard Analysis
8. Design Concepts

9. Arson Detection and Prevention
10. Materials and Systems Testing

Task area 1 includes automatic detection and suppression (usually sprinkler) technology. Task 2 involves measuring the toxicity of the fire gases from various materials, and evaluating the hazard from these toxic gases in various scenarios. Task 3 is concerned with fires started electrically or by wood-burning equipment. Task 4 entails the development of a variety of practical test methods to obtain the fire properties of materials or assemblies. Task area 5 includes research on flame radiation, soot formation, fire plume phenomena, flame spread over solid surfaces, smoldering combustion, and pyrolysis of polymeric materials. Task area 6 combines mathematical algorithms of the various phenomena into calculation methods to predict fire growth, movement of smoke and toxic gases, plume growth, etc. Area 7 calculates the cost-effectiveness of alternate strategies to reduce a given kind of fire loss. Area 8 combines knowledge of fire growth, smoke movement, construction criteria, and psychological factors into design concepts to achieve adequate fire safety efficiently. Task 9 includes CFR's portion of the overall U.S. Federal role in arson reduction—largely, projects related to laboratory measurements. Task 10 is related to testing equipment that may involve unique fire hazard.

Grants are awarded based on unsolicited proposals after favorable technical peer review and CFR decision of priority for the CFR program. For each grant the CFR appoints a "Scientific Officer", who does related research within CFR, to maintain technical contact with the grantee.

This grant program is not listed in the *Catalog of Federal Domestic Assistance* (OMB Circular A–89), and is not within the coverage of OMB Circular A–95.

Those interested in proposing work in this program are invited to secure copies of the Center for Fire Research Long Range Plan and the CFR Proposal Preparation Guide.

Please write Dr. Robert S. Levine, Chief, Fire Research Resources Division, Center for Fire Research, National Bureau of Standards, Washington, D.C. 20234, or telephone (301) 921–3845.

Dated: February 17, 1981.

Ernest Ambler,

Director.

[FR Doc. 81–5779 Filed 2–19–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notice 01–81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, on or before March 23, 1981, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

Important Date: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before March 23, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202 634–4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the **Federal Register** of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iii)). Each **Federal Register** notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, within thirty (30) days following publication of this notice in the **Federal Register**, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides than any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted not later than 30 days after publication of this notice in the **Federal Register.**

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the **Federal Register.** Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the Claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the **Federal Register,** forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the **Federal Register.** Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claims have been received:

BILLING CODE 3510–22–M

CLAIM #	NATURE OF LOSS AND LOCATION	AMOUNT
FCF-33-79	On 2-8-79 claimant lost 3 hours fishing time while trawling for shrimp at the following coordinates between: 119°21'N & 119°25'N 34°04'W	$ - 0 - - Gear Loss $ 360.00 - Economic Loss $ - 0 - - Consequential Loss $ 360.00 - Total
FCF-84-79	On 12-15-78 claimant lost one 80 ft. net and lazy line and 12 hours fishing time while trawling for shrimp at the following coordinates: 28°58.3'N 92°45.9'W	$ 1,690.00 - Gear Loss $ 1,800.00 - Economic Loss $ - 0 - - Consequential Loss $ 3,490.00 - Total
FCF-99-79	On 8-22-79 claimant lost 1-80 ft. net, lazy line, tickler chains, bag ties, and 12 hours fishing time while trawling for shrimp at the following coordinates: 29°46.9'N 93°14.1'W	$ 2,440.00 - Gear Loss $ 1,800.00 - Economic Loss $ - 0 - - Consequential Loss $ 4,240.00 - Total
FCF-100-79	On 12-18-78 claimant lost 1-80 ft. net, damaged trawl doors and 4 days fishing time while trawling for shrimp at the following coordinates: 29°28.4'N 92°54.9'W	$ 2,790.00 - Gear Loss $ 4,500.00 - Economic Loss $ - 0 - - Consequential Loss $ 7,290.00 - Total
FCF-102-79	On 2-26-79 claimant lost 1-80 ft. net, trynet, damaged an outrigger and 12 hours fishing time while trawling for shrimp at the following coordinates: 23°45.3'N 90°38.2'W	$ 2,265.00 - Gear Loss $ 2,400.00 - Economic Loss $ - 0 - - Consequential Loss $ 4,665.00 - Total
FCF-103-79	On 7-1-79 claimant lost 1-80 ft. net, lazy line, tickler chain, hydrolic cable and 12 hours fishing time while trawling for shrimp at the following coordinates: 29°04.5'N 93°05.5'W	$ 2,140.00 - Gear Loss $ 3,000.00 - Economic Loss $ - 0 - - Consequential Loss $ 5,140.00 - Total
FCF-105-79	On 7-31-79 claimant lost 2-80 ft. net, bag ties, lazy lines, hang lines, tickler chains, damaged a trawl door and 36 hours fishing time while trawling for shrimp at the following coordinates: 29°50.5'N 93°53.5'W	$ 4,505.00 - Gear Loss $ 3,600.00 - Economic Loss $ - 0 - - Consequential Loss $ 8,105.00 - Total
FCF-107-79	On 8-9-79 claimant lost 1-80 ft. net, lazy line, bag ties; damaged a net and door and lost 12 hours fishing time while trawling for shrimp at the following coordinates: 29°00.4'N 93°55.2'W	$ 2,790.00 - Gear Loss $ 900.00 - Economic Loss $ - 0 - - Consequential Loss $ 3,690.00 - Total

CLAIM #	NATURE OF LOSS AND LOCATION	AMOUNT
FCF-09-80	On 1-12-80 claimant lost a pair of 10'x44" doors, 2-65 ft. nets, cable and damaged the vessel's power take-off, damper and hub; and 11 days fishing time while trawling for shrimp at the following coordinates: 28°54.6'N 91°30.7'W	$ 5,716.77 - Gear Loss $ 3,520.82 - Economic Loss $ 326.43 - Consequential $ 9,564.02 - Total
FCF-25-80	On 4-4-80 claimant lost 2-42 ft. nets, a pair 9'x40" doors, 9'x40" sled, cable, bridles, stabilizer, splices, thimbles, shackles, door pins, and chain while trawling for shrimp at the following coordinates: 27°55.7'N 96°39.4'W	$ 3,368.34 - Gear Loss $ - 0 - - Economic Loss $ - 0 - - Consequential Loss $ 3,368.34 - Total
FCF-28-80	On 9-10-79 claimant lost a pair of 9'x40" trawl doors, four 35 ft. nets, bridles, sled, tickler chains, shackles, lazy line, bag ties, and 4 days fishing time while trawling for shrimp at the following coordinates: 28°20.9'N 90°50.9'W	$ 3,237.66 - Gear Loss $ - 0 - - Economic Loss $ - 0 - - Consequential Loss $ 3,237.66 - Total
FCF-31-80	On 3-30-80 claimant lost two complete rigs, damaged the boat's cabin and broke an outrigger; and lost 14 days fishing time while trawling for shrimp at the following coordinates: 28°17.8'N 91°12.1'W	$ 5,474.55 - Gear Loss $10,790.00 - Economic Loss $ - 0 - - Consequential Loss $16,264.55 - Total
FCF-40-80	On 8-1-80 claimant lost a 49 ft. net, bag, lazy line, tickler chains and 4 hours fishing time while trawling for shrimp at the following coordinates: 29°08.9'N 90°31.1'W	$ 1,243.93 - Gear Loss $ 168.40 - Economic Loss $ - 0 - - Consequential Loss $ 1,412.33 - Total
FCF-41-80	On 8-4-80 claimant lost a pair of 10'x44" pine doors, 7'x46' sleds, cable, bridles, shackles, four 45 ft. nets with chain and mud rollers, and 3 days fishing time while trawling for shrimp at the following coordinates: 31°19.5'N 97°27.1'W	$ 8,625.00 - Gear Loss $ 1,616.00 - Economic Loss $ - 0 - - Consequential Loss $10,241.00 - Total

BILLING CODE 3510-22-C

Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before March 23, 1981 (telephone (202) 634–4688).

Dated: February 9, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–5801 Filed 2–19–81; 8:45 am]

BILLING CODE 3510–22–M

Office of Secretary

[Department Organization Order 35–2B; Transmittal 540]

Bureau of the Census; Obligation and Funtions

Effective date: January 23, 1981.

Subject: This order effective January 23, 1981 supersedes the material appearing at 45 FR 58641 of September 4, 1980.

Section 1. Purpose

.01 This Order prescribes the organization and assignment of functions within the Bureau of the Census (the "Bureau").

.02 The purpose of this revision is to abloish the 1980 Census Promotional Office, and change the functional statements of the Computer Operations Division and the Systems Support Division (Section 8.).

Section 2. Organization Structure

The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director

.01 The *Director* determines policies and directs the programs of the 3ureau, taking into account applicable legislative requirements and the needs of users of statistical information. The Director is responsible for the conduct of the activities of the Bureau and for coordinating its statistical programs and activities with those of other Federal statistical agencies with due recognition of the programs developed and regulations issued by the Office of Federal Statistical Policy and Standards of the Department of Commerce and by the Office of Management and Budget.

.02 The *Deputy Director* assists the Director in the direction of the Bureau and performs the functions of the Director in the latter's absence.

.03 *Staff Elements.*

a. The *Data User Services Division* shall plan, coordinate, and administer a comprehensive data dissemination and user services program to help users identify, acquire, understand, and use Bureau products and services; conduct seminars, workshops, and conferences; prepare user aids and reference materials; promote Bureau products and services; prepare statistical compendia such as the *Statistical Abstract of the United States* and its supplements; design and develop special tabulations and distributable computer programs; serve as the focal point for the coordination of requests for data tapes, published and unpublished data, and maps; research users' needs for statistical products; coordinate the Bureau's regional user services program; and carry out cooperative data dissemination and user services programs with State and local governments and other organizations.

b. The *Program and Policy Development Office* shall assist in the overall planning, review, and evaluation of Bureau programs. The Office shall, in consultation with the Director, develop overall program plans for the Bureau; review and evaluate program accomplishments in relation to plans; and serve as the focal point for determining and assessing goals and long-range policy and resource planning for the Bureau as a whole. It shall advise on all congressional matters related to the Bureau's activities and serve as the primary point of coordiantion for maintaining liasion on such activities with the Congress in collaboration with the Departmental Office of Congressional Affairs.

c. The *Public Information Office* shall, under the policy guidance of the Director of the Bureau and in liasion with the Departmental Office of Public Affairs (as provided by DOO 15–3), develop public information programs and coordinate and review for clearance the release and distribution of information disseminated by the Bureau.

Section 4. Office of the Associate Director for Administration

The *Associate Director for Administration* shall provide administrative management services to all components of the Bureau; advise the Director in these fields; and shall have and direct the following units:

a. The *Administrotive Services Division* shall provide administrative services to include property, space and facilities management, procurement control, library, communications, records disposition, files, mail, and forms management, and related adminisrative operations.

b. The *Budget Division* shall perform budget functions, which shall include preparation of official budget estimates and justifications and allocation and control of all funds.

c. The *Finance Division* shall perform financial analyses, maintain financial accounts, coordinate payroll and leave audits, and prepare financial reports.

d. The *Organization and Management Systems Division* shall conduct studies and perform related activities concerned with improving organization structure and management practices; design and develop administrative and management systems; provide technical support for work measurement programs; perform directives and reports management functions; carry out the staff responsibility for the Bureau committee management function; prepare special analytical reports on management matters; develop and implement an information system; provide ongoing information systems maintenance and upgrading; provide computer programming services for the processing of administrative and management data; and support management in planning and controlling its programs and projects.

e. The *Personnel Division* shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations, and related personnel operations. The Division shall also provide assurance of equal opportunity in all employment matters in the Bureau.

f. The *Publications Services Division* shall provide publication, printing, and graphic art services, including publications design and distribution planning and control.

g. The *Equal Employment Opportunity Officer*, designated under the provisions of subparagraph 3.02b. of Department Organization Order 10–5 "Assistant Secretary for Administration," shall report and be responsible to the Associate Director; shall provide guidance and assistance to Bureau officials in Equal Employment Opportunity matters, shall perform the duties and activities prescribed by subparagraph 2.01e.3. of Department Administrative Order 202–713 "Equal Employment Opportunity"; and shall participate in the planning and direction of the Equal Employment Opportunity program.

Section 5. Office of the Associate Director for Demographic Fields

.01 The *Associatee Director for Demographic Fields* shall plan and direct the social and demographic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Demographic Surveys Division* shall plan and develop specifications, survey design, and methodology for, and provide technical direction over, the development of statistical data collection in current and special surveys; plan and develop system and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

b. The *Housing Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics, and conduct research for and prepare analytical reports, monographs, and special studies.

c. The *Center for Demographic Studies* shall plan and develop analyses of and publish social and socioeconomic data; prepare articles, position papers, and detailed analytic reports related to current policy issues; develop measures of social well-being and publish social indicator reports; develop and publish a quarterly journal on social; socioeconomic, and demographic trends; conduct research on possible data gaps and develop recomendations to fill these needs; and conduct research on new analytic techniques.

d. The *Population Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; conduct special studies and publish analytical reports and monographs.

e. The *Statistical Methods Division* shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.02 The *Assistant Director for Demographic Censuses* shall assist the Associate Director for Demographic Fields; and shall direct and provide planning and coordination for the demographic censuses; and direct the following units:

a. The *Decennial Census Division* shall provide overall direction for program planning of the Decennial Census; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing specifications, instructions and controls, and computer programming; and organize and conduct pretest research programs.

b. The *Mid-decade Census Staff* shall provide for research on population and housing data needs of the Federal, State and local governments and other public and private agencies; develop and review methodological alternatives; and develop overall plans required for an effective and efficient mid-decade census including the impact the mid-decade census shall have on demographic data collection activities otherwise planned for the 1980's, and how the demographic census data needs for the decade should be distributed between the decennial and mid-decade censuses.

Section 6. Office of the Associate Director for Economic Fields

.01 The *Associate Director for Economic Fields* shall plan and direct the economic statistical programs and advise the Director in these fields; and shall have and direct the following units:

a. The *Business Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

b. The *Construction Statistics Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

c. The *Foreign Trade Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmedical processing for current Division programs; conduct research on programs of international comparability of trade statistics; and prepare reports, monographs, and special studies.

d. The *Governments Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare analytical reports, monographs, and special studies.

e. The *Industry Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mining, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

f. The *Center for Economic Studies* shall plan, develop, and publish analyses of the Bureau's economic surveys directed at improving the usefulness and validity of the data; develop and prepare studies of trends and relationships in the Bureau's economic reports and in series from other sources; prepare special analytical and interpretive reports and monographs of a specialized nature, dealing with the data being published to enable the Bureau to disseminate information that more extensively uses the large body of economic microdata at its disposal.

.02 The *Assitant Director for Economic and Agriculture Censuses*

shall assist the Associate Director for Economic Fields; and shall direct and provide planning and coordination for the following units:

a. The *Agriculture Division* shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities, and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

The *Economic Census Staff* shall provide overall direction for program planning of the economic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology including processing procedures, instructions and controls and computer programming; and organize and conduct pretest research programs.

c. The *Economic Surveys Division* shall plan and develop specifications, survey design, and methodolgy for, and provide technical direction over, the processing of statistical data collection in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs; conduct research into the application and use of administrative records, including development of a current industrial directory; plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment; and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry.

Section 7. Office of the Associate Director for Statistical Standards and Methodolgy

The *Associate Director for Statistical Standards and Methodolgy* shall plan and direct programs relating to the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques; carry out long-range studies on the basic problems of measurement of social and economic phenomena; provide research and consulting facilities oriented specifically toward psychological and behavorial science factors; and advise the Director in these fields and shall have and direct the following unit:

a. The *Center for Social Science Research* shall provide the Bureau with research and consulting facility oriented specifically to social science factors which affect respondent cooperation, the quality of data obtained, and the efficiency of Bureau data collection activities.

b. The *Statistical Research Division* shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; carry out long-range studies on the basic problems of measurement of social and economic phenomena; provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other organizations on all aspects of mathematical, statistical, and research problems.

Section 8. Office of the Associate Director for Information Technology

.01 The *Associate Director for Information Technology* shall plan and direct programs for communicating and processing information, and advise the Director in these matters. The Associate Director shall have and direct the following units:

a. The *Technical Services Division* shall plan and perform engineering services, including research, development and maintenance, to provide and support electromechanical and electronic equipment required for automated document handling and data capture; and provide for a developmental program for devising solutions to data communcations problems.

b. The *Systems Development Division* shall plan for and develop general purpose applications of new technology to the solution of Bureau problems; research new programming languages and techniques; and conduct research and development concerned with requirements for new technology and future systems designs for the various programs of the Bureau.

.02 The *Assistant Director for Computer Services* shall assist the Associate Director for Information Technology; shall direct and provide planning and coordination for the computer services area; and shall have and direct the following units:

a. The *Computer Operations Division* shall operate and manage the electronic computers and related ancillary equipment of the Bureau; plan for and provide the activities required to maintain this equipment at required hardware performance levels; and perform associated coordination for data keying, scheduling of processing, staging, tape library, and on-line data file services.

b. The *Systems Support Division* shall plan for and provide activities required to maintain and modify operational support software at performance levels necessary to meet mission objectives; develop and maintain ADP and related standards; direct and provide services such as user ADP training, software documentation, program optimization, and consultation on applications design to meet informational needs of the user community; and be the focal point for receiving and resolving trouble reports to facilitate the effective use of the Bureau's ADP resources.

Section 9. Office of the Associate Director for Field Operations

The *Associate Director for Field Operations* shall direct programs of field data collection and precomputer processing operations, and advise the Director in these fields; and shall have and direct the following units:

a. The *Data Preparation Division* located in Jeffersonville, Indiana, shall carry out precomputer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; exercise such authority in personnel and other management areas as is specifically delegated; and administer through its Pittsburg, Kansas branch, a personal census service to furnish information about individuals as reflected by census records, as provided by law.

b. The *Decennial Processing Staff* shall plan, organize, coordinate, and direct the decentralized processing of the 1980 Decennial Census of Population and Housing; plan, develop, implement, and coordinate, with the Decennial Census Division, manual and precomputer processing procedures, schedules and control systems; and coordinate with administrative divisions in the development and implementation of procedures/systems to meet administrative requirements.

c. The *Field Division* shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the regional offices and temporary district and other branch or area offices; and provide for the effective deployment of field personnel

to assure the efficient conduct of data collection at the local level.

d. The *Geography Division* shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods; develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

Section 10. Office of the Assistant Director for International Programs

The Assistant Director for International Programs shall plan and direct the international statistical program activities of the Bureau; advise the Deputy Director in these activities; and shall have and direct the following units:

a. The *International Demographic Data Center* shall develop and maintain a comprehensive demographic (and socioeconomic) data base for all countries of the world; provide users with demographic data which have been evaluated and adjusted for inaccuracies and inconsistencies; prepare estimates and projections of population and selected socioeconomic characteristics for countries and regions and the world; and prepare Country Demographic Profiles detailing fertility, mortality, and population changes.

b. The *International Statistical Programs Center* shall train foreign technicians in censuses, surveys, and other statistical methods, especially relating to large-scale data collection; provide onsite statistical assistance of a varied nature to developing countries; provide, at the request of the Agency for International Development and of countries participating in the AID program, short and long-term consultation services; and maintain a capability for developing variety of computing programs and software to assist in processing census and survey data, editing packages, and specialized packages for applying standard, demographic, and statistical techniques.

c. The *Foreign Demographic Analysis Division* shall conduct specialized studies of population, labor force, and statistical reporting systems of foreign countries, involving the collection, compilation, and evaluation of relevant data; prepare estimates and projections and special analytical and interpretative reports and monographs.

Section 11. The Regional Offices

.01 The principal field structure of the Bureau shall consist of 12 regional offices, each headed by a Regional Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Field Operations. The location and geographic area covered by each regional office shall be as shown in Exhibit 2 of this Order.

.02 Each regional office shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

.03 As may be required for specific census or special survey, temporary district or other subordinate offices shall be established under the regional offices.

.04 The Seattle Regional Office shall have an area office in San Francisco, California, which shall carry out assigned field data collection programs.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5793 Filed 2-19-81; 8:45 am]
BILLING CODE 3510-17-M

[Department Organization Order 30-7B; Transmittal 539]

National Technical Information Service; Organization and Functions

Effective Date: January 8, 1981.

Subject: This order effective January 8, 1981 supersedes the materials appearing 42 FR 44831 of National Technical Information Service September 8, 1977, 42 FR 60946 of November 30, 1977, 43 FR 6131 of February 13, 1978, and 44 FR 47974 of August 16, 1979

Section 1. Purpose

.01 This Order prescribes the organization and assignment of functions within the National Technical Information Service (NTIS).

.02 This revision effects a comprehensive reorganization aligning the organization structure with programmatic responsibilities and providing a more equitable distribution of personnel and functions. This revision establishes four major line components in addition to the Office of Financial and Administrative Management, which was previously established. The new components are the Office of the Associate Director for Science Information Exchange, Office of Data Base Services, Office of Bibliographic and Document Services, and the Office of Product and Market Development. Also established are three staff offices reporting to the Director in addition to the previously established Office of Government Inventions and Patents. The new staff offices are the Office of Policy and Planning, the Office of Computer and Communications Services, and the Office of Customer Services.

Section 2. Organization Structure

The organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director

.01 The *Director*, as head of NTIS, directs and is responsible for all activities of the organization.

.02 The *Deputy Director* assists the Director in managing NTIS and performs the functions of the Director during the latter's absence.

Section 4. Staff Offices Reporting to the Director

.01 The *Office of Customer Services* is the principal NTIS liaison with all major user communities. The Office evaluates NTIS' relationships with major user groups; identifies potential customer services problems and recommends solutions; and conducts studies to analyze and evaluate the quality of customer service, providing recommendations for changes to processing systems. The Office also develops and presents educational programs on NTIS products and services; conducts plant tours, provides NTIS employees dealing with the public with information needed to respond to public inquiries on NTIS products and services; and manages other functions under the general heading of specialized ordering, including telephone orders.

.02 The *Office of Government Inventions and Patents* develops and operates programs to promote wider private sector use of government inventions; assists in the development and formulation, to the extent appropriate, of a uniform governmentwide patent policy; and administers a program for the foreign filing and licensing of government inventions under Executive Order 9865, as amended.

.03 The *Office of Policy and Planning* develops long-range strategic and implementational program plans including general strategies, guidelines and formats, analyzing external trends, opportunities, and user needs to

recommend priorities in program development; advises the Director on policy matters and coordinates on policy issues affecting more than one NTIS office; maintains an inventory on the status of major policy issues, and advises the Director of those requiring decision; and provides analyses and recommendations in all areas relating to NTIS' information systems.

a. The *Planning and Evaluation Division* designs and implements integrated long-range program planning systems and develops criteria for the systematic and objective evaluation of ongoing programs; monitors programs to evaluate their contribution to reaching NTIS' stated goals and objectives; and identifies major program problems and makes recommendations to the Director for resolution.

b. The *Management Support Services Division* conducts surveys of NTIS organizational units or functions; and develops and implements new or revised policies, requirements, standards, and procedures on NTIS-wide organization concerns.

.04 The *Office of Computer and Communications Services* provides computer and information processing services and otherwise conducts all functions relating to planning and operating the NTIS automated data processing and communications systems used to process the bibliographic data file, edit programs for bibliographic publications, inventory management programs, financial management system programs, sales order processing programs, computer readable products, and marketing and market projection programs. The Office participates in studies and analyses of all NTIS automated systems; develops and implements detailed systems and associated computer programs to support those processes selected for automated data processing; and provides technical support for on-line word processing systems to support the NTIS mission.

Section 5. Office of the Associate Director for Financial and Administrative Management

The Office shall be headed by an Associate Director who services as Chief Administrative Officer of NTIS, responsible for the conduct of all functions relating to financial and administrative management, and for the development and implementation of financial and administrative policy recommendations. The functions of the Office shall be carried out through its prinicipal organizational components as prescribed below:

.01 The *Management Systems Staff* develops policy and standards applicable to the coordination and integration of financial and administrative systems including those operating in an automated environment; reviews financial and administrative systems designs and implementation plans; and provides liaison with the Department and other agenices on administrative systems matters.

.02 The *Office of Financial Management* provides technical direction, coordinates, evaluates, and executes financial management policies; formulates and executes an integrated budget, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; and develops and implements accounting procedures and systems.

a. The *Accounting Division* ensures appropriate accountability of funds which in part requires NTIS to conform to the principles, standards, and related requirements prescribed by the Comptroller General of the United States and the Department (see 31 U.S.C. 65 *et seq.*); provides control over and accountability for all funds, property, and other assets for which NTIS is responsible; provides accounting results to serve as a basis for preparing and supporting budget requests; and assists in the development of financial arrangements for NTIS' interagency agreements.

b. The *Budget Division* develops procedures and schedules for timely preparation and review of all NTIS budgets, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; provides appropriate assistance to line managers in preparing budget estimates including, where appropriate, cost benefit analyses, trend data, unit cost information, and other analytical tools to promote the development of meaningful budgets; reviews and consolidates budgets, ensuring the availability of funds to cover planned expenditures and preparing presentations for formal approval by the NTIS Director; documents budget justifications for presentation to the Departmental Office of Budget and Program Evaluation; develops program presentations to the Office of Management and Budget (OMB) and the Appropriations Subcommittees; assists in the development of financial arrangements for NTIS' interagency agreements; and maintains and monitors NTIS staffing to ensure the end-of year ceiling is not exceeded.

c. The *Reports and Analysis Division* measures and reports performance against approved financial operating plans and standards, and reports and interprets the results of operations to all levels of management; performs studies of product costs, analyses of profitability by product line, studies of volume and price changes and the effect of reductions in costs, analyses of profitability by different product managers, and analyses in support of forecasts to aid in management decision making; develops alternative pricing mechanisms to aid management in realizing full cost recovery in the sale of products and services; controls the execution of the budget; provides financial and quantitative data for internal management and control; and assists in the development of financial arrangements for NTIS' interagency agreements.

.03 The *Office of Administrative Management* directs the management of NTIS-wide facilities and management improvement projects, including studies for work measurement, workflow analysis, and operations research; directs the personnel management function, including labor relations, training, and liaison with the Departmental Office of Personnel; issues directives on administrative and paperwork management; and plans and administers an NTIS-wide program of general services.

a. The *Agreements Staff* serves as the internal focal point for the administrative clearance of all NTIS agreements, ensuring compliance with applicable rules and regulations, NTIS and Department policies and procedures.

b. The *Facilities Management Division* provides for all components of NTIS the following administrative services: property and supply management; records and files management; space management; transportation and traffic management; telecommunications, mail, messenger, and related office services; occupational health and safety; and security.

c. The *Contracting Services Division* establishes and maintains liaison with Department officials on all NTIS contracting and procurement matters; serves as the internal focal point for administrative clearance of all NTIS agreements, ensuring compliance with applicable rules and regulations; assists NTIS managers and employees on matters concerning arrangements for travel, ensuring full compliance with applicable travel regulations; and controls the design and maintenance of all NTIS forms.

d. The *Management Analysis Division* develops and recommends, or receives requests for management studies/analyses of administrative proceses, procedures and programs; plans and conducts approved studies, analyses, surveys or reviews of tasks, task relationships, workflow, work measurement and/or functional relationships of existing and proposed administrative programs; develops new or revised policies, requirements, standards, and procedures on administrative matters within the Office of Administrative Management, among selected organizational units, or throughout NTIS.

Section 6. Office of the Associate Director for Product and Market Development

The Office shall be headed by an Associate Director who shall be responsible for the conduct of all functions relating to product development, marketing, technical support to other government agencies, managing the NTIS on-site sales activities, and recommending policy in all areas relative to the design, development, business management, and domestic and international marketing of NTIS products and services.

The functions of the Office shall be carrried out through its principal organizational components as prescribed below:

.01 The *Graphics Design Staff* conceives, initiates, and designs graphics and illustrative material for all publications, services, and sales promotion; maintains a central photographic and illustrations file; and serves as a liaison with the Department's graphic arts group.

.02 The *Office of International Affairs* administers bilateral agreements and otherwise directs, coordinates, and evaluates NTIS' relationships with international and U.S. orgainzations which carry out international activities; leads in the identification and acquisition of foreign technological information; and manages the Foreign Dealer Program.

.03 The *Office of Market Development* conducts all functions relating to marketing, including market research, market development, promotion, and exhibits; advises the Office of Product Development with respect to the design, format, and presentation of all NTIS products and services and in planning new products; recommends, develops and implements methods and procedures for identifying, locating, and refining potential markets for NTIS products and services; and designs and uses professional promotional vehicles for stimulating NTIS sales in such markets.

a. The *Market Research Staff* analyzes market survey information and provides product and marketing recommendations, in coordination with the Office of Product Development, towards meeting NTIS objectives and goals for various products and services.

b. The *Promotion Division* recommends, develops, and implements methods and procedures for identifying potential channels for promotional vehicles; and conceives, initiates, and designs material for publications.

c. The *Sales Division* processes telephone orders for NTIS products and services; identifies titles for telephone orders, and provides telephone price and availability quotations; administers the Rush Handling Service and on-site Sales Office activities; processes multiple copy orders for classes and seminars; processes Congressional orders; and also executes orders for special NTIS products which involve other than normal processing.

.04 The *Office of Product Development* coordinates the production and delivery of ongoing products and services, develops and brings to the market new and improved information products and services, and responds to the needs of NTIS source clients and major customers by monitoring their acceptance of, and sensitivity to, NTIS products and services.

.05 The *Office of Government Agency Support* provides technical support to other government agencies to assist them in developing their scientific and technical information programs operated by the agencies or by NTIS under agreements with other agencies. The Office is responsible for the regular acquisition of scientific and technical, economic, and engineering information from domestic sources; and for planning and arranging special services for NTIS clients.

Section 7. Office of the Associate Director for Data Base Services

The Office shall be headed by an Associate Director who shall be responsible for the conduct of all functions relating to computer products. The responsibilities shall include developing comprehensive programs for identifying and acquiring for NTIS machine-readable data files created for the government; identifying and acquiring for NTIS on-line computer retrieval systems operating by/for the government; and creating customized packages of scientific and technical information and providing public access to these products; coordinating and ensuring the development of cataloging and indexing standards which can be used on a government-wide basis for the preparation of bibliographic records describing machine-readable data files and software programs; and operating and administering the Federal Software Exchange Center, with special emphasis on ensuring the widest possible use of government-generated machine-readable products and services.

The functions of the Office shall be carried out through its principal organizational components as prescribed below:

.01 The *Data Files Division* identifies, catalogs, indexes, and performs subject analyses of machine-readable data files created by/for the government; and coordinates and provides technical assistance on a government-wide basis in the development of cataloging and indexing standards for machine-readable data files.

.02 The *Software Division* identifies, catalogs, indexes, and performs subject analyses of software created by/for the government; provides coordination and technical assistance on a government-wide basis in the development of standards for cataloging and indexing software; and operates the Federal Software Exchange Center, with special emphasis on machine-readable products and services.

.03 The *Custom Services Division* creates customized packaging of machine-readable products from software and data files; provides access to these products, when appropriate; and identifies on-line computer retrieval systems operated by/for the government.

Section 8. Office of the Associate Director for Science Information Exchange

The Office shall be headed by an Associate Director who shall be responsible for managing activities involved in providing a national resource of ongoing research information. The responsibilities shall include contacting agencies for the purpose of negotiating for input or clarifying information about input received and reviewing potential input sources; and recommending policy in all areas relative to the design, development, business management, and marketing of information on research in process.

Section 9. Office of the Associate Director for Bibliographic and Document Services

The Office shall be headed by an Associate Director who shall be responsible for managing the cataloging, indexing, abstracting, filming, copying, order processing, warehousing, archiving, and distribution of publications. The Office also plans and administers the Productivity Clearinghouse.

The functions of the Office shall be carried out through its principal organizational components as prescribed below:

.01 The *Productivity Clearinghouse Staff* maintains a centralized data bank of information concerning productivity and the quality of working life; designs and implements an outreach program to inform appropriate groups and individuals of services available from NTIS' Productivity Clearinghouse; identifies federal government experts in different functional areas of productivity and quality of working life; and responds, as appropriate, to requests for productivity information from the public and private sectors. The Office also provides support services to the National Productivity Council.

.02 The *Bibliographic Services Division* collects, catalogs, indexes, abstracts, and performs subject analyses of all material processed into the NTIS bibliographic collection; provides on-line information retrieval services for the NTIS Bibliographic Data File; and develops NTIS Published Searches in accordance with objectives set by the Office of Product and Market Development.

.03 The *Publications Division* performs editorial, composition, make-up, and other publishing functions associated with all NTIS-produced announcement media and periodicals of source clients; creates machine-readable bibliographic data entries; requests and controls printing and filming of copies of NTIS information products; keeps abreast of print capabilities of the Department and GPO contractors for making economical changes in printing schedules. The Division also establishes reproduction formats, including technical specifications, methods, and location, in accordance with objectives of the Office of Product and Market Development.

.04 The *Document Services Division* receives, controls, stores and ships documents and other information products announced for sale; and receives and processes routine customers' requests for products and services.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5792 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

Suspension of Delegation of Authority to Deputy Secretary

Department Organization Order 10-8, Amendment 3, dated March 21, 1978, delegated to the Deputy Secretary of Commerce the authority of the Secretary of Commerce pertaining to the review of actions by the Maritime Subsidy Board. In view of the vacancy in the Office of the Deputy Secretary of Commerce, the Secretary has suspended that delegation effective December 15, 1980. The suspension will remain in effect until such time as a new Deputy Secretary of Commerce is sworn in. In the interim all authorities delegated to the Deputy Secretary under the above Department Organization Order will be exercised by the Secretary of Commerce.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5794 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

Delegation of Authority To Act as Secretary of Commerce

Until a Deputy Secretary of Commerce and/or other Secretarial Officers take office, as specified in Secretary's Circular 16, dated October 2, 1980, Dr. Ernest Ambler, Director, National Bureau of Standards, shall act as Secretary of Commerce during the Secretary's absence. This delegation is effective as of February 5, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-5795 Filed 2-19-81; 8:45 am]

BILLING CODE 3510-17-M

COMMODITY FUTURES TRADING COMMISSION

Resolution of the Chicago Board of Trade Proposing Additional Trading Months in the United States Treasury Bond Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of contract market proposal.

SUMMARY: The Chicago Board of Trade ("CBT") has submitted a proposal to add four additional delivery months for trading in the long-term United States Treasury bond futures contract. The additional four months would be August 1981, November 1981, February 1982 and May 1982. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CBT Treasury Bond Months.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581; Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The text of the CBT's proposal is as follows: In accordance with the provisions of Regulation 1805.01, trading is authorized in August 1981, November 1981, February 1982 and May 1982 Treasury Bond.[1]

* * * * *

Issued in Washington, D.C., on February 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-5770 Filed 2-19-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Rocky Mountain Arsenal, Colo.; Filing of Draft Second Supplement to Final Environmental Impact Statement, Transportation of Chemical Material, Operation RMT (October 1977)

A Final Environmental Impact Statement (FEIS) for the transportation

[1] CBT regulation 1805.01, governing months traded in the long-term Treasury bond futures contract, provides as follows: Trading in long-term U.S. Treasury bonds may be scheduled for trading in such months as determined by the Financial Instruments Committee or the Board, subject to the requirement that all such determinations and other actions implementing such determinations be submitted to the Commodity Futures Trading Commission in accordance with the provisions of Section 5a(12) of the Commodity Exchange Act and all Commission regulations adopted thereunder.

of WETEYE chemical bombs from Rocky Mountain Arsenal, Colorado to Tooele Army Depot, Utah was filed in November 1977.

A First Supplement to the FEIS was filed in October 1978 to present the results of the 1978 Special Surveillance Inspection of the munitions.

Section 809 of the Military Construction Authorization Act of 1981, Public Law 96–418, requires the Secretary of Defense, notwithstanding any other provision of law, to remove all chemical munitions from Rocky Mountain Arsenal, CO by 10 October 1981. In compliance with Section 809(b) of that Act, the Under Secretary of Defense (Research and Engineering) proposed to the Congress that the munitions be moved to Tooele Army Depot for future storage.

Although Section 809 of the Military Construction Act, 1981, exempts the removal of the WETEYE bombs from Rocky Mountain Arsenal from the requirements of other laws, the Department of Defense and Army, as a matter of policy, are continuing to use the procedures of Section 102 of the National Environmental Policy Act, 42 U.S.C. section 4332 (1976) as a guide in planning the movement. Accordingly, a Second Supplement to the Final Environment Impact Statement is being filed as a draft. This Supplement presents the results of the 1979 WETEYE Reassessment inspection, changes in insection criteria, and other clarifications to the FEIS.

Copies of this Second Supplement [1] have been delivered to the Environmental Protection Agency and are being forwarded to concerned Federal, State and local agencies, as well as congressional delegations and Chairmen of the Congressional Armed Services Committees. Interested organizations or individuals may obtain copies from Commander, U.S. Army Armament Materiel Readiness Command, Building 390, ATTN: DRSAR–ASN (Mr. N. H. Baker), Rock Island, IL 61201 (Phone (309) 793–5916). In the Washington area, inspection copies may be seen in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (Phone (202) 694–1163).

[1] A copy of the Supplement and of the Report of the WETEYE Reassessment Inspection Task Group is filed with the original document.

Dated: February 13, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA(IL&FM).

[FR Doc. 81-5716 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: 9–10 March 1981
Place: U.S. Army Tank Automotive Command, Warren, Michigan
Time: 0830–1700 hours, 9–10 March 1981 (Closed)

Proposed Agenda

ASB Ad Hoc Sub-Group participants will receive classified briefings and hold discussions on "Design of Army Tests." Specifically, items to be presented will provide information to address these Terms of Reference:

1. How can plans make provision for testing inherent technology insertion capabilities? Can external or sub-system simulation assist in evaluating such technological flexibility? Can form, fit, and function be facilitated in test design?

2. How can plans better identify key data or factual results useful in the review of progress of the equipment under test? Can testing assist in evaluating program management?

3. What test design management processes are needed to explicitly identify critical collectable data to better measure system performance against Decision Coordinating Paper (DCP) missions and quantified criteria? How can test results be fed back to correlate DCP statements with realistically achievable system performance?

4. Are critical issues and criteria for test design provided on a timely basis? Are such issues and criteria examined and approved during milestone reviews such that noncritical testing may be deferred to the next acquisition phase?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-5687 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers; Department of the Army

Deferred Channel Maintenance, Buffalo Bayou, Texas

The Corps of Engineers is experiencing severe funding shortages in the Fiscal Year 1981. This funding shortfall has required a reduction in the level of maintenance which can be performed. During the period from February 1981 through September 1981, the Channel in Buffalo Bayou from the Huston Turning Basin to the head of the project will have reduced channel depths.

Information regarding actual channel conditions will be provided as appropriate in local notices to navigation interests and hydrographic bulletins. Current information on specific channel conditions may be obtained from the Area Engineer, Fort Point Area Office, at (713) 763–1211 Ext. 691. This notice will be revised from time to time as funding or other conditions warrant.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-5635 Filed 2-19-81; 8:45 am]

BILLING CODE 3710-GK-M

Office of the Secretary of Defense

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 7, 1981; Tuesday, April 14, 1981; Tuesday, April 21, 1981; and Tuesday, April 18, 1981 at 10:00 a.m. in Room 3D–325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in

section 552b, of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552d. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

M. S. Healy,

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

February 17, 1981.

[FR Doc. 81-5734 Filed 2-19-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Data Acquisition Activities Involving Educational Agencies and Institutions and Request 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 Pub. 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 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 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 procdures 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 the Proposed Activity: An Impact Evaluation Study of Programs and Projects Funded under Pub. L. 92-318, Indian Education Act—Part A.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education/Office of Program Evaluation.

(c) Agency Form Number: ED 761.

(d) Justification: On September 30, 1980, a contract was awarded to Development Associates of Arlington, Virginia, to evaluate the impact of the programs and projects funded under Pub. L. 92-318, Indian Education Act—Part A. This contract was awarded based upon the requests by both Interior subcommittees during their 1980 appropriations hearings that they receive information on the impact of the Part A program. The evaluation results are also needed for the 1983 legislative reauthorization of the Indian Education Act.

A previous study of the Part A programs completed in 1978 provided descriptive information and not impact data. If data collection is to be implemented in time for reauthorization hearings, it must commence by September 1981. During the first months of the design phase of the impact evaluation, a survey plan and data collection instruments have been developed. These are described in the sections which follow.

(e) Description of the Survey Plan: The survey design calls for a stratified random sample from a universe of 1,094 local educational agencies which sponsor programs funded through Pub. L. 92-318, Indian Education Act—Part A. These public school district programs provide for the special educational and culturally related academic needs of approximately 328,000 American Indian and Alaskan Native children in 41 states.

Using a stratified random sampling plan with proportional allocation across strata, 120 Part A projects will be selected. The stratification variables to be used are geographic location, project size (dollars and number of students), type of school district setting (urban, suburban, rural, reservation), and types of activities provided for students.

Additionally, there will be two mail surveys of 35 LEAs each. The first will be of LEAs excluded from the main survey universe because of small size or irregular funding patterns, the second will be of LEAs eligible for but not receiving Part A funds. Data from these surveys will be combined with a portion of the main survey results to address Congressional interests regarding total LEA resources for supplemental programs serving Indian student needs. Mail survey data will be collected during Spring 1982.

The data collection activity for the 120 site visits will take place twice, once in September 1981 and once during May 1982. Structured interviews will be conducted with an SEA representative, LEA representatives, project staff, public school staff, members of the Parent Advisory Committee, parents, Indian community representatives, and Tribal leaders at each of the 120 sites selected. A document review guide will be completed onsite by the site visit team.

Eleven respondent universes are involved in the data collection activity. Each is a category of personnel or individuals associated with the SEA, LEA, Part A project, Indian community, or students served by the project. These universes are:

Coordinator of Indian Education within State Educational Agencies
Local Educational Agency Superintendents
Federal Programs Coordinator
School Principals
Teachers
Part A Project Directors
Part A Project Staff
Students served by the Project
Parent Advisory Committee Members
Parents of children served by the project
Indian/Native Community representatives and Indian/Native Tribal Leaders

Statisticians who have reviewed and approved the design:

Dr. Milton R. Goldsamt
Mr. Earl A. Houseman

(f) Tabulation and publication plans: The information and data from this study will be published in the form of a final report and executive summary to be delivered upon completion of the project, in March 1983. This report will contain a detailed description of the study and all the results obtained. It will also contain an overview with a general description of the study and a discussion of the major findings.

(g) Time schedule for data collection and publication:

Event	
Data Collection	September 1981 and May 1982.

(h) Consultations outside the agency: During the developmental and design phase and planned for the duration of this evaluation, there have been extensive consultations with LEAs, Part A project staff, the Office of Indian Education, Indian Experts across the country, Indian organizations, and parents and students. This has been accomplished, in part, by establishing and meeting with a Technical Advisory Panel made up of nine members, six of whom are Indians with recognized expertise in various areas of evaluation, testing and measurement, two of whom are Indians representing the National Advisory Council on Indian Education, and one who is a non-Indian nationally recognized expert in the area of educational statistics, design, analysis, testing and measurement. Various individuals with expertise in education evaluation design, testing, measurement analysis, and field data collection have also been consulted during the development of the survey plan and instrumentation. Additionally, during December 1980, the evaluation staff visited nine Part A projects geographically distributed across the country and interviewed individuals involved in these projects. This exploratory study was geared toward providing the evaluation staff with a first-hand look at projects of different sizes, in different regions and locations, and composed of different kinds of activities. Based upon the results of the exploratory study, the consultations with Indian consultants, and the meeting of the Technical Advisory Panel, the evaluation staff has been able to complete the major elements of the evaluation design, including the questionnaires, interview forms, and forms review guides.

Additional consultations, as well as meetings of the Technical Advisory Panel, are scheduled throughout the duration of the project.

(i) Estimation of respondent reporting burden:

	Number	Estimate of average person-hours
SEA's (Structured Interviews)	30	.75
LEA's (Main Survey)	70	1.0
Superintendents (Structured Interviews)	120	.3
Federal Programs Coordination (Structured Interviews)	120	.5
Principals (Structured Interviews)	480	.3
Teachers (Structured Interviews)	1,800	.25
Project Directors (Structured Interviews)	120	3.0
Project Staff (Structured Interviews)	360	.6
Parent Committees Members (Interviews)	480	.5
Parents (Structured Interviews)	5,400	.75
Indian Community or Tribal Leaders (Structured Interviews)	360	.5
Students Served by Part A Project (Self-Administered Questionnaire)	16,000	2.0

(j) Sensitive questions: No sensitive questions.

(k) Estimated cost to the Government: The total cost of the 2.5 year contract to the federal government is $1,443,418.00. The estimated cost of forms design, sampling, editing, data management, analyses, and publication of results is $746,966.00.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary users of the information collected will be the Department of Education and the Congress. The evaluation design and data collected in this study will have multiple uses:

Program Management and Policy Makers

Certain elements of the evaluation design and findings will be useful at the local project level as well as at the Department of Education level. Data will be available to determine the effectiveness and the impact of current projects funded under Part A of the Indian Education Act. Policy makers will be able to determine if a revision of regulations is needed and/or if new legislation is required. Program managers within the OIE will be provided with information on any needs for technical assistance. This is a particularly important consideration since the newly established Indian

Education Technical Assistance and Evaluation Centers will be able to use this type of information, as it is their responsibility to provide technical assistance services to the Part A projects.

Evaluation

The intent of this contract is to develop an appropriate evaluation approach that is sensitive to the unique and diverse nature of the Part A projects across the country and then conduct the actual evaluation. The approach, as well as intermediate findings during the course of the project, are expected to be useful to those who are involved in Part A programs and evaluation activities. The study is expected to develop ways and provide answers to the following types of questions:

- What are the characteristics of the Part A program?
- What are the kinds and extent of project objectives and activities and what are their anticipated outcomes?
- How effective have the Part A projects been in achieving their educational objectives as well as the purposes of the Part A program?
- Have those Part A projects which have focused upon academic skills been successful in increasing student academic achievement?
- Have the projects caused changes in the schools and communities which benefit the students?
- Have project activities caused an increase in involvement of Indian and Native parents, community members, and tribal leaders in the schools?
- What process, management, or administrative imporvements are needed?
- What improvements should be made in the delivery of financial aid to LEA's?
- What improvements should be made in instructional techniques and materials?
- What improvements should be made with regard to the required project evaluations for Part A programs?

(m) Methods of analysis: Several stages of analysis will occur.

Descriptive. Analysis will first be conducted to determine the distributional properties of each variable and its typical value. This will include using: frequencies, percentages, counts, modes, means, medians, standard deviatations, and outlier plots. Cross tabulations and correlation coefficients also will be conducted to determine how strongly certain variables relate to others. Following this stage, composite indices, ratios and Likert rating scale summative scores will be constructed from those items found to relate to each other and measuring a common dimension. Psychometric analyses also will be conducted with student test scores to determine: (a) test item bias, (b) overall variability of scores, and (c) pre-test score Part A participant and comparison group score patterns.

All of the above analyses will provide a description of the Part A characteristics, overall and for selected groups of projects and students. Following that stage, *impact* analyses will be conducted using the project as well as the student as the unit of analysis. Trend analysis techniques will be used to determine if various behavioral and attitudinal project-level impact measures indicate that local Part A projects have positively affected the district, parents, teachers, tribal leaders, etc. Analysis of variance, covariance and multiple linear regression analysis techniques will be used to determine if shifts in student-level impact measures (of reading and math achievement, self-esteem, cultural knowledge and attitude toward school among others) indicate that students in Part A projects have benefited more than those either not in the project or receiving relatively less intensive services.

Other correlational or *explanatory* analyses will be used to merge findings from different parts of the study and indicate relationships between Part A program features and impacts. Comparisons also will be made at the between-projects and within-projects level to better explain the obtained results and thus provide insights into the types of projects where Part A was most effective.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Evaluation activities are authorized under the General Education Provisions Act which states in part: ". . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1226C) Pub. L. 95–561.

(o) Timetable for Dissemination of Collected Data: The data collected during the study will be available for dissemination within 30 days of submittal of the final report. At this time, the report and findings will be delivered to the Congress and its appropriate committees and to Federal personnel. The executive summary will be mailed to State and local official projects and other interested organizations and individuals.

(p) Estimate of total person-hours and costs required to complete request:

Total person-hours	37,806
Total costs	$10,687.68

(q) Evidence of urgent need or very unusual circumstances requiring the data: Not applicable.

(r) Copy of the exact data instrument: Copies of the data instruments may be obtained by writing to Ms. Dorothy Shuler, U.S. Office of Education, Office of Program Evaluation, (Transpoint Building, Room 442), 400 Maryland Avenue, SW., Washington, D.C, 20202.

(s) Early involvement and communications with respondent population: Development of the evaluation design and data collection instruments has included a thorough literature review, reanalyses of data from past studies, consultation with the Bureau of Indian Affaris, a review and analysis of 1,127 project grant applications, and analyses of project performance, fiscal and evaluation reports available at the Office of Indian Education.

Before data collection begins, the data collection procedure and instruments will be pilot-tested in nine Part A projects using selected individuals from the respondent population. Additionally, the data collection procedure and the instruments will be reviewed by selected consultants who have been identified for that purpose; the Technical Advisory Panel for the evaluation; the Office of Indian Education Technical Assistance and Evaluation Centers; and LEA project officials, including parents and selected parent committee members. Additionally, the usual protocol procedures will be followed in informing and advising SEA's and LEA's as well as the Part A projects, parent committees, national, regional, and local Indian organizations and other interested individuals.

(t) Assurance that respondents will have sufficient lead time to comply with request: Data collection will occur during the 1981–1982 academic year. Site selection will take place in March 1981 in order to provide sufficient lead time for contacting the potential sites and making the appropriate arrangements well prior to actual data collection.

(u) Specific justification for a multi-year approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the proposed activity: A study of the Strengthening Developing Institutions Program.

(b) Name of the sponsoring agency/bureau/office: Department of Education, Assistant Secretary for Management, Office of Program Evaluation.

(c) Agency form number: ED 845.

Justification: This study will apply to developing institutions the program-relevant impact criteria developed in FY 1981. The purposes of the study include (1) to improve program monitoring and management by ED; (2) to determine significant areas of impact on institutions and students served; and (3) to identify, describe and disseminate exemplary practices.

(e) Description of survey plan: (1) A brief survey questionnaire will be mailed to *all* institutions (approximately 400) funded in FY82 to obtain data on critical program history and outcome or impact criteria not currently available in ED files. This information will yield a descriptive summary of how Title III funds (Higher Education Act) are used as well as provide a basis for a purposive selection of a sample of institutions for intensive case study.

(2) Using procedures and instruments developed and pretested in FY81, some fifty developing institutions of higher education funded for five or more years will be selected for intensive observation and case study. These institutions will be selected so as to be representative of all currently funded institutions. Data forms will involve semi-structured interview guides to be completed by interviewers/observers, and a form for recording critical data of record from institutional files. These materials, together with available data of record in the ED program offices, will be used to identify and document factors associated with purposeful program impact on institutions and students.

(f) Tabulation and Publication Plans: Information tabulated will be considered most useful to institutions in improving their program most needed by Federal program administrators.

(g) Time Schedule for Data Collection and Publication: Data collected: September 1981–March 1982. Reports available to ED: August 1982.

(h) Consultations Outside the Agency: The Title III Advisory Committee reviewed and discussed plans (see also(s)).

(i) Estimation of Respondent Reporting Burden: Respondents for the institutional questionnaire will be Title III coordinators in all public and private colleges and universities funded (in FY 1982) under Title III; data requested are expected to be readily available in institutional records, and will be provided principally be marking appropriate categorical responses.

Up to 15 facilty and administrative staff will be interviewed or observed (each interview averaging one hour's duration) at approximately 50 institutions.

Instrument	Respondent type	Number	Estimate of average person-hours
Institutional Questionnaire	Employess in Post-secondary education.	400	2
Interviews of Title III Project Staff.	do	750	1

(j) Sensitive questions: No sensitive data are needed or will be solicited.

(k) Estimate of Cost to Federal Government: The cost of preliminary evaluability assessment and study design (Phase I) was $127,561 (FY 1981); the cost of data collection and subsequent analysis and reports is estimated at $350,000 (FY 1982). In addition, Federal S&E expenses are estimated at $20,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Information collected and compiled or analyzed will serve program management and evaluation purposes for three classes of recipients: (1) members or Congress and their staffs; (2) Federal officials and program managers; and (3) chief administrative officers and project staff in developing institutions. Interpretation of data on program characteristics and associated impacts will be directed toward providing answers to such questions as: Where, under what circumstances, and to what extent are the legislative intents of the program being realized? How can program management and oversight be made more efficient and effective? How can institutional staff improve the effectiveness of their development efforts? Relevance of data to be collected should be substantially enhanced by the deliberate and structured effort by the contractor in the evaluability asssessment phase of the study to clarify and relate legislative intent to impact and outcomes criteria, and to examine the plausibility of cause-effect assumptions.

(m) Methods of Analysis: Intensive case studies and statistic analysis.

(n) Legislative Authority Specifically Requiring or Allowing the data Collection: Planning and evaluation activities are authorized under the General Education Provisions Act which states in part "* * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program. * * *" (20 U.S.C. 1226C.)

(o) Timetable for Dissemination of Collected Data: Final reports are expected to become available to ED on or before 31 August 1982. Reports will include an analysis of program impact and a policy implications report. Dissemination plans are incomplete at this time.

(p) Estimate of Total Person-Hours and Costs Required to Complete the Request: A total of 1550 hours of time by institutional respondents will be required. Assuming that average salary for respondents is $12.50 per hour, costs to the responding institutions would total $19,375.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instruments: Copies of the data instruments may be obtained from Mr. James Maxwell, Office of Program Evaluation, Room B–110/Trans Point Building, 2nd and V Streets SW, Washington, D.C., 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Presentations of study purposes and plans were made at the 3 regional meetings of Title III Institution Presidents and Project Coordinators (sponsored by the ED Office of Institutional Support), in November, 1980. This study has been coordinated with institutions submitting program review documents to the joint dissemination review panel. Feasibility of instruments and data needs will be pretested with subsequent revision as appropriate, at up to nine volunteering institutions in early 1981.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Survey questionnaires will be mailed in October 1981, with an allowance of three months for follow-up, completion, and return permitted by project schedule. Site visits are contemplated to take place over a three month period beginning in December, 1981. Respondents will have adequate time for preparing their voluntary responses.

(u) Specific Justification for a Multi-Year Approval: (Not applicable).

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grants under the Strengthening Institutions Program.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number. ED-851.

(d) Justification: The Division will use the information to evaluate the needs of the applicants for assistance under the Strengthening Institutions Program.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plan: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Time of Collection—Fall. Time of Selection of Grantees—Winter.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person hours
College and University	400	60

(j) Sensitive Questions: Not Applicable.

(k) *Estimate of Cost to Federal Government:* $145,000.

(l) *Detailed Justification of How Information Once Collected Will Be Used:* The Division will use the information in its grants award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Strengthening Institutions Program.

(m) *Methods of Analysis:* Not Applicable.

(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* "The Secretary shall carry out a program of special assistance to qualifying institutions to improve their academic quality, management and fiscal stability, in order to increase their self-sufficiency and strengthen their capacity to make a substantial contribution to the higher education resources of the Nation." Sections 311–313, Title III of the Higher Education Act of 1965, 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:* 24,000 person-hours, $240,000.

(q) *Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data:* Not Applicable.

(r) *Copy of the Exact Data Instrument:* Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Not currently available—must be developed.)

(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:* Applicants will have 60 days from publication of Notice of Closing.

(u) *Specific Justification for a Multi-Year Approval:* The Strengthening Institutions Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Date Activity Plan Summary

(a) *Title of the Proposed Activity:* Application for Aid to Institutions with Special Needs Program.

(b) *Name of the Sponsoring Agency/ Bureau/Office:* Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) *Agency Form Number:* ED 852.

(d) *Justification:* The Division will use the information to evaluate the needs of the applicants for assistance under the Aid to Institutions with Special Needs Program.

(e) *Description of Survey Plan:* Not applicable.

(f) *Tabulation and Publication Plan:* Not applicable.

(g) *Time Schedule for Data Collection and Publication:* Time of collection—Winter. Time of Selection of Grantees—Spring.

(h) *Consultations Outside the Agency:* Not applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and university	500	60

(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: The Division will use the information in its grant award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Aid to Institutions with Special Needs (Special Needs) Program.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall carry out a program of short-term Federal assistance to strengthen the planning, management, and fiscal capabilities of institutions with special needs." Sections 321–324, Title III of the Higher Education Act of 1965, 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: 30,000 person-hours, $390,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 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: Applicants will have 60 days from publication of Notice of Closing.

(u) Specific Justification for a Multi-Year Approval: The Special Needs Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Challenge Grant Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Postsecondary Education, Office of Institutional Support, Division of Institutional Development.

(c) Agency Form Number: ED-853.

(d) Justification: The Division will use the information to evaluate the needs of the applicants for assistance under the Challenge Grant Program.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plan: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Time of Collection—Winter. Time of Selection of Grantees—Spring.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and university	200	60

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: $100,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The Division will use the information in its grant award process in order to determine (1) which applicants will receive grants, and (2) the total amount of any grant that may be awarded, in keeping with the objectives and priorities of the Challenge Grant Program.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall carry out a program of special assistance to qualifying institutions to improve and strengthen the institution's academic quality, and their planning, management and fiscal capabilities." Sections 331 and 332, Title III of the Higher Education Act of 1965, 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:* 12,000 person-hours, $120,000.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: Division of Institutional Development, Office of Institutional Support, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202. (Not currently available—must be developed.)

(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: Applicants will have 60 days from publication of Notice of Closing.

(u) Specific Justification for a Multi-Year Approval: The Challenge Grant Program is authorized for five years. This form will be required for applicants for grants under the program in each of the five years. Only minor or technical changes to the form are expected.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Request for Institutional Eligibility Under the Higher Education Act of 1965, as Amended.

(b) Name of the Sponsoring Agency/Bureau/Office: Education Department, Office of Postsecondary Education, Eligibility and Agency Evaluation Staff, Institutional Eligibility Section.

(c) Agency Form Number: ED Form 1059.

(d) Justification: Under the Higher Education Act of 1965, as Amended, the Secretary of Education must determine which postsecondary institutions are eligible to receive Federal funds for the institution or for its students. Over 25 programs are authorized under this Act, and these programs are administered by three separate organizations of the Office of Postsecondary Education. An institution can be declared eligible only if it meets the various criteria contained in the statutes and regulations. ED Form 1059 is used by the Secretary to help determine which, if any, of the appropriate definitions are met by an applicant postsecondary institution. For initial eligibility, an institution needs to complete Form 1059 only once, since the form includes the five basic eligibility requirements which most institutions must meet. The requirements include: (1) admission requirements; (2) legal authorization to operate by the State; (3) length of program, or degree granted; (4) form of control: public, nonprofit or proprietary; and (5) accredited status.

(e) Description of Survey Plan: An institution requests the ED 1059 in order to be declared eligible to apply for participation in the Higher Education Act of 1965, as Amended.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Institutions complete the ED Form 1059 as needed in order to obtain or to maintain benefits under the Higher Education Act of 1965, as Amended.

(h) Consultations Outside the Agency: Not Applicable.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities, Nonpublic Junior Colleges, Public Junior Colleges, Vocational/Technical Career, Postsecondary Institutions	1,000	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $10,000.

(l) *Detailed Justification of How Information Once Collected Will Be Used:* Program Management—The data requested on ED Form 1059 will continue to be used to determine eligibility of institutions of postsecondary education to participate in programs authorized by the Higher Education Act of 1965, as Amended. Depending on the conditions which the institution meets, it will be determined to be eligible to receive funds for itself or for its students under one or more applicable Education Department programs.

(m) *Method of Analysis:* Not Applicable.

(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* Section 1201 (a) of the Higher Education Act of 1965, as amended (Pub. L. 89-329) provides that an institution which is not accredited may be eligible to participate in the programs authorized under the Act if it ". . .is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited."

(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, 1,000. Total Costs Required, $7,000.

(q) *Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data:* Not Applicable.

(r) *Copy of the Exact Data Instrument:* Copy of ED–1059 can be obtained from:

Mr. Joseph M Hardman, Chief, College Eligibility Unit, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, Education Department, Washington, D.C. 20202, or

Mrs. Peggy J. Whitehead, Acting Chief, Occupational School Eligibility Unit, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, Education Department, Washington, D.C. 20202

(s) *Brief Acount of Early Involvement and Communications With Respondent Populations:* Not Applicable.

(t) *Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request:* Institutions that wish to benefit from the program authorized under the Higher Education Act of 1965, as amended, complete ED Form 1059 once. Eligibility for the programs is then determined. The form is also used to renew basic information about an eligible institution.

(u) *Specific Justification for a Multi-Year Approval:* The ED Form 1059 is a routine administrative form that is used to determine the eligibility of institutions of postsecondary education to participate in the programs authorized by the Higher Education Act of 1965, as amended. An institution may be determined eligible to participate in over 25 programs on the basis of the data requested on the form. The form is completed once by an institution unless the Education Department wants to renew basic information. The form represents a minimal burden for institutions, since it requires approximately 60 minutes for completion on the average. ED Form 1059 has been successfully used by the Institutional Eligibility Section to determine the eligibility status of institutions of postsecondary education.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Procedure for Qualification under Three-institutional-Certification Method (as an alternative to accreditation); Transfer Credit Letter.

(b) Name of the Sponsoring Agency/bureau/office: Education Department, Office of Postsecondary Education, Eligibility and Agency Evaluation Staff, Institutional Eligibility Section.

(c) Agency Form Number: ED Form 1261.

(d) Justification: Section 1201(a) of the Higher Education Act of 1965, as amended Pub. L. 89–329) provides that an institution which is not accredited may be eligible to participate in the programs authorized under the Act if it ". . . is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited."

(e) Description of Survey Plan: The Transfer Credit Letter is requested by unaccredited institutions of higher education as an alternative to satisfying the accreditation element of eligibility in defining an "institution of higher education" for purposes of participating in programs established under the Higher Education Act of 1965, as amended.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Institutions request the Transfer Credit Letter, as needed.

(h) Consultations Outside the Agency: Not applicable because the legislation specifies the requirements.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities Nonpublic Junior Colleges, Public Junior Colleges, Vocational/Technical/Career Postsecondary Institutions	300	.25

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $100.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management use—The information is used as a reference to determine if the institution should be declared eligible to apply for participation in programs authorized by the Higher Education Act of 1965, as amended.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 1201(a) of the Higher Education Act of 1965, as amended (Pub. L. 89–329) (see 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: Total Person-hours, 75. Total Costs, $750.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: Not Applicable.

(r) Copy of the Exact Data Instrument: The Transfer Credit Letter may be obtained from: Mr. Joseph M. Hardman, Chief, College Eligibility Unit, Institutional Eligibility Section, Eligibility and Agency Evaluation Staff.

(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: Institutions request the Transfer Credit Letter at their convenience.

(u) Specific Justification for a Multi-Year Approval: The Transfer Credit Letter is specifically required by Section 1201(a) of the Higher Education Act of 1965, as amended (Pub. L. 89–329). It is a routine procedure used by a small number of institutions that are unaccredited. It has been successfully used in the past as an alternative to accreditation for unaccredited institutions to participate in programs authorized by the Higher Education Act of 1965, as amended.

Data Activity Plan Summary

(a) Title of Proposed Activity: Capacity Building for Statistical Activities in State Agencies (Provides grants to State agencies responsible for elementary and secondary, post-secondary, and vocational education to improve and automate their education statistical and data collection activities).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Division of Statistical Services, Federal-State Coordination Branch.

(c) Agency Form Number: ED (NCES) 2413.

(d) Justification: (1) The report form, in this case, is actually the application form for the capacity building grants described in (a) above. Pub L. 93–380, as amended, authorizes NCES to make technical assistance grants to State agencies responsible for education.

(2) The information received will provide the basis for making grant awards to the applicants on a competitive basis.

(3) Grant applications must be submitted annually on a competitive basis and this year's capacity building grants have revised regulations, and, more important, new criteria for making final selections for grant awards.

(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: (1) Program material was discussed with the following persons:

Jane Ryland, Director SHEEO/NCES Communication Network representing the State Higher Education Executive Officers;

George Rush, Director, Joint Data Project representing the Council of Chief State School Officers;

Assistant Secretary for Educational Research and Improvement June Schuchardt, Office of the General Counsel.

The following State Education Agency Officials:

John Stiglmeier, New York
Joanne Kearney, South Carolina
Alan Hill, North Carolina
John Allan, Missouri

(i) Estimation of Respondent Reporting Burden:

	Number	Estimate of average person-hours
State education agencies	75	40

(j) Sensitive Questions: No sensitive questions are included.

The grant applications will become public information after the awards have been made. Each will be seen only by 3 selection panel members and 2 Federal program personnel until that time.

(k) Estimate of Cost to Federal Government: $50,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary purpose of collecting the informatioin in the grant applications and proposals is, of course, to evaluate and rank them to make competitive grant awards. In the program management sense, ideas may be obtained to help develop alternative methods of technical assistance to the States. Also, the adaptation or replication of procedures developed as a result of the grants will be helpful to agencies in other States.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Center shall * * * assist State and local educational agencies in improving and automating their statistical and data collection activities * * *." (Section 406 (b) (3) and (e) of the General Education Provisions, Section 501 (a) of Pub. L. 93-380, 88 Stat. 556, 557, as amended, 20 U.S.C. 1221e-1(b) (3) and (e)).

"The Capacity-Building Program is a program under which statistical capabilities of State agencies are to be built by facilitating improvements in or automation of their statistical systems." (Part 726.01 of Title 34 CFR)

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 3000 total person-hours; $30,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: The grants must be awarded before July 31, 1981, in order to avoid restrictions on end-of-year expenditures. $1,300,000 has been set aside for the grant awards this year. These grants which have been awarded to 39 States during the past three years have had a major impact in improving the States' education information systems and in reducing their data burden and concomitant costs.

(r) Copy of the Exact Data Instrument: Mr. MacKnight Black, National Center for Education Statistics, U.S. Department of Education, 901 Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: We have had frequent and continued communication with the Council of Chief State School Officers (CCSSO) and the State Higher Education Executive Officers (SHEEO) through conferences and contacts with Ms. Ryland and Mr. Rush mentioned in (h) above. Also, the capacity-building program has been on the agenda of periodic meetings of CCSSO and SHEEO. We also met on November 25, 1980 with the Four SEA officials listed in (h) above. During these contacts the proposed changes in the regulations and criteria were discussed. Modifications were made as a result.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: The capacity-building grant application forms will be mailed to the State education agencies in February of 1981. The States will be given 45 days to submit their applications. This will provide them with sufficient time to prepare the forms; they have had experience in preparing the forms during the previous three years.

(u) *Specific Justification for a Multi-Year Approval:* It is expected that the revised regulations governing the capacity-building program will be finalized in FY 1981, with the application form not changing for a few years after that thereby establishing the application form as routine. The form represents a relatively small burden for the respondents, especially considering that successful applications result in grant awards. Furthermore, the form has been used successfully for the past three years minus the revisions in the form. The program was mandated by Pub. L. 93-380, as amended.

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BILLING CODE 4000-01-M

Data Acquisition Activities Involving Educational Agencies and Institutions and Request 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 Pub. 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 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, SW, 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 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: Annual Count of Eligible Handicapped Children in Schools Operated or Supported by State Agencies.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education/Office of Special Education.

(c) Agency Form Number: ED Form 9052.

(d) Justification: "* * * the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance as determined by the Commissioner * * *" (Pub. L. 89–313; 20 U.S.C. 241c–1) This form is used to collect data necessary to allocate Pub. L. 89–313 funds to State agencies serving handicapped children.

(e) Description of Survey Plan: Respondents include State agencies providing special education services to handicapped children in the 50 states, D.C., Puerto Rico, and the Territories.

(f) Tabulation and Publication Plans: These data are summarized and reported on a State-by-State basis in the annual report to Congress in January of each year.

(g) Time Schedule for Data Collection and Publication: Data are collected by State agencies from their programs on October 1 of each year. Each State agency aggregates and reports this to OSE by November 15. The results are published in the annual report to Congress approximately 14 months later.

(h) Consultations Outside the Agency: This form has been reviewed with the Committee on Evaluation and Information Systems of the Council of Chief State School Officers.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State agencies providing special ed...	145	1

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $5000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report is used to determine the amount of the grant award that a State agency is eligible to receive.

(m) Methods of Analysis: Tabulations of descriptive data will be reported for each State.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "* * * the maximum basic grant which that agency shall be eligible to receive under this title for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of such children in average daily attendance as determined by the Secretary * * *." (Pub. L. 89-313; 20 U.S.C. 241c–1)

This form is used to collect data necessary to allocate Pub. L. 89–313 funds to State agencies serving handicapped children.

(o) Timetable for Dissemination of Collected Data: Data will be available to users approximately 2 months after all State agencies have submitted the form.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request: Person-hours: 145. Costs: $1500.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Contact: Dr. Lou Danielson, Office of Special Education, 400 Maryland Avenue, SW., Room 4737 Donohoe Building, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Data instrument has been reviewed with the Special Education Task Force of the Data Acquisition Subcommittee of CEIS.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data collection will take place on October 1, 1981. Since this is a recurring data requirement, States will have ample lead time to respond to this activity.

(u) Special Justification for a Multi-Year Approval: Since this instrument is a recurring and routine administrative form which represents minimal burden, a 3-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Application (Non-construction) for the Migrant Education Program, Title I, Elementary and Secondary Education Act.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362.

(d) Justification

"Sec. 141. (a) Entitlement.—A State educational agency or a combination of such agencies shall, upon application, be entitled to receive a grant for any fiscal year under this part to establish or improve, either directly or through local educational agencies, programs of education for migratory childred of migratory agricultural workers or of migratory fishermen which meet the requirements of Section 142."

"Section 142. (a) Requirements for Approval of Application.—The Secretary may approve an application submitted under Section 141(a) . . ."

(20 U.S.C. 2761–2763, the Elementary and Secondary Education Act, as amended by Pub. L. 95–561)

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Data Burden:

Respondent type	Number	Estimate of average man-hours per respondent
State education agencies	49	20
Local education agencies	1,200	20

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of how Information Once Collected Will Be Used: This information will be used to determine grant eligibility and compliance with applicable regulations.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) Legislative Authority—see item (d). (Sec. 141(a) of the Elementary and Secondary Education Act, as amended by Pub. L. 95–561, 20 U.S.C. 2761–2763).

(2) Regulatory Authority—"to receive a grant, an SEA shall submit to the Secretary an application. . . ."

(34 CFR Section 204.10 ESEA, Title I Migrant Education Program Regulations, April 3, 1980).

(o) Timetable for Dissemination of Collected Data: Date of Availability: October 1, 1981.

Method of Dissemination: (1) Each State education agency will conduct a 30 day comment period on the State application prior to submittal to the U.S. Department of Education. (2) Completed OE Form 362's will be available for perusal upon request.

Data to be disseminated: All respondents will be required to provide information requested on the standard non-construction application for Federal assistance, including the standard face page SF–242. Part IV, the Program Narrative incorporates requests for information based on statutory and regulatory needs.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request:

Respondent	Person-hours	Cost
State education agency	980	$16,240
Local education agency	24,000	285,000

(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 by contacting the Office of Migrant 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: Not applicable.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A notice of Closing Date was published on December 23, 1980 in the **Federal Register** indicating that State applications should be received by the Office of Migrant Education on or before April 15, 1981, for migrant education programs beginning in July or October 1981. An applicant may request a waiver of the closing date with a written justification for the change.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Standard Financial Status Report for the Title I, Section 141, Migrant Education Program.

(b) Name of Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education.

(c) Agency Form Number: ED 362–1.

(d) Justification: Grantees are required to make a financial status report in compliance with the Education Department 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 Data Burden:

Respondent type	Number	Person-hours
State education agencies	49	5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of How Information Once Collected Will Be Used: Financial Status Reports must be received from each applicant within 90 days after completion of the project to assure compliance with fiscal accounting requirements as prescribed by EDGAR.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Grantees shall 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)).

(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 250 person-hours is estimated to meet this requirement at a cost of $3,850.

(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 financial status report may be obtained from the Office of Migrant 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 Communication With Respondent Populations: The Office of Migrant Education has conducted workshops at national and regional conferences and it has distributed directions to inform and assist grantees regarding the financial reporting requirements.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Financial Status Reports

are due within 90 days after completion of the project.

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Indian Student Certification.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Elementary and Secondary Education, Office of Indian Education.

(c) Agency Form Number: ED Form 506.

(d) Justification: Entitlement grants to Local Educational Agencies under Part A of the Indian Education Act are made on the basis of the number of eligible Indian children enrolled in the LEAs' schools. An LEA must have a student certification on file for each child it counts for its entitlement grant. The form must be signed by the child's parents. The information required on the form is mandated by Section 453(c) of the Indian Education Act, as amended by Pub. L. 95–561. There is no other source for this information. However, parents have to fill out the form only once for a child so long as that child remains in the LEA. Since the forms were first required in 1980–81, the bulk of the burden was in that year.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Date Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: This form is required by statute. In developing the form—its format and instructions—the Department consulted with staff members of appropriate congressional committees and member's of the National Advisory Council of Indian Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Parents	28,000	0.5

(j) Sensitive Questions: There are no sensitive questions on this form. LEAs are responsible for maintaining confidentiality. Forms may be shared with the elected parent committee for a Part A project only if the parent gives permission by signing the appropriate line on the form.

(k) Estimate of Cost to Federal Government: Since the initial cost of printing and distributing the forms took place in the school year 1980–81, the cost for 1981–82 is expected to be minimal—$2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information collected serves three purposes:

1. The forms are used by LEAs to determine the number of eligible Indian children enrolled in their schools. This number determines the amount of funds an LEA will receive from Part A of the Indian Education Act.

2. The Congress requested through its report accompanying Pub. L. 95–561, that the Department of Education provide a profile of the kinds of Indian children being served under the Indian Education Act. These forms provide the information necessary for describing that profile.

3. The Congress has also mandated, through Pub. L. 95–561, that the Department of Education conduct program audits of at least one-third of the Part A projects annually. One of the purposes of the audits is to determine whether or not the students being counted and served are "boan fide recipients." These forms will be reviewed by Department personnel conducting those audits to make that determination.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"Section 453(c). On the form establishing a child's eligibility for entitlement under Part A of this Act, the Secretary shall request at least the following information on the student eligibility form:

(1) the name of the tribe, band, or other organized group of Indians with which the applicant claims membership, along with the enrollment number establishing membership (where applicable), and the name and address of the organization which has updated and accurate membership data for such tribe, band or other organized group of Indians; or, if the child is not a member of a tribe, band, or other organized group of Indians, the student eligibility form shall bear the name, the enrollment number (where applicable) and the organization (and address thereof) responsible for maintaining updated and accurate membership roles of any of the applicant's parents or grandparents, from whom the applicant claims eligibility;

(2) whether the tribe, band, or other organized group of Indians with which the applicant, his parents, or grandparents claim membership are federally recognized;

(3) the name and address of the parent or legal guardian;

(4) the signature of the parent or legal guardian verifying the accuracy of the information supplied; and

(5) any other information which the Secretary deems necessary to provide an accurate program profile."

(Pub. L. 92–318, Section 453(c) as amended by Pub. L. 95–561, section 1148)

(o) Timetable for Dissemination of Collected Data: This data will not be disseminated. LEAs must have forms on file by the time they submit their annual applications, usually in January, prior to the project year.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Data: 14,000 Total Person-Hours at a cost of $56,000.

(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 the Office of Indian Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement With Respondent Populations: Form was shared with grantees and parent respondents over a year prior to required use. Workshops run by the Office of Indian Education over the past 1½ years have included instructions on responding to the form.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With Request: Only parents who have not filled out a form for their child prior to this time will have to respond to the form in 1981–82. School districts will have been using the forms for 2½ years by the time any new forms are due for 1981 applications.

(u) Specific Justification for a Multi-Year Approval: The information collected by this form is required by statute. School districts must submit an annual count of their Indian students in order to receive entitlement grants under Part A of the Indian Education Act. The count is based on the number of student certification forms on file at the time of application submission.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Seventh Annual data Collection in Response to Section 406A of the General Education Provisions Act.

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Program Evaluation, Office of the Director.

(c) Agency Form Number: ED Form 511.

(d) Justification: (1) This data collection is mandated by Section 406A of the General Education Provisions Act.

(2) The collected data item specifically described in legislation are used by the sponsor to prepare the mandated annual report to the Congress.

(3) Similar data are not available.

(e) Description of Survey Plan: (1) The respondent universe is composed of the State education agencies and other State and Federal agencies which administer Federal formula grant education programs.

(2) The data collection requires a total response for all applicable data items from all respondents. Pretest is not used. Non-response is handled by informal and formal communication with the respondent.

(3) Data collection is performed in-house.

(f) Tabulation and Publication Plans: By law the mandated report is to be submitted to the Congress by March 31, 1982. Copies of the report will then be published by the Government Printing Office.

(g) Time Schedule for Data Collection and Publication: (1) Time schedule is mandated in law. Data collection forms are to be submitted to respondents after October 1, 1981. Respondents are required to return forms by December 31, 1981. Report is to be submitted to the Congress by March 31, 1982.

(2) The expected elapsed time between completion of data collection and issuance of first published results is three months.

(h) Consultations Outside the Agency: (1) Material pertinent to this data collection is regularly submitted to representatives of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers.

(2) No information concerning availability of records or reportability of data has been provided by respondent groups.

(3) Regular consultation through Department of Education channels is conducted with the Council of Chief State School Officers.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	51	120
Federal agencies	1	20
State library agencies	30	8
State vocational education directors	6	40
Adult education administrators	2	10

(j) Sensitive Questions: There are no sensitive questions.

(k) Estimate of Cost to the Federal Government: (1) The estimated cost of complying with the mandated data collection and preparation of the Congressional report is $100,000.

(2) Data are not collected to serve administrative or management uses.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information once collected is used for the two purposes specified in law: to produce an annual report to the Congress, and to assist the States in making the information publicly available. In past years, public and private agencies have been known to make use of the collected information. The Office of Program Evaluation has provided this information on request as intended in the law. Information describing the end uses of this data is not required to be collected.

(m) Methods of Analysis: Data are aggregated to State and national totals. Data are presented in various analytical tables as cross-tabulations by main classifications. In two tables, data are aggregated to county level in order to make analytical comparisons with Federal revenue sharing data collected at county level.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 406A, General Education Provisions Act, states:

Responsibility of States To Furnish Information

(a) The secretary shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

(1) List all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) Include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriate Act or Acts these funds were available;

(3) With respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) With respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) Be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before March 31 of each year, the Secretary shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

((20 U.S.C. 1232f) Enacted August 21, 1974, Pub. L. 93-380, sec. 512(a), 88 Stat. 571)

(o) Timetable for Dissemination of Collected Data: Collected data will be available to users on or about March 31, 1982. Data will be available in the form of a copy of a magnetic tape data file which may be purchased from the tape library of the National Center for Education Statistics.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that completing this request will require a total of approximately 6640 person-hours. At an average cost of $10 per person-hour, total cost would be $66,400.

(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 the Office of Program Evaluation, Room B-442, Trans Point Building, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Early involvement and continuous communications have been maintained through formal channels of the Department of Education with the Committee on Education and Information Systems of the Council of Chief State School Officers, representing the respondent populations.

(t) Assurances That Respondents Will Have Sufficient Lead Time To Comply With Request: According to law, response to the request is scheduled for the period between October 1 and December 31, 1981. Respondents will have sufficient time to comply with the request for the following reasons: (1) No new systems are required, since the needed information is currently developed by respondents in their routine administration of federal education program formula grant funds; (2) Since this will be the seventh consecutive such data collection respondents are by now thoroughly experienced in complying with this mandatory requirement of law.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is requested since this request is repeated yearly and routinely.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Career Education Descretionary Programs.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Elementary and Secondary Education, Office of Educational Support, Office of Career Education.

(c) Agency Form Number: ED Form 692.

(d) Justification: In the procedure for awarding Federal grants, some criteria by which an applicant may be judged eligible or ineligible for Federal funds must be devised. An application form serves this function. The data collected in an application form are therefore necessary to program operation. Application information will be used to determine eligibility for grant awards in Career Education discretionary programs.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Date Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: Previous grantees were consulted. Consultation with the Committee on Evaluation and Information Services of the Council of Chief State School Officers has been initiated.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies, local education agencies, colleges and universities, nonprofit organizations	150	40

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: $2,960.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information will be used to determine an applicant's eligibility for grant awards, and for determining the amount of award if applicant is found to be eligible.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

Sec. 10. (a) From funds reserved under Section 5(a)(2)(A) of this Act, the Secretary is authorized to make grants directly to State and local educational agencies, institutions of postsecondary education, and other nonprofit agencies and organizations to support projects, including projects of proven effectiveness, to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models particularly projects designed to eliminate bias and stereotyping on account of race, sex, age, economic status, or handicap.

Sec. 11. (a) The Secretary is authorized to arrange by way of grant, contract, or other arrangement with institutions of higher education, public agencies and nonprofit private organizations for the conduct of postsecondary educational career demonstration projects which—

(1) may have national significance or be of special value in promoting the field of career education in postsecondary education programs,

(2) have unusual promise of promoting postsecondary career guidance and counseling programs, particularly postsecondary guidance and counseling programs designed to overcome bias and stereotyping on account of race, sex, age, economic status, or handicap, or

(3) show promise of strengthening career guidance, counseling, placement, and followup services.

(b) The Secretary shall approve arrangements under subsection (a) of this section if he finds—

(1) that the funds for which assistance is sought will be used for one of the purposes set forth in subsection (a) of this section, and

(2) that effective procedures, including objective measurements, will be adopted for evaluating at least annually the effectiveness of the project * * *"

(Pub. L. 95-207; 20 U.S.C. 2809-10)

(o) Timetable for Dissemination of Collected Data: Data are for Office of Career Education program use. Applications which receive grant awards are available to the public.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 6,000 person-hours, $72,000.

(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: John Lindia, Deputy Director, Office of Career Education, Room 3100, ROB #3, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Previous career education grantees were consulted and they found the estimated burden to be a fair estimate.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: A notice announcing the grant competition is published in the **Federal Register** prior to the Office of Career Education application deadline.

(u) Specific Justification for a Multi-Year Approval: This is a routine administrative form representing a small burden to respondents. It is required by law and regulation. Therefore, a two-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grant under HEP (High School Equivalency Program).

(b) Name of Sponsoring Agency/Bureau/Office: Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education.

(c) Agency Form Number: ED 819.

(d) Justification: Section 418A of the Higher Education Act of 1965, as amended, authorizes the Secretary of Education to maintain and expand secondary and postsecondary high school equivalency program and college assistance migrant program projects (HEPs and CAMPs). These programs are currently funded and housed through institutions of higher education and are designed to provide higher educational opportunities to migrant and seasonally employed farm workers.

Although originally funded through the Comprehensive Employment and Training Act of 1973, the programs were transferred from the Department of Labor to the Department of Education with the transition that took place in May 1980. As such, the grants were funded for Fiscal Year 1980 using Department of Labor grant award procedures.

In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services.

(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: All data to be considered with regard to the funding of projects will be gathered directly from respondent groups. The applicants will also have to comply with OMB Circular A-95 clearinghouse procedures.

(i) Estimate of Respondent Data Burden: The estimation of respondent data burden was gathered from the current 17 grantees of the programs after their review of the draft application.

Respondent type	Number	Estimate of average person-hours
Postsecondary Schools	100	20

(i) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost of the data collection for application and financial reporting purposes is $29,700.

(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 services through the High School Equivalency Program.

(m) Methods of Analysis: See evaluation plan.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall maintain and expand existing secondary and post-secondary high school equivalency program and college assistance migrant program projects * * *" (Section 418A of the Higher Education Act, as amended by Pub. L. 96-374, 20 USC 1070d-2).

(o) Timetable for Dissemination of Collected Data: Applications will be due in the Office of Migrant Education in Spring, 1982.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: The total person-hours required to complete the request in 2000 and the total cost estimated to be $4,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Migrant Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, D.C., 20202, Vidal A. Rivera, Jr., Deputy Assistant Secretary.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondent population has attended a national Migrant Education Conference in December 1980, to receive technical assistance in the preparation of applications and reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With the Request: A Notice of Closing Date is expected to be published in the **Federal Register** indicating the application should be received by the Office of Migrant Education on or before the application deadline date. At least thirty days will be provided to make application.

(u) Specific Justification for a Multi-Year Approval: Not applicable

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Grant under CAMP (College Assistance Migrant Program)

(b) Name of Sponsoring Agency/Bureau/Office: Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education.

(c) Agency Form Number: ED 819-1.

(d) Justification: Section 418A of the Higher Education Act of 1965, as amended, authorizes the Secretary of Education to maintain and expand secondary and postsecondary high school equivalency program and college assistance migrant program projects (HEPs and CAMPs). These programs are currently funded and housed through institutions of higher education and are designed to provide higher educational opportunities to migrant and seasonally employed farmworkers.

Although originally funded through the Comprehensive Employment and Training Act of 1973, the programs were transferred from the Department of Labor to the Department of Education with the transition that took place in May 1980. As such, the grants were funded for Fiscal Year 1980 using Department of Labor grant award procedures.

In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services.

(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: All data to be considered with regard to the funding of projects will be gathered directly from respondent groups. The applicants will also have to comply with OMB Circular A-95 clearinghouse procedures.

(i) Estimate of Respondent Data Burden: The estimation of respondent data burden was gathered from the current 17 grantees of the programs after their review of the draft application.

Respondent type	Number	Estimate of average person-hours
Postsecondary schools	100	20

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The cost of the data collection for application and financial reporting purposes is $29,700.

(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 services through the College Assistance Migrant Program.

(m) Methods of Analysis: See evaluation plan.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Secretary shall maintain and expand existing secondary and postsecondary high school equivalency program and college assistance migrant program projects,* * *" (Section 418A of the Higher Education Act, as amended by Pub. L. 96-374, 20 USC 1070d-2).

(o) Timetable for Dissemination of Collected Data: Applications will be due in the Office of Migrant Education in Spring, 1982.

(p) Estimate of Total Person-Hours and Cost Required to Complete the Request: The total person hours required to complete the request is 2000 and the total cost estimated to be $4,000.

(q) Evidence of Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies may be obtained from the Office of Migrant Education, Office of Elementary and Secondary 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: Respondent population has attended a national Migrant Education Conference in December 1980, to receive technical assistance in the preparation of applications and reports.

(t) Assurance That Respondents Will Have Sufficient Lead Time to Comply With the Request: A Notice of Closing Date is expected to be published in the **Federal Register** indicating the application should be received by the Office of Migrant Education on or before the application deadline date. At least

thirty days will be provided to make application.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status Report and Performance Report for HEP or CAMP (High School Equivalency Program or College Assistance Migrant 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 819-2.

(d) Justification: Grantees are required to file a financial status report and a performance report in compliance with 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: 90 days after grant period.

(h) Consultations Outside the Agency: Not applicable.

(i) Estimation of Respondent Data Burden:

Respondent type	Number	Person-hours
Postecondary Schools	20	5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $200.

(l) Detailed Justification of how Information Once Collected Will Be Used: The data will be used to assure grantee compliance with fiscal and performance reporting requirements as specified in EDGAR.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: "Grantees shall use Standard Form 269, Financial Status Report, to report the Status of funds for all non-construction grants * * *" (34 CFR, Part 74, § 74.73(a)). "* * * the granting agency will require the grantee to submit a performance report * * *" (34 CFR, Part 74, § 74.82(a)).

(o) Timetable for Dissemination of Collected Data: Financial Status Reports and Performance Reports are due within 90 days after completion of the project.

(p) Estimate of Total Person-Hours and Cost Required To Complete the Request: The total person-hours needed to complete this requirement is 100 at an estimated cost of $1,500.

(q) Evidence of an Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the financial status report and performance report may be obtained from the Office of Migrant 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 Population: The Office of Migrant Education conducted technical assistance workshops at national conferences on migrant education to assist potential grantees with financial reporting 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 grant period (34 CFR, Part 74, § 74.73(d)).

(u) Specific Justification for Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Standard application for Federal Assistance (non-construction) for the 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 Form 4473.

(d) Justification: The Follow Through Program provides funds on an annual basis through discretionary grants to local school systems and sponsoring institutions who are expected to provide a full range of education and comprehensive services to children from low-income families. This application form is necessary in order to make annual grants to applicants. The information contained in the application is used to determine annual funding levels to grantees. In addition, information is extracted from the application which is used to prepare reports for Congress, OMB, and the GAO.

(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
Colleges and Universities	19	30
Local Educational Agencies	148	30
Organizations Other than Schools or Educational Agencies	2	30

(j) Sensitive Questions: There are no sensitive questions in the instrument being submitted.

(k) Estimate of Cost to Federal Government: $1,500.

(l) Detailed Justification of How Information Once Collected Will Be Used: Application form will be used to make funding decisions, monitor compliance, serve as a basis for analyzing program priorities and projecting future program modifications.

(m) Methods of Analysis: Not applicable.

(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 Headstart 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)

(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 5,070 for a total of $50,700.

(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 Rosemary Wilson, Division of Follow Through, Office of Compensatory Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue (7th & D Sts., SW. ROB 3, Room 3624), Washington, D.C. 20202

(s) Brief Account of Early Involvement and Communication With Respondent Populations: Not applicable. These are non-competing continuation grants.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Data will be collected in February of 1982, respondent will have approximately 60 days to submit request for funds.

(u) Specific Justification for a Multi-Year Approval: Not applicable.

Data Activity Plan Summary

(a) Title of Proposed Activity: Financial Status and Performance Report—Veterans' Cost-of-Instruction Payments Program.

(b) Agency/Bureau/Office: U.S. Department of Education, Postsecondary Education, Office of Institutional Support, Veterans' Programs Branch.

(c) Agency Form Numbers: ED 261–1–2.

(d) Justification: Public Law 92–318, Higher Education Act of 1965 (as amended), Title X, Section 420, titled Veterans' Cost-of-Instruction Payments to Institutions of Higher Education, provides payments to postsecondary institutions based on their undergraduate veteran enrollment. Payments are based on the number of veterans receiving vocational rehabilitation or educational assistance for undergraduate study and the number of veterans who have participated in special predischarge or remedial programs subsidized by the Veterans Administration. An institution receiving funds must establish and maintain a full-time Office of Veterans' Affairs and to provide the services mandated in Section 420(c)(1)(B). Section 189.33 of the Regulations specifies that "within 90 days of the expiration of the academic year for which such assistance was awarded . . . an institution or consortium . . . shall submit a full account of funds expended, obligated and remaining." Items requested in the Performance Report are required either by statute or regulation. Section 189.35 of the Regulations specifies that an annual report by submitted from each participating higher education institution to measure program performance in accordance with the criteria established in Section 189.16 and jointly prescribed by the Secretary of Education and the Administrator of the Veterans Administration.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: The Financial Status and Performance Report package will be mailed to participating postsecondary institutions by June 30 annually.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Institutions of higher education	1,200	1.5

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: Approximate cost for manpower, printing, and distribution=$8,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Financial Status Report—Information will be used as the basis for determining project compliance with eligibility criteria imposed by program legislation; as an effective measure of project accountability as indicated by project accomplishments. Data reported by participating institutions are used by the Branch to insure full accountability for Federal funds awarded and to generate DFAFS/OEFMIS reconciliation computer tapes. Performance Report—Information is used to (1) develop profiles describing institutional services for veterans, the Office of Veterans' Affairs and demographic characteristic; (2) identify differences and similarities in institutions' veteran assistance programs; and (3) describe the degree to which institutions have met the major criteria listed in the Regulations.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 419(c)(1)(A)(iv) of the Higher Education Act of 1965, as amended, indicates that * * * "the applicant will submit to the [Secretary] such reports as the [Secretary] may require by regulation * * *". Section 189.33 of the Rules and Regulations governing the Veterans' Cost-of-Instruction Payments Program stipulates that a participant "* * * shall render annually, * * * a full account of funds expended, obligated, and remaining." Section 189.35 of the Regulations requires that a participant "must submit to the [Secretary] * * * a report describing the manner in which the required veterans' service were provided * * *". (Pub. L. 92–318; 20 U.S.C. 1070e; 1070e–1).

(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: 1,800. Total cost to Respondents: $14,400.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Dorothy C. Parker, U.S. Department of Education, Veterans' Programs Branch, 400 Maryland Avenue, SW., Room 3514 ROB No. 3, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: Information is sent in June of each year to respondents

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The Financial Status and Performance Report package is mailed to respondents in June of each year with instructions indicating that data is due within 90 days of receipt of document.

(u) Specific Justification for a Multi-Year Approval: These are standard forms and will not be subject to change over the years.

Data Activity Plan Summary

(a) Title of Proposed Activity: Referral/Assignment of Defaulted Note(s) National Direct Student Loan Program.

(b) Agency/Bureau/Office: U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, Services and Collections Section.

(c) Agency Form Number: ED 553.

(d) Justification: This form was designed to provide the maximum efficiency for full reporting of debtor information for both the institution and the Federal government. The reports will contain a complete statement of the facts and computations which are pertinent under laws and regulations on

the basis of which the debt was administratively determined.

(e) Description of Survey Plan: Institutions of higher education use the form to transmit defaulted NDSL accounts to the Department of Education under the statutory authority for assignment to the United States or referral for collection assistance under the 1979 amendment.

(f) Tabulation and Publication Plans: Data will be keyed into our computer data base to generate listing of eligible institutions which will then be published in the **Federal Register.**

(g) Time Schedule for Data Collection and Publication: Data collection occurs during the Fall for publication and distribution to participating NDSL institutions during the following summer.

(h) Consultations Outside the Agency: Consultation is made with State Departments of Educations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
(1) State Educational Agencies	57	20

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Govermnent: The total direct cost of the Federal government (including processing cost and staff personnel) is estimated to be $20,000 per year excluding cost of **Federal Register** publication and distribution.

(l) How Information Collected Will Be Used: The primary use of these forms will be established a sound collection program to reduce the default rate in the National Defense/Direct Student Loan Program and provide a systematic procedure for the deposit of collected sums to the U.S. Treasury in accordance with the statutory provisions for assigned accounts and for the return of appropriate sums collected to the institutions in accordance with the referral authority. For accounts submitted under the assignment authority, the forms will provide information required by the General Accounting Office should the outstanding balance assigned to the U.S. Government be referred to that office for litigation in accordance with standards contained in the Federal Claims Collection Act of 1966 and the implementing joint standards, and to ascertain the performance of due diligence on the part of the lending institution as required. These forms will also provide historical data which will be collected and summarized for informational purposes regarding defaulted notes legally assigned or referred to the U.S. Government by lending institutions under the authority cited in Item (N) below. These data will include the borrower's name, social security number, birth date, address, principal amount loaned, repayment or legal cancellation of principal and interest, outstanding balance and efforts of past collected activity. Summary reports will be categorized by institutional type and control and used to determine defaulted patterns.

(m) Method of Analysis: Data aggregation will be by institutional type and control, State and national. Analysis to determine institutional exercise of due diligence requirements.

(n) Legislative Authority for This Activity:

Provide that where a note or written agreement evidencing a loan has been in default for at least 2 years despite due diligency on the part of the institution in making collection thereon, the institution may assign its rights under such note or agreement to the United States, without recompense, and that in that event any sums collected on such loan shall be deposited in the general fund of the Treasure.

(Sec. 463(a)(5) of the Higher Education Act of 1965, as amended by Pub. L. 92-318, 20 USC 1087cc)

The Secretary is authorized to attempt to collect any loan, which was made under this part and which is in default, referred to him by an institution, with which he has an agreement under subsection (a) of Section 463, on behalf of such institution under such terms and conditions as they may prescribe, including reimbursement for expenses he may reasonably incur in attempting such collection.

(Sec. 467, of the Higher Education Act of 1965, as amended by Pub. L. 96-49

(o) Timetable for Dissemination of Collected Data: Current plans call for quarterly reports to the institutions involved. The first report of borrower's account, name, address, total loan, repayments/cancellations, status and balance due.

(p) Estimate of the Total Person-Hours and Cost Required To Complete the Request:

$3300 \times 05 = 165 \times \$10 = \$1,650.$

(q) Evidence of any Urgent Need for Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Florence V. Taylor, Chief, Services and Collections Section, Campus and State Grants Branch, DPO, OBPE, Room 4621-ROB #3, Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: None.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Form was submitted by some 2,000 colleges and universities during 1979. Voluntary submission at discretion of the lending institutions and may be submitted at any time.

(u) Specific Justification for a Multi-Year Approval: The legislative authority is open and voluntary for the submission of accounts as long as they meet the criteria of default status.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Report of Defaulted National Direct Student Loans (NDSL).

(b) Name of the Sponsoring Agency/Bureau/Office: Department of Education, Office of Student Financial Assistance, Division of Program Operations.

(c) Agency Form Number: ED 574.

(d) Justification: Statutory reporting requirement, see item (n).

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Report dispatched to participating institutions in late February—See item (o).

(h) Consultations Outside the Agency: Reporting requirements were discussed with Federal Aid Administrators of higher educational institutions and billing services at various times during the past year. The major problem being the reporting burden. They felt the problem existed because the annual report (ED Form 646 Fiscal Operations Report, Part II-NDSL, Section C) on defaulted loans which is required divides the defaulted accounts into five categories. The semi-annual defaulted loan report all defaulted accounts into two categories. Therefore, the institutions had to combine the five categories required annually for June 30, into the two categories which were required for December 31 plus include any additional defaulted accounts for that period. Comments and suggestions were considered in the revision of the form.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
College and universities	3,200	2.5

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: The total direct cost to the Federal government (including processing cost and staff personnel) is estimated to be $6,144 per year.

(l) Detailed Justification of How Information Once Collected Will Be Used: Program Management: This report will serve to provide information about the capability of the institutions to establish and administer effective collections programs. The data will be used to determine the effectiveness of the loan activities and to determine whether the institutions are following the steps necessary in the performance of due diligence as stipulated in the regulations. It will also be used in the formula to compute delinquency percentage and potential default rates.

Evaluation: Data collected will allow a standard for measurement of the institution's compliance with established regulations pertaining to collection practices, such as regular billing, follow-up procedures and collection activities. The data will also serve as an additional review of the institution's practices and policies established to meet the due diligence requirements.

Research: The data collected may be used for the purpose of establishing default trends in various types of institutions and for the comparison of default ratios. It will also be used for analysis and studies of defaulted loans by educational organizations and inter-office reviews.

Condition of Education: The data will be summarized and categorized for the use of the Department of Education and organizations associated with the educational community. It will also be used for responding to Congressional inquiries and public dissemination.

(m) Methods of Analysis: Data aggregation will be institutional type and control, State and national.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: An agreement with any institution of higher education for the payment of Federal capital contributions under this part shall: "provide that where a note or written agreement evidencing a note has been in default for (A) one hundred and twenty days, in the case of a loan which is repayable in monthly installments, or (B) one hundred and eighty days, in the case of a loan which is repayable in less frequent installments, notice of such default shall be given to the Secretary (formerly the Commissioner) in a report describing the total number of loans from such fund which are in such default, and made to the Secretary at least semi-annually."

(Pub. L. 92-318, Section 137(b), 20 U.S.C. 1087cc, as amended under Sec. 130(c), Pub. L. 94-482, Education Amendments of 1976, Sec. 463(a), Pub. L. 96-374, Education Amendments of 1980)

(o) Timetable for Dissemination of Collected Data: Reports as of December 31, 1980.

Report Due in ED—March 31, 1982
Tabulation of Data—March 31, 1982–May 15, 1982
Production of Final Summary Tables—May 31, 1982

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: The estimated reporting burden per respondent was obtained by comparison with the average number of man-hours required to complete the same number of data cells on a comparable report. Respondent time involves several variables: the length of participation in the NDSL Program and variance in loan schedules used; the availability of information from collection agencies and whether or not the data represents a single entity or multi-campuses. Average person-hours per Respondent 2.5 × 3,200 (Universe) = 8000 total person-hours. Estimated total cost—$30,800.

(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 Robert R. Coates, U.S. Dept. of Education, Bureau of Student Fin. Assist., Campus and State Grants Branch, Rm. 4642/ROB #3/7th & D St., SW., Washington, D.C. 20202

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See item (h).

(t) Assurance That Respondents Will Have Sufficiant Lead Time to Comply With Request: Deadline date will be extended, if sufficient lead time is not afforded.

(u) Specific Justification for a Multi-Year Approval: The NDSL program currently has statutory authority through Fiscal Year 1985.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for grants—International Understanding Program.

(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 Form 675.

(d) Justification: Section 394 of the Elementary and Secondary Education Act, as amended, authorizes the Secretary to make grants to stimulate educational programs to increase the understanding of students and the public in the United States about cultures, actions and interconnections of nations and peoples in order to better evaluate the international and domestic impact of major national policies. This application form will implement the above intent. In addition, it will enable the Department of Education to insure a fair, objective and impartial identification of applicants and will provide necessary information for selection of grantees.

(e) Description of Survey Plan: N.A.

(f) Tabulation and Publication Plans: N.A.

(g) Time Schedule for Data Collection and Publication: Printing of Application in February; Closing Date for Transmittal of Applications will occur in May; Evaluation of applications will be completed within 8 weeks; Negotiation of grants and announcement in September.

(h) Consultations Outside the Agency: Officials from State and local education agencies, institutions of higher education and educational organizations were consulted in the preparation of the original application materials.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	196	5
Education Broadcasting System	20	5
Local Education Agencies	115	5
Non-public junior colleges	5	5
Non-profit Organizations	110	5
Public Junior Colleges	24	5
State Education Agencies	12	5

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: $13,000.

(l) Detailed Justification of how Information once collected will be used: Data will be used to determine eligibility for grants and the amount of the grant award on the basis of criteria set out in 34 CFR Part 655 and 34 CFR Part 667.

(m) Methods of Analysis: N.A.

(n) *Legislative Authority Specifically Requiring or Allowing the Data Collection:* Title III Elementary and Secondary Education Act of 1965 as amended. Part N section 394.

"Sec. 394. (a)(1) The Secretary is authorized by grant or contract, to stimulate educational programs to increase the understanding of students and the public in the United States about the cultures, actions and interconnections of nations and peoples in order to better evaluate the international and domestic impact of major national policies. (2) Grants or contracts under this section may be made to any public or private agency or organization, including, but not limited to, institutions of higher education, State and local educational agencies, professional associations, education consortia, and organizations of teachers.

"(b)(1) Financial assistance under this part may be used for assistance to in-service training of teachers and other education personnel, the development of materials to link languages learning to international studies, the compilation of existing information resources about other nations in forms useful to various types of educational programs, and dissemination of information and resources to educators and educational officials upon their request, but such assistance may not be used for the acquisition of equipment or remodeling facilities.

(2) Financial assistance under this part may be used for projects and programs at all levels of education, and may include projects and programs carried on as part of community, adult, and continuing education programs.

"(3) Financial assistance under this part may be used by local educational agencies to introduce instruction in foreign languages designated by the Secretary as having critical importance for the Nation which have not been offered by the schools of the local educational agency in the three academic years preceding the year in which the grant is made."

(o) *Timetable for Dissemination of Collected Data:* Not Applicable.

(p) *Estimate of Total Person-Hours and Costs Required To Complete the Request:* 2,410 person-hours at a cost of $24,100 to respondents.

(q) *Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data:* None.

(r) *Copy of the Exact Data Instrument:* Available from: The Office of International Education, U.S. Department of Education, Washington, D.C. 20202.

(s) *Brief Account of Early Involvement and Communications With Respondent Populations:* A Global Education Task Force, which involved educators from all levels of American education was set up by the Secretary of Education to advise the Department on direction, policy and procedures for the program.

(t) *Assurance That Respondent Will Have Sufficient Lead Time To Comply With Request:* There will be a 60 day lead time for respondent to comply with request.

(u) *Specific Justification for a Multi-Year Approval:* No multi-year approval requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Non-student Borrower Application for a Health Education Assistance Loan.

(b) Name of Sponsoring Agency/Bureau/Office: U.S. Department of Education/Bureau of Student Financial Assistance/Division of Policy and Program Development/Health Loan Branch.

(c) Agency Form Number: ED 768.

(d) Justification: When individuals complete medical school, they are referred to in this program as "nonstudents". Nonstudents are eligible to make loans to pay the interest on loans they made as students. The subject form is the document which initiates the loanmaking process for these nonstudents.

(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 Student Application for a Health Education Assistance Loan (ED Form 621–2) requests data similar to that asked for in the proposed Nonstudent Application. In formulating the Student Application, numerous meetings and consultations were held with the Student Loan Marketing Association, various financial institutions, and student organizations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average
Nonstudent Borrower	400	.25
Financial Institution	200	.50

(j) Sensitive Questions: Pub. L. 95–630 was enacted November 10, 1978 and it included Title XI, The "Right to Financial Privacy Act (RFPA) of 1978", which applies to all financial institutions. The term "financial institution" includes any bank, savings bank, trust company, savings and loan association, or credit union, among others. The Right to Financial Privacy Act regulates any financial institution which provides a Federal agency, ("Government authority") or its agencies with access to, or information contained in, the financial records of a customer.

The RFPA applies to all financial institutions which are lenders in the Health Education Assistance Loan Program because these lenders disclose identifiable information from customer records to the Department of Education or provide the Department of Education access to customer financial records for purposes of program reviews.

Among other provisions, the RFPS requires that when a Federal agency involved in a loan program seeks information from a customer's financial records, it must certify to the financial institution that the Federal agency is complying with the applicable provisions of the RFPA. No further certification is required by the certifying Federal agency during the term of the loan or loan guaranty.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will be Used: The information on the proposed application form will be used for the following program management functions:

1. to assist lenders in determining the amount of the loan.

2. to determine the insurability of the loan under statutory and regulatory guidelines.

(m) Method of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative Authority—(42 U.S.C. 194E), Pub. L. 94–484, Section 735(a) which states, "* * * the Secretary may (1) prescribe such regulations as may be necessary to carry out the purposes of this subpart: * * *" Regulatory Authority—Section 126.19, "All forms required under the HEAL Program are provided by the Secretary of Education."

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

1. Nonstudents must only give very general information and will be able to complete Section I in less than 15 minutes. There is no cost to them to supply the requested data.

2. The lender will be able to complete the application in approximately one-half hour. Administrative costs to the lender will be approximately $4,000.

3. Total person-hours: 600.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: Mr. J. Fred Wells, Health Education Assistance Loan Program, Room 3674, ROB-3, 7th and D Streets, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Student Application for a Health Education Assistance Loan (ED Form 621-2) basically requests the same information as the proposed Nonstudent application. In developing the student application, numerous meetings and consultations were held with various financial institutions and the Student Loan Marketing Association. Attending the meetings were members of health professions organizations, academic institutions and medical student organizations.

(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 the Proposed Activity: Summary Data Sheet/Listing Form for National Defense/Direct Student Loan Cancellation Benefits.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grants Branch, Services and Collections, Section.

(c) Agency Form Number: ED Form 1269-1.

(d) Justification: This form was designed to provide pertinent information to the U.S. Department of Education for compliance and statutory provisions governing both the National Defense/Direct Student Loan Program.

(e) Description of Survey Plan: State educational departments submit the forms for review and acceptance by the U.S. Department of Education.

(f) Tabulation and Publication Plans: Data will be keyed into our computer data base to generate listing of eligible institutions which will then be published in the **Federal Register.**

(g) Time Schedule for Data Collection and Publication: Data collection occurs during the Fall for publication and distribution to participating NDSL institutions during the following summer.

(h) Consultations Outside the Agency: Consultation is made with State Departments of Education.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours per response
(1) State Educational Agencies	57	20

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: The total cost to the Federal Government (including processing cost and staff personnel) is estimated to be $20,000 per year excluding cost of **Federal Register** publication and distribution.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary use of these forms will be by the U.S. Department of Education in its review of school's percentages for accuracy in complying with the rules, regulations, statutory provisions governing both programs.

(m) Methods of Analysis: Record keeping requirements to comply with item (e).

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

Note.—Secs. 137 (c) and (d) of Pub. L. 92-318 provide as follows:

(c) In the case of a loan made before July 1, 1972, under title II of the National Defense Education Act of 1958 not to exceed 50 per centum of such loan (1) shall be canceled for service by the borrower as a full-time teacher in a public or othr nonprofit elementary or secondary school in an institution of higher education, or in an elementary to secondary school overseas of the Armed Forces of the United States at the rate of 10 per centum of the total amount of such loan for each complete academic year of such service, except that (A) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, as amended, and which for purposes of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such title exceeds 50 per centrum of the total enrollment of the school) the Secretary shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate shall be 15 per centum for each complete academic year of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, learning disabled, or other health impaired children who by reason thereof require special education) in a public or other nonprofit elementary or secondary school system, and (C) for the purpose of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan may be cancelled, and (2) shall be cancelled for service by the borrower after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan for each year of consecutive service, but only if such loan was made after April 13, 1970.

(d)(1) Upon enactment of this Act, the program authorized by part E of title IV of the Higher Education Act of 1965, as added by subsection (b) is, and shall be deemed to be, a continuation of the program authorized by title II of the National Defense Education Act of 1958. In accordance with regulations of the Secretary except as provided in subsection (c), all rights, privileges, duties, functions, and obligations under such title II prior to the enactment of this Act shall be deemed to be vested, as the Secretary determines to be appropriate, under such part E. Any student loan fund established under an agreement under such title II shall, in accordance with regulations, be deemed to have been established under such part E, and any assets of such student loan fund of any institution shall be deemed to be the assets of a student loan fund established under an agreement of that institution with the Secretary under such part E.

Sec. 465. (a)(1) The per centum specified in paragraph (3) of this subsection of the total amount of any loan made after June 30, 1972, from a student loan fund assisted under this part shall be canceled for each complete year of service after such date by the borrower under circumstances described in paragraph (2).

(2) Loan shall be cancelled under paragraph (1) for service—

(A) as a full-time teacher for service in an academic year in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purposes of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of title I of the Elementary and Secondary Education Act of 1965 exceeds 30 per centum of the total enrollment of that school and such determination shall not be made with respect to more than 50 per centum of the total number of schools in the State receiving assistance under such title I;

(B) as a full-time staff member in a preschool program carried on under section 222(a)(1) of the Economic Opportunity Act of

1964 which is operated for a period which is comparable to a full school year in the locality: Provided, that the salary of such staff member is not more than the salary of a comparable employee of the local educational agency, or

(C) as a full-time teacher of handicapped children in a public or other non-profit elementary or secondary school system; or

(D) as a member of the Armed Forces of the United States, for service that qualifies for special pay under section 310 of title 37, United States Code, as an area of hostilities.

For purposes of this paragraph, the term "handicapped children" means children who are mentally retarded, hard of hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, learning disabled, or other impaired children who by reason thereof require special education.

(3)(A) The per centum of a loan which shall be cancelled under paragraph (1) of this subsection is—

(i) in the case of service described in clause (A), or (C), of paragraph (2), at the rate of 15 per centum for the first or second year of such service, 20 per centum for the third or fourth year of such service, and 30 per centum for the fifth year of such service;

(ii) in the case of service described in clause (B) of paragraph (2) at the rate of 15 per centum for each year of such service;

(iii) in the case of service described in clause (D) of paragraph (2) not to exceed a total of 50 per centum of such loan at the rate of 12½ per centum for each year of qualifying service.

(B) If a portion of a loan is cancelled under this subsection for any year, the entire amount of interest of such loan which accrues for each year shall be cancelled.

(C) Nothing in this subsection shall be construed to authorize refunding any repayment of a loan.

(4) For the purposes of this subsection, the term "year" where applied to service as a teacher means academic year as defined by the Secretary.

(b) The Secretary shall pay to each institution for each fiscal year an amount equal to the aggregate of the amounts of loans from its student loan fund which are canceled pursuant to this section for such year. None of the funds appropriated pursuant to section 461(b) shall be available for payments pursuant to this subsection.

(o) Timetable for Dissemination of Collected Data: Current plans call for reports and/or data collection after the State education departments have assembled data after the 4th Friday (4th Friday Report). Data is furnished to the U.S. Department of Education for input into data base from which low-income school list is generated.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Estimate of total person-hours is 1140. Cost estimate is $20,000 per year.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument: Florence V. Taylor, Chief, Service and Collections Section, Campus and State Grants Branch, DPO, Office of Student Financial Assistance, Rm. 4621 ROB No. 3, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvment and Communications With Respondent Populations: Contact is established with each State Department of Education.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: Forms are submitted to the State Departments of Education during Fall of each academic year.

(u) Specific Justification for a Multi-Year Approval: The Legislative authority is open until there is a legislative change.

Data Activity Plan Summary

(a) Title of Proposed Activity: Student Application Package for Foreign Language and Area Studies Fellowship.

1. ED Form 7608—The Basic Student Application.

2. ED Form 7610—The Name Card.

(b) Agency/Bureau/Office: Department of Education/Office of Postsecondary Education/Office of International Education.

(c) Agency Form Number: ED Forms 7608 and 7610.

(d) Justification: Quotas of fellowships are assigned to those programs and centers which have successfully competed for quotas of fellowships. It is essentially an individual grant program where the responsibility for the selection of students for fellowships has been mandated to the Secretary of Education or to his/her delegated representative (20 U.S.C. 1122). The role of the university in the selection process is to nominate students for awards. Both the university and the Department of Education use the student application to (a) determine basic student eligibility and (b) evaluate students in accordance with published criteria, as specified in the **Federal Register.**

(e) Descriptions of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: Forms distributed annually in winter and due back in Spring. This summary pertains to the winter of 1981 and annually thereafter.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate average person hours
Students	1,000	1 hour

(j) Sensitive Questions: N/A.

(k) Estimate of Cost to Federal Government: $100,000.

(l) Detailed Information on How Information Once Collected Will Be Used: Program Management: The information on the forms will attest to the individual applicant's eligibility and determine his relative competiveness to other applicants.

(m) Methods of Analysis: N/A.

(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) for National Resource Center and Fellowship Program for Language and Area or International Studies:

"(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 allowances for dependents and for travel for research and study in the United States and abroad."

(o) Timetable for Dissemination of Collected Data: N/A.

(p) Estimate of the Total Person Hours and Costs Required To Complete the Request: Total person hours—1,000; Dollars Costs—$1,000.

Students are considered to contribute only their time. Estimate $1,000 for respondent institutions' administrative costs.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument: Copies available from: Dr. Richard T. Thompson, Office of International Education, Room 3923, ROB-3, U.S. Department of Education, Washington, D.C. 20203.

(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: Student applications are usually mailed to participating institutions in April each year and are expected back in about two months.

(u) Specific Justification for Multi-Year Approval: Application form used

each year and therefore it is appropriate to obtain multi-year clearance.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Application for Comprehensive Program Final Year Dissemination Competition.

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education, Office of Educational Research and Improvement, Fund for the Improvement of Postsecondary Education.

(c) Agency form Number: ED Form 0003

(d) Justification: In this competition the Fund supports efforts by grantees to disseminate project ideas and results. Applicants are limited to grantees whose projects are in the final year of funding under the Comprehensive Program.

(e) Description of Survey Plan: Applications are sent to those eligible under (d). Response is voluntary.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consulations Outside the Agency: The Fund consulted with grantees, State 1202 Commissions, and its Board of Advisors in preparing this competition.

(i) Estimate of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and Universities	50	8
Non-profit Organizations	10	8
Organizations other than schools or colleges	10	8

(j) Sensitive Questions: There are no sensitive questions in the instruments being submitted. Participation is voluntary. No confidentiality problems are anticipated.

(k) Estimate of Cost to Federal Government: The total cost is estimated at $5,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information gathered will be used only internally to help determine how grants will be made.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. (96-374, Title X) 20 U.S.C. 1134 [Subject to the provisions of subsection 1002, the Secretary is authorized to make grants and contracts with institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing asistance to such educational institutions and agencies for* * *]

(o) Timetable for Dissemination of Collected Data: Applications will be due December 1981. There is no dissemination of the information:

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The total person-hours to respond is estimated to be 560 for a total cost estimated to be $5,860.

(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 Diana Hayman, Fund for the Improvement of Postsecondary Education, Department of Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Fund consults each year with its grantees at its annual project directors meeting. The Fund has used basically the same form for the past 5 years.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: The Fund plans to announce an early December 1981 deadline for application submission. Application packages will be mailed to those eligible two months in advance.

(u) Specific Justification for a Multi-Year Approval: The form for this application package is brief and simple to fill out. It can be described as a "routine administrative form, representing minimal burden." It has been used for 2 years with no negative feedback from respondents.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1981 (Higher Education General Information Survey XVI).

(b) Name of the Sponsoring Agency/ Bureau/Office: Department of Education/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) Form 2300-4

(d) Justification: This is the only comprehensive nation-wide collection of financial statistics on institutions of higher education. It is needed by NCES to fulfill its mandate to provide "full and complete statistics on the condition of education in the United States;" it is used by the Bureau of the Census for its reports on State and local governments' finances; by the National Institute of Education to develop the Higher Education Price Index; and by the Department of Education for the administration of Title III. The survey also provides the comparative data States need and thus eliminates the need for similar surveys. Data from the survey are used by private agencies for a variety of purposes, including the assessment of financial condition and the economic future of institutions of higher education.

(e) Description of Survey Plan: The HEGIS package, including the Finance questionnaire, will be sent to the 3,200 institutional units that are listed in the Education Directory. Those institutions failing to submit a completed survey form by the due date (October 13, 1981) will receive a reminder letter. Later, non-respondents will be sent mailgrams. Lastly, NCES or its contractor will telephone the nonrespondents (or their State's HEGIS coordinator). Estimation of data for nonresponding institutions (which should be less than 9 percent of the survey population) will be accomplished either (1) using data reported by the nonresponding institutions in previous year's survey, when available, or (2) when not available, a responding institution of the same size and with characteristics similar to the nonresponding institution will be selected and the data from that institution will be used to derive an estimate for the nonresponding institution.

(f) Tabulation and Publication Plans: The following publications and tape are planned by NCES for this survey:

1. Financial Statistics of Colleges and Universities, 1981 Preliminary Tabulations (Early Release).

2. Financial Statistics of Institutions of Higher Education Fiscal Year 1981, State Data.

3. Financial Statistics of Institution of Higher Education for Fiscal Year Ending 1981 (Computer Tape).

(g) Time Schedule for Data Collection and Publication:

Survey due date	Oct. 31, 1981.
Early Release white paper tables and report.	Mar. 1, 1982.
Closeout of data collection	Apr. 1, 1982.
Clean data tape	Oct. 1, 1982.
Elapsed time between due date and first report.	4 months.

(h) Consultation Outside the Agency: This survey is the same as last year's.

Last year's survey had the benefit of extensive prior consultation with representatives of institutions, and professional/education organizations. Examples include the National Association of College and University Business Officers and the American Council on Education. The State Higher Education Executive Officers (SHEEO/NCES Communication Network) reported that representatives of the 50 States concluded that, "The survey of Finance was the single most (frequently) selected survey for each year. . . ."

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	3,200	2.25

(j) Sensitive Questions: This survey contains no sensitive questions.

(k) Estimate of Cost to Federal Government: The cost of this survey to the Federal government is estimated as $270,000.

(l) Detailed Justification of How Information Once Collected Will be Used: Federal agencies, State agencies, private organizations, and researchers will use the data to describe the financial condition of institutions of higher education and to project their future development. The Bureau of the Census uses the data for several purposes: 1. to develop estimates of State and local governments' financies; 2. to relay these estimates to the Bureau of Economic Analysis for calculation of the Gross National Product; 3. to publish in the Census reports of State and local governments's financies; and 4. to pick up supplemental data that the Census of Governments does not collect. Further, the Bureau of Labor Statistics and the Federal Mediation and Conciliatory Service are secondary users of these data. The Department of Education's Division of Institutional Support uses Part B data to help determine whether or not an applicant college or university is eligible to receive a Title III (Developing Institutions) grant. The National Institute for Education relies on the survey's data to develop the Higher Education Price Index, which is a measure of inflation in higher education, as is the CPI for the general economy. The data are needed by NCES to fulfill its legal mandate which states that, "The purpose of the Center shall be to collect and disseminate statistics on the condition of education in the United States."

Many States use the data provided by this survey for their own purposes. Nongovernmental uses include the development of indicators of institutional financial health or distress. (The National Association of College and University Business Officers and the American Council on Education are currently engaged in this project.)

(m) Methods of Analysis: Data are published in aggregate form by State and control and level of institution. Detailed data will be made available in the form of a computer tape.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Pub. L. 93-380, 93rd Congress, H.R. 69, August 21, 1974, Title V, Sec. 406(b), "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States. . . ."

(o) Time Table for Dissemination of Collected Data:

Early release	Mar. 1, 1982.
State data report (final)	Feb. 1, 1983.
Computer tape	Oct. 1, 1982.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request:

Total hours response burden	7,200
Professional hourly wage	$12
Total costs	$86,400

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instruments: Copies may be obtained from Norman Brandt, National Center for Education Statistics, Presidential Building, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See (h) above.

(t) Assurance That Respondents Will Have Sufficient Lead Time To Comply With Request: See (h) above. The data elements have remained the same since the 1975 fiscal year survey.

(u) Specific Justification for a Multi-Year Approval: It is important to assure respondents of the continuity of data elements. In addition, the Federal and State agencies, researchers, and education associations rely on this survey to collect and provide data for the uses described above.

[FR Doc. 81-5012 Filed 2-13-81; 4:15 pm]

BILLING CODE 4000-01-M

Paperwork Control Procedures

AGENCY: Department of Education.

ACTION: List of education data acquisition activities for school year 1981-82.

SUMMARY: The paperwork control requirements in section 400A of the General Education Provisions Act added by the Education Amendments of 1978 (Pub. L. 95-561), require that certain information or data requested of educational agencies and institutions by Federal agencies by reviewed by the Secretary of Education to eliminate excessive or burdensome requests to them. Further, the data acquisition activities are to be approved and publicly announced no later than February 15 preceding the school year in which the data are to be collected.

The following list of data collection activities for School Year 1981-82 is published as one step to meet these requirements. The list contains:

(a) Data acquisition activities which have already been approved by the Office of Management and Budget under the forms clearance requirements of the Federal Reports Act and OMB Circular A-40.

(b) Data acquisition activities which have been approved under procedures established by the Federal Education Data Acquisition Council (FEDAC), and have multi-year approval.

(c) Data acquisition activities which have not been recommended for approval by FEDAC staff but are under development and proposed for the coming school year.

FOR FURTHER INFORMATION CONTACT: Mr. Wallace McPherson, Division of Education Data Control, (Room 4522, Switzer), 400 Maryland Avenue, SW., Washington, D.C. 20202 Telephone: (202) 472-3554. The contact persons listed in conjunction with the individual summaries are the one to whom specific comments or questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: The paperwork control requirements are intended to reduce the paperwork burden imposed on educational agencies and institutions by Federal agencies. The Secretary of Education is required to develop procedures to review and approve all data acquisition activities by any Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; and

(b) Whenever the purpose of such 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.

Data acquisition activities subject to this review are not subject to the Office of Management and Budget review under OMB Circular A–40 procedures. A detailed plan is required for each data activity and each data activity is to be publicly announced by February 15 preceding the school year in which the data are to be collected. Data Activity Plan Summaries are being published under separate notices.

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.

In addition to individual summaries, an *Annual Listing of Education-Related Data Collection Activities for School Year 1981–82 Already Approved by OMB/FEDAC* is published containing multi-year approved data acquisition activities already approved by the Office of Management and Budget under review procedures of OMB Circular A–40. The other activities in this list are multi-year activities that have already been reviewed and approved under the Interim FEDAC Review Procedures.

The Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981–82 also includes activities presently under development. Summaries of each data activity plan proposed for School Year 1981–82 are being announced under separate notices. The Secretary requests educational agencies and institutions to cooperate in the conduct of these data collection activities for School Year 1981–82.

Dated: February 13, 1981.

T. H. Bell,

Secretary of Education.

BILLING CODE 4000-01-M

I. ANNUAL LISTING OF EDUCATION-RELATED DATA COLLECTION ACTIVITIES FOR SCHOOL YEAR 1981-82 ALREADY APPROVED BY OMB/FEDAC

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education Bureau/Office/Group Office of Public Affairs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 38 ED Forms: 5015 5016	"Directory of Education Associations"	Education Associations	1200	600	--	Lois Lopez 202-245-6420

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 143 ED 511	Sixth Annual Data Collection in Response to Section 406A of the General Education Provisions Act	SEA FEA SLA SVED AEA	51 1 30 6 2	6,120 20 240 240 20	84.002 84.009 84.011 84.012 84.013 84.010 84.027 84.042 84.052 84.049 84.034 84.088 84.035 84.046 84.069 84.089 84.050 84.053 84.098 84.071	Murray Spitzer (202) 245-1950

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. S-120 ED 636	Evaluation of Teacher Corps Programs '78 and '79	PES SAS IND TES EPE SES	420 970 130 3,160 820 400	525 2,685 128 2,715 713 600	13.489 or 84.045	Eugene Tucker 245-8380

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Office of Special Education and Rehabilitative Services — Bureau/Office/Group: Office of Special Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-123 ED 717	Application for the State-Administered Gifted and Talented Childrens Education Program	SEA	55	618	84.080	Martha Bokee 245-2481
FEDAC R 186 ED 789	Financial Status and Performance Report for P.L. 98-313	SEA	57	456	84.027	Lou Danielson 245-9815
FEDAC R-30 ED 9037	Application for Grants Under Education for the Handicapped Programs	Colleges SEA/LEA Non-profit	1877	69449	84.023 84.024 84.026 84.029 84.078	Slagle Allbritton 245-2381
FEDAC R-31 ED 9047	Application for Grants Under Handicapped Personnel Preparation Programs	Colleges Non-profit organization	1248	34926	84.029	Jim Siantz 245-9491
FEDAC R-188 ED 9048	Gifted and Talented Discretionary Grant Application	Colleges SEA/LEA Non-profit	180	6660	84.080	Mel Ladson 245-2482
FEDAC R-06 ED 9055	FY 81-83 State Plan - P.L. 94-142	SEA	0	0	84.027	Lou Danielson 245-9815
FEDAC R-86 ED 9055-1	Education for the Handicapped Preschool Incentive Grant	SEA	0	0	84.027	Lou Danielson 245-9815

Name of Agency: Office of Special Education and Rehabilitative Services — Bureau/Office/Group: National Institute of Handicapped Research

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-204 ED 792	Application for Federal Assistance for Rehabilitation Research and Demonstration	Colleges Non-profit organizations	2000	80000	84.133	Mike Herrell 472-6551
FEDAC R 71 ED 9039	FY 1982 Financial Status and Performance Report for Part B of the Education of the Handicapped Act, as amended by P.L. 94-142	SEA	58	464	13.449 or 84.027	Lou Danielson 245-9815
FEDAC R 201 ED 9058	Report of Handicapped Children Receiving Special Education and Related Services	SEA	58	87	13.449 or 84.027	Lou Danielson 245-9815

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education — Bureau/Office/Group: Office of Elementary and Secondary Ed. Office of Compensatory Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 11 ED 4376; -1	Annual Survey of Children in Institutions, Operated or Supported by a State Agency, for Neglected or Delinquent Children or Children in Adult Correctional Institutions, ESEA, Title I	SEA OSA	2,000	2,000	84.013	Carolyn Horner (202) 245-2638
FEDAC R 70 ED 686-1, -2	ESEA, Title I Financial Status and Performance Report	SEA	56	51,040	84.010 84.012 84.013	Carolyn Horner (202) 245-2638
OMB 51-R09251 ED 4524	State Report on Title I, ESEA Comparability	SEA	56	84	84.010	John Staehle (202) 245-2722

Name of Agency: Department of Education — Bureau/Office/Group: Office of Indian Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 43 ED 506	Indian Student Certification	PAR			84.060	Patricia Mathews (202) 245-8236
FEDAC R 106 ED 736	Application for Grants under the Indian Education Act of 1972, Title IV, Part A Grants to Local Educational Agencies (New Only)	LEA	801	40,050	84.060	
FEDAC R 106 ED 736-1	Application for Grants under the Indian Education Act of 1972, Title IV, Part A (Continuations only)	LEA	350	3,500	84.060	
FEDAC R 103 ED 267	Application for Grants under Indian Education Program (New Only)	COLL NPO OOS	250	25,000	84.061	
FEDAC R 103 ED 267-1	Application for Grants under Indian Education Program (Noncompeting Continuations only)	COLL NPO OOS	40	1,600	84.061	
FEDAC R 107 ED 737	Application for Grants under Adult Indian Education Program (New only)	NPO OOS	110	11,000	84.062	
FEDAC R 107 ED 737-1	Application for Grants under Adult Indian Education Program (Noncompeting continuation only)	NPO OOS	31	1,240	84.062	
FEDAC R 104 ED 444	Application for Grants under Indian Education Program (new only)	NPO	50	5,000	84.072	
FEDA R 104 ED 444-1	Application for Grants Under Indian Education Program (Noncompeting Continuations Only)	NPO OOS	25	1,000	84.072	Patricia Mathews (202) 245-8236
FEDAC R 105 ED 501	Application for Grants Under Indian Fellowship Program (New Applications Only)	IND	750	3,750	84.087	Patricia Mathews
FEDAC R 105 ED 501-1	Application for Grants Under Indian Fellowship Program (Noncompeting Continuations Only)	IND	160	320	84.087	Patricia Mathews

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education Bureau/Office/Group Office of Elementary and Secondary Ed. Equal Educational Opportunity Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 61 ED 116-1A	Application for State Agency Grants under ESAA	SEA	14	448	84.110A	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116-1B	Application for Grants for the Arts under ESAA	OOS	21	630	84.111A	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116-1 and 116-1C	Application for Local Education Agency Grants under ESAA and Renewal Package for the Continuation of a Local Education Agency Grant under ESAA	LEA	730	24,820	84.056A, 84.056B 84.106A, 84.106B 84.107A 84.108A 84.109A 84.102A, 84.102B	Jesse Jordan (202) 245-7965
FEDAC R 61 ED 116, 116D	Application for Nonprofit Organization Grant under ESAA and Renewal Package for Noncompeting Continuation of Nonprofit Organization Grants under ESAA	NPO	280	9,240	84.057A 84.057B	Jesse Jordan (202) 245-7965
FEDAC R 213 ED 296	Application for Grants under Title IV of the Civil Rights Act of 1964, Technical Assistance and Training Program	COLL LEA SEA Nonprofit Org.	121 96 106 18	3,025 2,400 2,650 360	13.405 or 84.004	Shirley McCune (202) 245-8230

Name of Agency Department of Education Bureau/Office/Group OESE/ Office of Educational Support

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R152 ED 423	Application for Disaster Assistance under Section 7 of P.L. 81-874	LEA	150	150	84.041	William Chase 245-8412
OMB-51-R0653 ED 4038	Annual report by an LEA on any contract awarded for construction of a new school building between July 1 and June 30.	LEA	300	1	84.040	William Chase 245-8412
OMB-51-R0653 ED 4038-1	SEA report of minimum requirements for school construction	SEA	50	1	84.040	
OMB-51-R0893 ED 355	Preapplication for Federal Assistance (construction)P.L.81-815	LEA	200	16	84.040	William Chase
OMB-51-R01045 ED 355-1	Application for Federal Assistance (construction) P.L. 81-815	LEA	200	16	84.040	William Chase

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education — Bureau/Office/Group OESE /Office of Educational Support

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R58 ED 681	State plan-ESEA Title V-B Strengthening State Agency Mgtmt.	SEA	57	955	84.043 or 13.486	Battiste 245-2495
FEDAC No.R59 ED 681-2	Performance Report-ESEA Title V-B	SEA	57	2,280	84.043	Battiste 245-2495
FEDAC No.R59 ED 681-1	Financial Status Report-ESEA Title V-B	SEA	57	1,140	84.043	Battiste 245-2495
FEDAC No. R115 ED 335	Application for Grants Under Teacher Centers Pgm	LEA	450	3	84.006	A.Bruce Gaarder 472-5502
FEDAC No. R162 ED 704,704-1	Career Education State Allotment Program Performance and Financial Status Reports	SEA	53	954	84.104	John Lindia 245-2284
FEDAC No. R203 ED 703	Career Education Financial Status and Performance Reports (Discretionary)	SEA LEA NPO	15	240	84.074	John Lindia 245-2284
OMB-1810-0014 ED 580	Sharing Business Success	SEA LEA	10	84		O.Ray Warner 245-7793

Name of Agency Department of Education — Bureau/Office/Group Office of Vocational and Adult Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 130 ED 453	Application for Federal Assistance Programs (Nonconstruction) Community Education Program	LEA NPO COLL SEA	300 300 150 50	6,000 6,000 3,000 1,000	84.081 84.081 84.081 84.081	Martha Methee (202) 245-0691
OMB 51-R1256 ED 560	Adult Education Clearinghouse	AEA	57	200	84.002	Carroll Towey (202) 245-2174
FEDAC R 155 ED 590	State-administered Vocational Education Program Improvement Contracts: Abstracts	SEA	57	228	84.050	Marcia Miller (202) 245-2017
FEDAC R 133 ED 669	Vocational Education Projects in Sex Equity	SEA	57	285	84.048	Dorothy Stockton (202) 245-3352
FEDAC R 183 ED 3176	Application for Vocational Education Direct Grant Programs	Indian Tribal Organizations	80	1,600	84.101	Eugene Long (202) 245-2676

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education

Bureau/Office/Group: Office of Postsecondary Education, Office of Student Financial Assistance

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 191 ED 1329-1	State Student Financial Assistance Training Program Application	State Scholarship and Grant Agencies	46	184	84.096	Laura Green (202) 472-3278
FEDAC R 220 ED 786	Pre and Post-Tests on Title IV Student Financial Aid Programs for Counselors, Financial Aid Administrators, and Fiscal Officers	FAO, Business officers in Postsecondary Institutions, High School Guidance Counselors	23,000	11,500	13.460 or 84.032	Rachel McCrae (202) 472-3320

Name of Agency: Department of Education

Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 214 ED 404	Public Service Education Fellowships	Colleges and Universities with graduate public service training programs	170	6,800	13.555 or	Donald N. Bigelow (202) 245-2345
FEDAC R 214 ED 405	Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships Application	Colleges and Universities	60	2,400	13.567 or 84.085	Donald N. Bigelow (202) 245-2345
FEDAC R 142 ED 411; 411-1	Cooperative Education Program Performance Report and Related Financial Status Report	Colleges and Universities NJC PJC DOS	167 11 106 2	835 55 530 10	13.510 or 84.055	Morris L. Brown (202) 245-2146
FEDAC R 214 ED 591	Application for Graduate and Professional Opportunity Fellowships and Institutional Grants	Colleges and Universities	350	14,000	13.580 or 84.094	Donald N. Bigelow (202) 245-2345
FEDAC R 45 ED 1193	Cooperative Education Program Application Form - Academic Year 1981-82	Colleges and Universities NJC PJC DOS	350 222 25 3	3,570 2,264 255 31	13.510 or 84.055	Morris L. Brown (202) 245-2146
FEDAC R 138 ED 668	Application for Federal Assistance Under Title VII of the Higher Education Act of 1965, as amended	Colleges and Universities	800	6,400	13.457 13.458 84.001	Thomas F. McAnallen (202) 245-3253
FEDAC R 206 ED 343	Application for Educational Opportunity Centers Program	IHEs Public and private agencies, organizations	16 16	80 80	13.543 84.066	Velma Monteiro-Williams (202) 245-2511
FEDAC R 158 ED 732	Application for Biomedical Sciences Program	IHEs	12	60	13.691 84.112	Velma Monteiro-Williams (202) 245-2511

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education

Bureau/Office/Group Office of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 113 ED 712	Upward Bound Financial Status and Performance Report	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1196	Report on Current Upward Bound Student	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1197	Report on Former Upward Bound Student	COLL NPO PJC V/T/C	401 11 14 11	1,604 44 56 44	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 113 ED 1225	Report on College Retention of Former Upward Bound Students	COLL	1,800	450	13.492 84.047	Arnold H. Silver (202) 245-2424
FEDAC R 159 ED 1231	Financial Status and Performance Report for Special Programs for the Disadvantaged	COLL LEA NJC NPO OOS PJC STI V/T/C	470 5 14 77 5 146 3 33	235 3 7 39 3 73 2 17	13.482 84.042	Arnold H. Silver (202) 245-2424
FEDAC R 144 ED 269	Application for Veterans' Cost-of-Instruction Payments Program	IHE	1,200	1,596	13.540 84.064	Stanley Patterson (202) 245-2806
FEDAC R 207 ED 1294	Financial Status and Performance Report, International Studies	COLL	210	5,250	13.435 84.016	Richard Thompson (202) 245-2356
FEDAC R 179 ED 7614	Performance Reporting by Foreign Language and Area Studies Fellowships Recipients	SPE	1,000	500	13.434 84.015	Richard Thompson (202) 245-2356
FEDAC R 151 ED 633	Application for Certification for Participation in Programs Under Title IV of the Higher Education Act of 1965, as amended	COLL NJC PJC V/T/C	1,300 300 400 500	2,600 600 800 1,000	N/A	Janet Buntebart (202) 245-1744
FEDAC R 129 ED 1118	Application Summary Report for Federal Grants Under Part A of Title VII of the Higher Education Act	SBC	56	84	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253
FEDAC R 124 ED 1143	Certification of Project Costs, Academic Facilities Construction	COLL	400	400	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253
FEDAC R 160 ED 738	Standard Format for State Plans Under Part A of Title VII of the Higher Education Act of 1965	SBC	56	112	13.457 13.458 84.001	Thomas McAnallen (202) 245-3253

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education — Bureau/Office/Group Office of Bilingual Education and Minority Languages Affairs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 96 ED 4561	Application for Grants Under Bilingual Education Program (Title VII, ESEA, New Awards)	COLL, LEA, NJC, NPO, PJC, SEA	1,000	32,000	84.003	Regina Robbins (202) 245-2600
FEDAC R 96-1 ED 4561-1	Application for Grants Under Bilingual Education Program (Title VII, ESEA, Continuation Awards)	COLL, LEA, NJC, NPO, PJC, SEA	465	7,400	84.003	Regina Robbins (202) 245-2600
FEDAC R 96-2 ED 4561-2	Applicationfor Participation in Bilingual Education Fellowship Program (Title VII, ESEA)	COLL	15	480	84.003	Joyce Brown (202) 447-9273
FEDAC R 198 ED 791	Applicationfor Grants Under the Bilingual Vocational Training and Bilingual Vocational Instructor Training Program	COLL, LEA, NJC, NPO, OSA, PJC	50	1,500	84.077 84.099	Richard Naber (202) 245-2600
FEDAC R 102 ED 443-2	Application for Grants Under the Transition Program for Refugee Children and Educational Services for Cuban and Haitian Entrant Children Program	SEA	50	2,800	84.146 84.138	Jonathan Chang (202) 472-7177

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, Office of Libraries & Learning Technology, Division of Library Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R57 ED 535-1	Financial Status Report-ESEA IV-B,C	SEA	58	1,160	84.088 84.089	Milbrey Jones 245-2481 Allen King 245-2592
FEDAC No.R57 ED 535-2	Performance Report-ESEA IV-B, C	SEA	58	3,480	84.088 84.089	Jones/King Jones/King Edward Battiste 245-2495
OMB 51-R1207 ED 547	Application for Grants under Library Career Training Program	Colleges and universities	70	12	84.036	Frank Stevens 245-9530
FEDAC No.R55 ED 592	Application for Grants under Strengthening Research Library Resources Program	Colleges and universities	70	16	84.091	Frank Stevens 245-9530
		Public Lib.	7	16		
		St. Lib. Ag.	3	16		
		Nonprofit Org.	20	16		
FEDAC No.R48 ED 634	ESEA Title IV State Plan-Educational Improvement Resource Support	SEA	55	12,760		Jones/King 245-2495
FEDAC No.R59 ED 681-1	Financial Report-ESEA IV-B	SEA	57	1,140		Edward Battiste 245-2495
FEDAC No.R59 ED 681-1	Performance Report ESEA IV-B	SEA	57	2,280		Edward Battiste 245-2495

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Department of Education

Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology/ Division of Library Programs

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No.R210 ED 3118-1	Application for Grants under College Library Resources Program	Colleges and universities	1400	3	84.005	Frank A. Stevens
		Nonpublic junior colleges	170	3		
		Nonprofit organizations	30	3		
		Public junior colleges	1000	3		
		Combinations of institutions	100	3		
OMB 51-R1213 ED 4563	Application Under the Library Services and Construction Act	SLA	57	1,710	84.034 84.035	Nathan M. Cohen (202) 472-5150

Name of Agency U.S. Department of Education

Bureau/Office/Group Office of Educational Research and Improvement/Office of Dissemination and Professional Development/National Diffusion Network Division

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 125 ED Form 734	APPLICATION FOR GRANTS UNDER THE NATIONAL DIFFUSION NETWORK	IHE,LEA,NPO, SEA	200	7,200 hours (4,800 - new 2,400 - cont)	84.073	Robert M. Mullig 245-2243

Name of Agency Department of Education

Bureau/Office/Group Office of Educational Research & Improvemen National Center for Education Statistics

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 139 ED (NCES) 2404; 2404A	Vocational Education Data System (VEDS)	State Board for vocational education	57		N/A	Robert Morgan (301) 436-6348
		Former students	448,000			
		Employers	112,500			
				206,595		
FEDAC R 5 ED (NCES) 2300-2.1A	Degrees and Other Formal Awards Conferred between July 1, 1980 and June 30, 1981 (for institutions offering bachelors, professional or advanced degrees)	COLL	2,100	20,500	N/A	Agnes Wells (301) 436-6425
FEDAC R 5 ED (NCES) 2300-2.1B	Degrees and Other Formal Awards Conferred between July 1, 1980 and June 30, 1981 (for 2-year colleges only)	COLL (2-year)	1,100	5,500	N/A	Agnes Wells (301) 436-6425

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency: Department of Education
Bureau/Office/Group: Office of Educational Research & Improvement, National Center for Education Statistics

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC S 37 ED (NCES) 2358; -1; -2	Noncollegiate Postsecondary School Survey	Public/Private Vocational Schools V/T/C	1,400 100 7,000	470 30 580	N/A	Art Podolsky (301) 436-6791
FEDAC R 193 ED (NCES) 2325	Private School Survey of Enrollment and Teachers	Private schools	20,000	10,000	N/A	Joanell Porter (301) 436-6729
FEDAC R 13 ED (NCES) 2300-2.3A	Fall Enrollment in Institutions of Higher Education, 1981	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425
FEDAC R 13 ED (NCES) 2300-2.3B	Fall Enrollment in Institutions of Higher Education, 1981 (2-year colleges only)	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425

Name of Agency: U. S. Department of Education
Bureau/Office/Group: Educational Research & Improvement, Fund for the Improvement of Postsecondary Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 91 ED 0001	The Comprehensive Program	Coll	2139	47,590	84.116A	Diana Hayman (202) 245-8102
FEDAC No. R 135 ED 0005	The Mina Shaughnessy Scholars Pgm	Coll	200	5,000	84.116E	Diana Hayman (202) 245-8102

Name of Agency: U.S. Department of Agriculture
Bureau/Office/Group: Food and Nutrition Service

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
040-R-1535/ FNS-10	Report of Child Nutrition Operations	State Educa-Agencies (SEA)	1,428,708	9,216,887	10.555	Vicki Urcuyo Special Nutrition Programs
040-R-2470/ FNS-806	School Lunch, Breakfast, & Special Milk Program Monthly Report - Part 210	Private Schools	15,000	21,900	10.553 10.555 10.556	Food and Nutrition Service, USDA 202-447-5573
040-R-2952/	Part 215-Special Milk Program Regulations	SEA's & SFM's	46,124	65,124	10.556	
040-R-3005/	National School Lunch Program Regulations	SEA's and School Food Managers (SFM)	11,384	38,396	10.555	
040-R-3508	Part 220 - School Breakfast Program Regulations	SEA's & SFM's	9,956	2,531	10.553	

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency U.S. Department of Agriculture Bureau/Office/Group Food and Nutrition Service

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
040-R-3511/ FNS-67, FNS-66, FNS-66-1	Application and Agreement-National School Lunch Program, School Breakfast Program, Special Milk Program	School Administrators	5,000	2,500	10.553 10.555 10.556	
040-R-3565/ FNS-360	Federal Outlay Report	SEA's	790	18,960	10.555	
040-R-3591/ FNS-65	Application, Claim, and Agreement Non-food Assistance	SEA's	2,500	5,750	10.555	
040-R-5004/ FNS-44	Monthly Report of the Child Care Food Program & Summer Food Service Program for Children	SEA's	714	861	10.558 10.559	
040-R-3662/	Determining Eligibility for Free & Reduced Price Meals and Free Milk in Schools - Part 245	SEA's	5,177	16,395	10.553 10.555 10.556	Vicki Urcuyo Special Nutrition Programs Food and Nutrition Service, USDA 202-447-5573
040-R-3702/ FNS-130	Monthly Report of Lunch Service Operations in Commodity Only Schools	School Administrators	2,754	1,377	10.550	
040-R-3704/ FNS-129	Agreement-Nonprofit Lunch Program (Commodity Only Schools)	SFM's	10	5	10.550	
040-R-3708/ FNS-127	Application for Donated Commodities (Commodity Only Schools)	SFM's	10	5	10.550	
040-R-3787/	Procedures for Requesting Technical Assistance When Establishing, Maintaining and Expanding Food Service Facilities	SFM's	120	240	10.554	
040-R-3830/ FNS-47	Annual Report of Meal Service in Schools	SEA's	59	17,416	10.553 10.555 10.556	
040-R-3899/	Regulations - Cash in Lieu of Commodities	Public and Private Schls. Non-profit Private Schls.	109,529 2,800		10.550	
040-R-3908/ FNS-168	Administrative Review Report Schools and Institutions	SEA's	2,178	3,267	10.553 10.555 10.556	
040-R-3999/ FNS-80, FNS-418	Summer Food Service Program for Children	SEA's	11,788	23,318	10.559	Vicki Urcuyo Special Nutrition Programs Food and Nutrition Service, USDA 202-447-5573
040-R-4046/ FNS-42	Nutrition Education and Training Program Regulations	SEA's	280	1,008	10.555	
040-R-4058/	Part 230 Food Service Equipment Assistance Program Regulations	SEA's & SFM's	112	448	10.554	
040-R-4059/	State Administrative Expenses Part 235 Regulations	SEA's	171	114	10.555	
040-R-4086/ FNS-13	Annual Report of Revenue & Cost	SEA's	59	9,515,720	10.553 10.555 10.556	

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency NATIONAL SCIENCE FOUNDATION Bureau/Office/Group

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
OMB 3145-0019 NSF Form 558	Survey of Earned Doctorates	SPE	31,500	10,500	N/A	Charles H Dickens (202) 634-4787
OMB 3145-0009 NSF E0011	Higher Education Panel	COLL	760 Maximum	4,550 (Six surveys, at 760 hours per Survey)	N/A	Larry W. Lacy (202) 634-4787
OMB 3145-0015 NSF Form 411	Scientific and Engineering Expenditures at Universities and Colleges, FY 1981	COLL	586	14,700	N/A	James Hoehn (202) 634-4673
FEDAC S109 NSF Form 724	Scientific and Engineering Personnel Employed at Universities and Colleges, January 1982	COLL	2,246	23,760	N/A	James Hoehn (202) 634-4673
FEDAC R93 NSF 811, 812	Survey of Graduate Science Students and Postdoctorates, Fall 1981	COLL	7,572	19,660	N/A	Penny D. Foster (202) 634-4630

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
21-674B 76-R0267	School Attendance Report	COLL NJC PJC V/T/C	9,875	825	64.117	Larry Nicholson 389-3062
22-1905 76-R0050	Authorization and Certification of Entrance and Reentrance into Training (Vocational Rehabilitation)	COLL NJC OOS V/T/L PJC	45,000	7,500	64.113	Charles A Graffam 389-2887
22-1905h 76-R0181	Trainee Request for Leave (Vocational Rehabilitation)	SPE NJC OOS V/T/C PJC	40,000	10,000	64.116	Charles A. Graffam 389-2887
22-1905m 76-R0285	Request for Training Supplies	SPE COLL NJC PJC OOS V/T/C	1,000	1,000	64.116	Charles A. Graffam 389-2887
22-1905p 76-R0289	Annual Farm and Home Plan for Institutional On-Farm Course of Training	SPE	100	300	64.116	Charles A. Graffam
22-1905n 76-R0290	Farm Survey and Overall Farm and Home Plan Self-Proprietor	SPE	30	60	64.116	Charles A. Graffam

Annual Listing of Education-Related Data Collection Activities for School Year 1981-82 Already Approved by OMB/FEDAC

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
22-1999 & -1 76-R0327	Enrollment Certification (under chapter 32, 34 or 35, 38 U.S.C.)	SAS	1,000,000	200,000	64.111	A. C. Gochar 389-2771
FL 22-315 76-R0439	Transfer of (Scholastic) Credit (Schools)	SAS	1,600	266	64.111	A. C. Gochar 389-2771
22-1999b &-1 76-R0546	Notice of Change in Student Status Institutional Courses only (under chapter 32, 34 or 35, Title 38 USC)	SAS	200,000	16,666	64.111	A. C. Gochar 389-2771
22-6553c 76-R0563	Monthly Certification of Flight Training	SAS Flight Students	190,000	47,500	64.111	A. C. Gochar 389-2771
22-5490w 76-R0566	Application for Educational Assistance by a Spouse or Surviving Spouse (Under Provisions of chapter 35, Title 38 U.S.C.)	SAS Applicant	5,500	3,600	64.111	A. C. Gochar 389-2771
22-5490 76-R0401	Application for Educational Assistance (Son or Daughter) (Under Provisions of chapter 35, Title 38 U.S.C.)	SAS Applicant	11,500	7,590	64.111	A. C. Gochar 389-2771
22-1990t 76-R0581	Application and Enrollment Certification for Individualized Tutorial Assistance (chapter 34 or 35, Title 38 U.S.C.)	SAS Tutor Student	26,000	13,000	64.111	A. C. Gochar 389-2771

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
22-6553d 76-R0594	Monthly Certification of On-the-Job and Apprenticeship Training	EMP EPE	850,000	85,000	64.111	A. C. Gochar 389-2771
22-1999v 76-R0645	Certification of Delivery of Advance Payment and Enrollment (Chapters 32, 34, 35, Title 38USC)	SAS	20,000	2,000	64.111	A. C. Gochar 389-2771
22-8722, 22-8723, 22-8724 76-R0688	Occupational Graduate Employment Questionnaire	SAS SEA Graduate	375,000	650,000	64.111	A. C. Gochar 389-2771
22-8725 76-R0689	Application for Education Loan (For Veterans & Eligible Persons Enrolled under chap. 32, 34 or 35 Title 38 U.S.C.)	SAS Student	120,000	80,000	64.111	A. C. Gochar 389-2771
22-8794 76-R0729	Designation of Certifying Official	SAS	36,000	3,000	64.111	A. C. Gochar 389-2771
22-1990 76-R0543	Veteran's Application for Educational Benefits (Under chapter 34, Title 38 U.S.C. for Service Beginning Prior to January 1, 1977)	SAS Applicant	200,000	133,000	64.111	A. C. Gochar 389-2771
22-1990a 76-R0544	Serviceperson's Application for Educational Benefits (Under chapter 34, Title 38, U.S.C. - For Service which began Before 1-1-77)	SAS Applicant	50,000	33,000	64.111	A. C. Gochar 389-2771

II. ANNUAL LISTING OF EDUCATION-RELATED DATA COLLECTION ACTIVITIES

PROPOSED FOR SCHOOL YEAR 1981-82

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: OFFICE FOR CIVIL RIGHTS/OFFICE OF PLANNING AND COMPLIANCE OPERATIONS/ANALYSIS AND EVALUATION DIVISION

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC S 51 AS/CR 532-1	Supplemental Information for Local Education Agency (LEA) Grants Under the Emergency School Aid Act:	SAS	550	138	13.675	Nancy Russell (202) 245-0703
FEDAC S 51 AS/CR 532-2	Supplemental Information for Local Education Agency (LEA) Grants Under the Emergency School Aid Act: Individual School Report	PES	6600	33,000		Nancy Russell (202) 245-0703

Name of Agency: Department of Education — Bureau/Office/Group: Office of Program Evaluation/ESPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 758	Estimation of the Construction Needs of School Districts with Federally-Connected Children	SAS	400	1,000		Peter Stowe 245-8364
		SEA	10	20		
ED 824	Analysis of ESAA-Funded Activities and Establishment of an ESAA Mgt. Info. System	LEA	240	240	13.525 or 84.056	Curtis Groves 245-7875
ED 832	ESAA Magnet School Study	District Staff	100	60	13.589 or 84.102	Pat Deven 245-1950
		Principals	100	100		
		Teachers/ Aides	700	350		
		Students (testing)	3,000	9,000		
		Students (assessment)	3,500	1,400		
		Community Leaders	600	300		
		Parents	3,000	900		
ED 855	Assessment of the Social Implications of the Follow-Through Pgm	Teachers, Students, Administrators, Parents, Social Svcs Providers	600	900	13.433 or 84.014	Jerry Burns 245-7875
ED 854	A Description of District Practices Since 1978 Under Title I of the Elementary and Secondary Education Act of 1965	LEA Title I Coordinators	2150	1075	13.428 or 84.010	Jan Anderson 245-8195
		LEA Superintendents	2150	1075		
		Parents of Title I Students	2150	1075		
		Building Principals	300	150		
		Title I Instructional Staff	600	300		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 725	An Evaluation of the Basic Skills Program	School Administrators and Supervisors	396	916.50	13.599 or 84.105	Art Kirschenbaum 245-8380,
		Principals	125	93.75		
		Teachers Elementary/ Secondary	875	718.75		
		Parents/ Volunteers	450	112.5		
		Organizations Other than Schools or Education Agencies	75	56.25		
		Individuals (out of school youth, adults)	225	56.25		
		Non-public, non-profit Elementary/ Secondary schools	15	15.00		
		Non-public Jr. Colleges	15	15.00		
		Public Jr. Colleges	15	15.00		
ED 725	An Evaluation of the Basic Skills Program (continued)	Non-profit organizations	15	15.00	13.599 or 84.105	Art Kirschenbaum 245-8380
		Colleges & Universities	30	30.00		
ED 760	Assessment of ESEA Title I Handicapped Pgm	SEA	50	50	13.427 or 84.009	Eugene Tucker 245-8380
		TES	700	250		
		PES	350	250		
		PAR	500	125		
		SES	2,000	500		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency U.S. Department of Education Bureau/Office/Group OEPM/OPE/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED-761	Impact Study of Programs and Projects Funded Under P.L. 92-318, Indian Education Act, Part A	SAS	120	40 hrs.	13.534 or 84.060	Dorothy Shuler 245-8877
		LEA	220	165 hrs.		
		Project Director	120	480 hrs.		
		Project Staff	240	240 hrs.		
		PES	720	240 hrs.		
		TES	3600	1500 hrs.		
		SES	16800	16800nrs.		
		PAR	840	2480 hrs.		
		Tribal Leaders	720	360 hrs.		

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 857	Evaluation of Discretionary Progs. (Arts in Education) (Consumer Education) (Ethnic Heritage) (Health Education) (Law Related Education) (Metric Education)	Employees in Postsecondary Education	50	25	84.084 84.082 84.070 84.090 84.123 84.179	Art Kirschenbaum 245-8380
		Individuals	100	50		
		LEAs	200	100		
		Non-public, non-profit elementary/ secondary schools	25	25		
		Organizations other than schools or education agencies	20	40		
		Principals (schools)	40	40		
		Public elementary/ secondary schools	80	120		
		School administrators or Supervisors	50	50		
		SEAs	45	22.5		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 857	Evaluation of Discretionary Progs. (continued)	Teachers, elementary/ secondary	80	160	84.084 84.082 84.079 84.090 84.123 84.179	Art Kirschenbaum 245-8380
		Colleges & Universities	20	40		
		Other (parents, adult, dropouts, specialists)	200	100		
		Students in postsecondary	100	25		
		Students, non-public elementary/secondary schools	100	25		
		Students in public elementary/secondary schools	400	100		

Name of Agency U.S. Department of Education Bureau/Office/Group OEPM/OPE/OHDPD

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 858	Evaluation of the Federal Role in Vocational Education Research	SEA	48	24 hrs.	13.493 13.498 13.495 or 84.048 84.051 84.050	Dorothy Shuler 245-8877
		SVED	48	24 hrs.		
		State Vocational Staff	240	120 hrs.		
		Research Coordinating Unit Directors	48	144 hrs.		
		RCU Staff	144	144 hrs.		
		LEA	120	120 (mail questionnaire)		
		V/T/C	120	120		
		State Adv. Council	48	24		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Program Evaluation/PPD

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 637	Study of the Impact of Student Financial Aid Programs (SISFAP4)	SPE	25,000	29,000	13.463 or 84.033 13.418 or 84.007	C. Dennis Carroll (202) 245-7884
		PAR of SPE	15,000	3,750	13.460 or 84.032 13.471 or 84.038	
ED 856	Evaluation of the Language and Area Studies Program	Faculty Members and Other individuals	1,700	1,700	13.435A or 84.015 13.435B and C or 84.016 13.434 or 84.015	Robert H. Berls (202) 245-8130
ED 833	Assessment of the Developing Institutions Program	Institutional Administrators	50	750	13.454 or 84.031	James Maxwell (202) 245-7884
		Title II Coordinators	400	800		
ED 627-13	Evaluation of the Special Services for Disadvantaged Students Program: A First Follow-up	Postsecondary Students	5,800	2,900	13.482	C. Dennis Carroll (202) 245-7884

Name of Agency Department of Education Bureau/Office/Group Office of Special Education and Rehabilitative Services Office of Special Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 814	Impact of P.L. 94-142 on Services for the Handicapped	Administrators Supervisors SEA Parents Noneducation organizations	220	240	84.026	Martin Abramson 472-4652
ED 812	Essential Elements of Successful Programs for the Gifted and Talented	State Coordinators of Gifted and Talented Programs	57	29	84.080	Gail Beaumont 245-2482
		Program Administrators	50	25		
		Teachers	50	25		
		Students	200	50		
		Parents	200	50		
ED 775	Impact Survey of the Handicapped Children's Early Education Programs	LEA/SEA Colleges, Non-profit Org	350	700	84.024	Bill Swan 245-9722

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Elementary and Secondary Ed. Office of Compensatory Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
OMB 51-R0979 ED 4473	Standard ApplicationForm for Federal Assistance (Non-Construction) for the Follow Through Program	COLL LEA OOS	169	5,070	84.014	Rosemary Wilson (202) 245-8946
ED 4473-1	Application for Federal Assistance (Non-Construction) for the Follow Through Program	COLL LEA OOS	1,000	30,000	84.014	Rosemary Wilson (202) 245-8946
OMB 51-R1088 ED 376	Financial Status and Performance Report for the Follow Through Program	COLL LEA OOS	169	423	84.014	Rosemary Wilson (202) 245-8946
ED 828	Field Test of a Performance Indication System for Local Follow Through Projects	LEA	49	48	13.433 or 84.014	Patricia Gore (202) 245-9846
ED 831	Activity Report of State Monitoring and Enforcement Efforts, Title I, ESEA	SEA	57	4,800	84.013	Benjamin Rice (202) 245-9454

Name of Agency Department of Education Bureau/Office/Group Office of Indian Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 354-1	Indian Education Grant Performance Report	COLL LEA NPO OOS	1,252	25,040	84.060 84.061 84.062 84.072	Patricia Mathews (202) 245-8236
ED 818	Evaluation of Indian-Controlled Schools	OOS	50	To be Determined	84.072	Patricia Mathews
ED 354	Financial Status Report	COLL LEA NPO OOS	1,252	3,756	84.060 84.061 84.062 84.072	Patricia Mathews 245-8236

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group OESE/Office of Migrant Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 362	Application for Migrant Education Pgm, Title I, Section 141	SEA	50	1000	84.011	Vidal Rivera 245-2222
ED 362-3	Financial Status and Performance Report, Title I, ESEA, Section 143, Migrant Ed. Pgm.	SEA	13	65	84.144	Vidal Rivera 245-2222
ED 819	Application for Grants Under High School Equivalency Pgm and College Assistance Migrant Pgm, Migrant Ed.	COLL	18	360	84.141	Joseph Bertoglio 245-2222
ED 819-1	Application for Grants Under High School Equivalency Pgm and College Assistance Migrant Pgm, Migrant Ed.	Coll	100	2,000	84.141 (Part B)	Joseph Bertoglio 245-2222
ED 819-2	Financial Status and Performance Report, High School Equivalency Pgm. and College Assistance Migrant Pgm.	Coll	20	100	84.141	Joseph Bertoglio 245-2222

Name of Agency Department of Education Bureau/Office/Group OESE/Equal Educational Opportunity Pgm

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 116-2 Series	Financial Status Report and Program Performance Report for the Emergency School Aid Act and Title IV of the Civil Rights Act	LEA SEA COLL OOS OSA NPO	730 14 50 30 21 200	10,220 196 750 420 294 2,800	84.057A 84.057B 84.056A/B 84.106A/B 84.107A 84.108A 84.109A 84.102A/B 84.110A 84.111A 84.102A/B	Jesse Jordan (202) 245-7965

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group OESE/Office of Educational Support

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 692	Application for Career Education Discretionary Pgms	SEA LEA NPO	150	6000	84.074	John Lindia (202) 245-2284
ED 829	Review of a Sample of Local Educational Agency Pgms Funded Under the Career Education Incentive Act	LEA	70	280	84.104	John Lindia (202) 245-2284
ED 825	Review of State-level Activities Funded Under the Career Education Incentive Act	SEA	49	98	13.596 or 84.104	John Lindia (202) 245-2284
ED 830-1 thru -5	Assessment of the Processes and Outcomes of Career Education in Three Local Settings	SAS TES SES PAR IND	12 270 540 81 27	1452 1080 270 40.5 13.5	84.074	John Lindia
ED 834	Teacher Centers Pgm. Performance & Financial Report Form (used by grantees)	LEA IHE SEA Guam D.C.	91 8 42 10 10	3640 320 420 10 10		A.Bruce Gaarder
FEDAC No. R65 ED 4019 (RSF-1)	Application for School Assistance in Federally Affected Areas	LEA	5,000	60,000	84.041	Director, DIA (202) 245-8427

Name of Agency Department of Education — Bureau/Office/Group Office of Vocational and Adult Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 360	Financial Status and Performance Report for Discretionary Grants - OVAE	LEA NPO COLL SEA Other (Indian Tribal Org.)	23 9 7 23 35	184 72 56 184 280	84.081 84.081 84.081 84.081 84.081	Eugene Long (202) 245-2626
ED 365; -1	Financial and Performance Report for Adult Education	SEA	57	4,560	84.002	Carroll Towey (202) 245-2774
ED 575-1, -2	Financial Status and Performance Report for Emergency Program for Indochina Refugees	AEA LEA	1 14	8 8	84.093 84.093	Gerald Randall (202) 245-9751
ED 750	Adult Education - Management Review for Program Improvement	AEA SEA	330 12	242 3	84.002 84.002	Carroll Towey (202) 245-2774
ED 773	Application for State Advisory Council for Vocational Education	SEA Other (Governors) Other (State Advisory Councils for Vocational Education)	14 43 57	28 86 114	84.053 84.053 84.053	Jeanne Williams (202) 472-3430
ED 652	State Plan for Adult Education	AEA	57	22,800	84.002	Carroll Towey (202) 245-2774
ED 700	Nationwide Study of the Distribution, Utilization, and Impact of Research and Development Products in Vocational Education	COLL EPE LEA NPO SEA	160 60 230 30 100	32 15 58 6 20	84.101 84.101 84.101 84.101 84.101	Mary Lovell (202) 245-2617

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education

Bureau/Office/Group: Office of Postsecondary Education, Office of Student Financial Assistance

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 628-2	BEOG Quality Control Project Stage III	COLL PAR SPE	400 4,000 4,000	600 4,000 4,000	84.064	David Iwamoto (202) 245-1747
ED 765	Quality Control Surveys of Student Financial Aid Program	FAO FIN	20 20	10 10	84.064	Ernst Becker (202) 245-1747
ED 815	GSL Quality Control Project for FY 82	FIN Borrowers	500 5,000	1,000 5,000	84.064	Barbara Sanders (202) 245-1747
FEDAC R 181 ED 304	Request for Payment of 1981-82 BEOG Award	FAO SPE	850 40,000	27,233	84.063	Shirley Purvis (202) 472-2685
FEDAC R 181 ED 304-1	ADS Student Report	FAO	35,000	17,500	84.063	Shirley Purvis (202) 472-2685
OMB 51-R1261 ED 579	ADS Student Validation Roster	FAO	850	2,000	84.063	MaryAnn Nelson (202) 472-2685
FEDAC R 94 ED 255	Basic Grant Application Form for 1981-82	SPE	1,750,000	2,625,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 94 ED 255-2	Basic Grant Special Condition for 1981-82	SPE	215,333	323,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 94 ED 255-1	Basic Grant Student Eligibility Report for 1981-82	Postsecondary Financial Aid Administrators	5,000	1,350,000	84.063	Robert J. Tuccillo (202) 472-4300
FEDAC R 148 ED 255-3	Institutional Progress Report for Basic Educational Opportunity Grants	EPE	5,000	11,250	84.063	Charles Brazil (202) 447-9025
OMB 51-R1055 ED 255-4	Basic Educational Opportunity Grant Program Student Validation Roster	EPE	5,000	25,000	84.063	Charles Brazil (202) 447-9025
ED 1189-1	Guarantee Agency Request for Reimbursement Under Agreement for Federal Reinsurance	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1189-2	Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1189-3	Guarantee Agency Request for Reimbursement on Death and Disability	State Guarantee Agencies	50	5,408	84.032	Maurice Tansey (202) 245-8122
ED 1199	Federal Loan Transaction Statement	FIN	19,000	28,500	84.032	Maurice Tansey (202) 245-8122
ED 1207	Lender's Application for Insurance Claim on Federal Insured Student Loan	FIN	12,000	6,000	84.032	Maurice Tansey (202) 245-8122
ED 1249-1	Request for Collection Assistance Under Federal Insured Student Program	FIN	13,000	4,584	84.032	Maurice Tansey (202) 245-8122
ED 816	Basic Educational Opportunity Grant (BEOG) Delivery System Redesign Pilot Project	FAO		1 hour each	84.064	Sylvia Cowan (202) 245-1747
ED 1288	Application for SSIG Program Funds	SEA	57	171	84.069	Lanora Smith (202) 472-4265
ED 1288-1	Fiscal Status and Performance Report for SSIG	SEA	57	171	84.069	Lanora Smith (202) 472-4265

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: Office Of Postsecondary Education, Office of Student Financial Assistance

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 1070	Lenders Report of Guaranteed Student Loans	FIN	Varies - only lenders in NH and RI		84.032	Maurice Tansey (202) 245-8122
ED 1072	Student Confirmation Report	COLL, NJC, PJC, V/T/C, Guarantee Agency	Depends on number of eligible schools at the time	Not available	84.032	Maurice Tansey (202) 245-8122
ED 1074	Loan Transfer Statement	FIN	Number changes monthly	2 hrs. per person	84.032	Maurice Tansey (202) 245-8122
ED 1151	Lenders Manifest for Federally Insured Student Loans	FIN	19,000	9,500	84.032	Maurice Tansey (202) 245-8122
ED 799	Lenders Request for Interest and Special Allowance, Guaranteed Student Loan Program, Parents Loans to Undergraduate Students	FIN	19,000	Varies depending on resources	84.032	Maurice Tansey (202) 245-8122
ED 799-1	Lenders Annual Report on Guaranteed Student Loan Outstanding	FIN	19,000	varies depending on resources	84.032	Maurice Tansey (202) 245-8122
LEEP 1	Law Enforcement Education Program (LEEP) Application	Colleges and Universities	834	2,000	N/A	Edward Mack (202) 492-9040
LEEP 3	LEEP Student Certification and Note	Criminal Justice Students	60,000	27,500	N/A	Edward Mack (202) 492-9040
FEDAC R 52 LEEP 5	Summary and Certification Sheet	Colleges and Universities	834	2,500	N/A	Edward Mack (202) 492-9040
FEDAC R 78 LEEP 6	Statement of LEEP Account	Criminal Justice Students and Agencies	340,000	68,000	N/A	Evelyn Scott (202) 633-3900
FEDAC R 79 LEEP 9	LEEP Rebate Credit Form	Colleges and Universities	600	180	N/A	Evelyn Scott (202) 633-3900
FEDAC R 81 LEEP 12	LEEP System Note Control Log	Colleges and Universities	4,000	800	N/A	Evelyn Scott (202) 633-3900

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 621-3	Loan Transfer Statement	FIN	520	130	84.090	Fred Wells (202) 245-2201
ED 639	Lender Manifest	FIN	520	130	84.090	Fred Wells (202) 245-2201
ED 768	Non-Student Borrower Application	FIN SPE	1,200	900	84.090	Fred Wells (202) 245-2201

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency: Department of Education — Bureau/Office/Group: Office of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 140 ED 756	Borrower Status Form	SPE	1,200	600	84.090	Fred Wells (202) 245-2201
ED 769-1	Repayment Schedule and Truth in Lending Disclosures (variable rate)	FIN	1,000	400	84.090	Fred Wells (202) 245-2201
ED 769-2	Repayment Schedule and Truth in Lending Disclosures (Fixed rate)	FIN	3,000	750	84.090	Fred Wells (202) 245-2201
ED 621-2	Student Application for a Health Education Assistance Loan	FIN SPE COLL	12,000	12,000	84.090	Fred Wells (202) 245-2201
ED 553	Referral/Assignment of Defaulted Note(s)	IHE	3,000	3,300	84.038	Ronald Allen (202) 245-9640
ED 574	Report on Defaulted Loan (NDSL)	IHE	3,000	14,000	84.038	Ronald Allen (202) 245-9640
ED 1269-1	Summary Data Sheet/Listing Form for NDSL Cancellation Benefits	State Departments of Education	114	304	84.037	Ronald Allen (202) 245-9640
ED 851	Application for Grants Under the Strengthening Developing Institutions Program	COLL	400	60	84.031	Richard L. Fairley (202) 755-1254
ED 852	Application for Grants Under the Aid to Institutions with Special Needs Program	COLL	500	60	84.031	Richard L. Fairley (202) 755-1254
ED 853	Application for Challenge Grant Program	COLL	200	60	84.031	Richard L. Fairley (202) 755-1254
ED 1251	Application for Special Programs From Disadvantaged Backgrounds	IHE Public and Private agencies, organizations, and secondary schools	1,000 250	5,000 1,250	13.482 84.042	Velma Monteiro-Williams (202) 245-2511

Name of Agency: Department of Education — Bureau/Office/Group: Office of Bilingual Education and Minority Languages Affairs

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 844	Financial Status and Performance Report for Bilingual Education Grants	COLL, LEA, NJC, NPO, PJC, SEA	850	24,200	84.003	Gilbert Garcia (202) 245-2600
ED 443; -1	Financial Status and Performance Report for the Transition Program for Refugee Children and the Educational Services for Cuban and Haitian Entrant Children Program	SEA	50	6,424	84.146 84.138	Jonathan Chang (202) 472-7177
ED 843	Program Performance Report for Grants Under the Bilingual Vocational Training Program and the Bilingual Instructor Training Program	COLL, LEA, NJC, NPO, OSA, PJC	21	672	84.077 84.099	Richard Naber (202) 245-2600

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology/Division of Library Programs

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R-62 ED 606	Final Financial Status and Performance Report	Colleges and universities	1400	4	84.005 84.036	Frank A. Stevens (202) 245-9530
		Nonpublic junior colleges	230	4	84.091	
		Nonprofit organizations	40	4		
		Combinations of institutions	30	4		
		Public Junior colleges	1000	4		
		State library agencies	1	4		

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research and Improvement/Office of Libraries and Learning Technology

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 835	TV Series, Citizen Education	IND	1000	1000	84.065	Frank Withrow (202) 245-9228
ED 836	Adult Basic Literacy	IND	1000	1000	84.065	Mary Ches Applewhi (202) 245-9228
ED 837	Radio Series, Acculturation	IND	1000	1000	84.067	Mary Ches Applewhi (202) 245-9228
ED 838	Evaluation Study: New Technology	SCH IND	2000	4000	84.067	Frank Withrow (202) 245-9228
ED 839	Utilization of Technology in Teaching of Written Communications	SCH	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 840	Demonstration Project in Technology and Job Skills	IND	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 841	National Training Project: Use of Instructional Technology	SCH IND	2000	4000	84.067	Sheldon Fisher (202) 245-9228
ED 842	Interactive Videodisc Demonstration	SCH	4000	8000	84.067	Sheldon Fisher (202) 245-9228
ED 846	A Descriptive Study of the effect of HEA II-C on Bibliographic Control in Research Libraries	Academic Librarians	30	22.50	84.039	Henry Drennan (202) 245-2994
		Public Lib.	5	3.75		
ED 774	Annual Report for the Library Services and Construction Act	SLA	57	1,710	84.034 84.035	Nathan M. Cohen (202) 472-5150

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Educational Research & Improvement, Office of School Improvement, Office of Consumers' Education

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 733	Application for Grants Under the Consumers' Education Program	LEA	60		84.082	D. Wilson 202-426-9303
		SEA	10			
		IHE-4	100			
		IHE-2	75			
		Pub Govt	70			
		N.Profit	385			

Name of Agency Department of Education Bureau/Office/Group Office of Educational Research & Improvement, Office of School Improvement, Metric Education Program

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. 69 ED 425	Applications for grant awards under the authority of the Metric Education Act of 1978 (ESEA; Title III; Part B; Section 311-313	SEAs	20	1200	84.079	Constance E. Hawle 653-5920
		LEA	220	6800		
		IHE	180	7200		
		NPO	105	4200		

Name of Agency Department of Education Bureau/Office/Group Office of Educational Research & Improvement National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC No. R 167 ED (NCES) 2350-8	Common Core of Data (CCD) Part I, Local Education Agency Universe (1981-82)	SEA	57	570	N/A	Warren A. Hughes (301) 436-6729
ED (NCES) 2350-9	Part II, Estimates for School Year 1980-81	SEA	57	570		
ED (NCES) 2350-13	Part III, State Education Agency Directory, 1981-82	SEA	57	171		
ED (NCES) 2350-5	Part IV, Fall Report on Pupils and Staff	SEA	57	1,140		
ED (NCES) 2350-7	Part V, Fall Report on School Housing	SEA	57	228		
ED (NCES) 2393-2	Part VI, Local Education Agency non-Fiscal Report	SEA	57	20,000		

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education — Bureau/Office/Group Office of Educational Research & Improvement, National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NCES) 2393-2A	Part VI-A, Universe of Public Schools	SEA	57	7,500		
ED (NCES) 2393-6	Part VIII, Revenues and Expenditures Elementary and Secondary Education, FY 1981	SEA	57	1,140	N/A	Warren A. Hughes (301) 436-6729
ED (NCES) 2300-5	College and University Libraries	COLL	3,140	6,280	N/A	Richard Beazley (301) 436-6662
ED (NCES) 2349	Public Library Survey, 1981	PLIB	1,500	750	N/A	Helen Eckard (301) 436-6662
ED (NCES) 2421	Museum Universe Update	STI, COLL, OOS	4,400	1,100	N/A	Sally Sanford (301) 436-6662
ED (NCES) 2424	Museum Program Survey	STI, COLL, OOS	1,500	1,825	N/A	Robert Heintze (301) 436-6662
ED (NCES) 2349-1	Public Library Universe Update	SLA	56	56	N/A	Sally Sanford (301) 436-6662
	National Longitudinal Study - High School and Beyond				N/A	Edith M. Huddlest (301) 436-6688
ED (NCES) 2409-30	1980 Sophomore Cohort - First Follow-up Survey	SQE, SES, SDP	27,000	27,000		
ED (NCES) 2409-30-1	Teachers' Comment Checklist	TES	50,000	12,500		
ED (NCES) 2409-30-2	School Questionnaire	SAS	1,000	250		
ED (NCES) 2409-33	1980 Senior Cohort - First Follow-up Survey	IND	15,000	15,000		
ED (NCES) 2409-35	First Follow-up Survey of Parents	IND	8,000	8,000		
ED (NCES) 2405 Series	Postsecondary Network Survey System	SEA	57	456	N/A	MacKnight Black (301) 436-7919
"	State Level Personnel Exchange (postsecondary level)	SEA	57	114	N/A	MacKnight Black (301) 436-7919
"	Survey of State Elementary and Secondary Officials Concerning Ways to Improve State Technical Assistance	SEA	57	114	N/A	George Wade (301) 436-7919
ED (NCES) 2405 Series	Information Exchange Directory (postsecondary level) regarding Status of the States' Information Systems	SEA	57	570	N/A	MacKnight Black
"	Survey of State Postsecondary Officials Concerning Ways to Improve State Technical Assistance	SEA	57	114	N/A	MacKnight Black (301) 436-7919

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Educational Research & Improvement National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
"	Information Exchange Directory (elementary/secondary) regarding Status of the States' Information Systems	SEA	57	570	N/A	George Wade (301) 436-7919
ED (NCES) 2434	Offerings and enrollments of Secondary Schools	Teachers and principals in public and private schls	One administrator and an avg. of 20 teachers for 2,000 schools	20,000	N/A	Richard P. Cook (301) 436-7484
ED (NCES) 2433	Private school Federal Program Participation	SEA	50	2,000	N/A	Larry Suter (301) 436-6729
FEDAC R 146 ED (NCES) 2406	Survey of Teacher Demand and Shortage	Private and public schools and public school district administrators	2,000	1,000		John Sietsema (301) 436-6316
ED (NCES) 2407-1, -2	1980 Census Data by School District	SEA LEA	49 14,000	15 4,200		J. Fred Beamer (301) 436-6684
FEDAC R136 ED (NCES) 2349-3	Nonpublic School Libraries/Media Centers	NNB, NPE, SCHL	1,500	750		Elizabeth M. Faupe (301) 436-6662
OMB 51-R1191 ED (NCES) 2379	Fast Response Survey System (FRSS)	SEA LEA SCH NNE INE Non-col. p/s schools with occupational programs Museums	57 600 1,000 800 500 750 600	24 1,000 500 400 250 375 300		Jeanette Coor (301) 436-6684
ED (NCES) 2425	1981-82 Library Human Resources Study of Supply and Demand	SCHL PLIB COLL LIB Employers	475 475 950 475	333 333 666 333	N/A	Helen Eckard (301) 436-6662
ED (NCES) 2432	Post-survey Validation of HEGIS Residence and Migration Survey	Colleges and Universities	120	960	N/A	Masao Yoshitsu (301) 436-7865
FEDAC No. S209 ED (NCES) 2397	1981-82 Teacher Language Skills Survey	Full-time elementary & secondary classroom teachers	15,000	3,750	N/A	Jane Crane (436-7484
FEDAC R 218 ED (NCES) 2413	Application for Grants under the Capacity Building Program for Statistical Activities in State Education Agencies	SEA	57	4,000	84.114	MacKnight Black (301) 436-7919
FEDAC No. R137 ED (NCES) 2428	State Level Personnel Exchange (elementary and secondary level)	SEA	32	32	N/A	George Wade (301) 436-7919
FEDAC R 167 ED (NCES) 2393-4	Part VII, State Education Agency Report (CCD)	SEA	57	1,425	N/A	Warren A. Hughes (301) 436-6729

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education Bureau/Office/Group Office of Educational Research & Improvement National Center for Education Statistics

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
FEDAC R 25 ED (NCES) 2300-4	Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1981	COLL	3,200	4,800	N/A	Norman Brandt (301) 436-6425
OMB 51-R0560 ED (NCES) 2300-1	Institutional Characteristics, 1981-82	COLL	3,200	1,600	N/A	Geneva Davis (301) 436-6425
FEDAC S 10 ED (NCES) 2300-2.8	Residence and Migration of College Students, Fall 1981	COLL	3,200	4,800	N/A	Andrew Pepin (301) 436-6425
OMB 51-R1022 ED (NCES) 2300-3	Salaries, Tenure, and Fringe Benefits of Full-time Instructional Faculty, 1981-82	COLL	3,200	25,600	N/A	Carolyn Smith (301) 436-6425
ED (NCES) 2435	Survey of Research Libraries	NPO, COLL, FEA, NJC, OOS, SLA, PLIB	1,000	500	N/A	Elizabeth Faupel (301) 436-6662

Name of Agency Department of Education/NIE Bureau/Office/Group Dissemination and Improvement of Practice

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 192	Study of NIE's Program Increase the Participation of Women and Minorities in Educational R & D	EPE SPE	500 (total)	500	84.117	Naida Bagenstos 254-6050
ED (NIE)- 218	Fostering Improvement in Education Through General Purpose Dissemination Assistance: An NIE Dissemination program study	EPE SAS LEA SEA OOS SES PES	259 (total)	209	84.117	John Egermeir 254-6050
ED (NIE)- 241	ERIC Distribution System Study	managers administrtive & direct service personnel in information providing organization; Information clients	180	270	84.117	Joe Heinmiller 254-6050
ED (NIE)- 242	STATE - Level Knowledge Use System	COLL NPO FEA SEA LEA IND	205	205	84.117	Naida Bagenstos 254-6050
ED (NIE)- 243	Educational Improvement Support Services	COLL OOS LEA SEA NPO IND	2650	1325	84.117	Naida Bagenstos 254-6050

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education/NIE Bureau/Office/Group Educational Policy and Organization

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 221	Study of School Size	PES TES SES	4802	2707	84.117	David Mandel (202) 254-5928 Bella Rosenberg (202) 254-8897
ED (NIE)- 229A	Language Learning in Bilingual Instruction	PAR SES TES	894	2,400	84.117	Judith Orasanu (202) 254-5767
ED (NIE)- 229B	Language Attitudes of Parents Students and Teachers in Bilingual Classrooms:	SES TES PAR SAS TAE	616	1,800	84.117	Blanca Rosa Rodriguez (202) 254-5766
ED (NIE)- 233	A Study of Cost Consequences of Decline	SEA LEA	1000	1000	84.117	Lauren Weisberg (202) 254-5555
ED (NIE)- 235	Special Decline in Rural School District	SEA LEA	160	160		Tom Schultz (202) 254-7930

Name of Agency Department of Education/NIE Bureau/Office/Group Teaching and Learning

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 232-A	Youth Literacy & Basic Skills Policy and Secondary Schools	SES LEA SDP	1,100	1,200	84.117	Thomas Carroll 254-5706
ED (NIE)- 232-B	Functional Literacy for Adults in Classrooms, The Workplace and in the Home and Community	AES EMP AEA	36	212	84.117	Thomas Carroll 254-5706
ED (NIE)- 244	The Tranisition From Home to School for Children and Their Families: An Ecological	SES TES	1,140	1,630	84.117	Oliver Moles 254-5706
ED (NIE)- 245	Survey of State Educational Assessment Programs	OOS (Directors of State, Assessment and/or Testing)	50	75	84.117	Tongsoo Song 254-5830
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	National Assessment of Educational Progress Writing Field - Tests October 1981 - September 1982	SES PES	6,080	4,560	84.117	Tongsoo Song 254-5830

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency Department of Education/NIE Bureau/Office/Group Teaching and Learning

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED (NIE)- 2371-1355R; 2371-1321f: 2371-13PQ; 2371-13SOQ; 2371-13QC; 2371-13TEQ; 2371-13BQ; 2371-13A; 2371-13I; 2371-1371SQO: 2371-13BQO; 2371-13DLO; 2371-13EGLO; 2371-13VO; 2371-1AO	National Assessment of Educational Progress Citizenship Social Studies, Mathematics and Science Assessment - September 1981 - August 1982	SES SNE PES out-of-school respondents school counselors secretaries	73,050	57,750	84.117	Tongsoo Song 254-5830

Name of Agency Department of Education Bureau/Office/Group Educational Research and Improvement, Fund for the Improvement of Postsecondary Education

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
ED 0003	Comprehensive Pgm Final Year Dissemination Competition	Coll	50	400	84.116A	Diana Hayman (202) 245-8102
ED 0007	Minority Institutions Science Improvement Pgm	Coll	150	15,000	84.120	Diana Hayman (202) 245-8102

Name of Agency Dept. of Health and Human Services Bureau/Office/Group Center for Disease Control

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
CDC 001	Evaluation of School Health Education Programs	Students Teachers Parents Others	25,000 500 2,000 600	53,100	13.283	Dr. Walter Gunn 404-329-3141

Annual Listing of Education-Related Data Collection Activities Proposed for School Year 1981-82

Name of Agency National Science Foundation Bureau/Office/Group

OMB/FEDAC Approval Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
NSF g-0012	Scientific Research Equipment Indicators Study	COLL EPE	200 3000	200 6000	None None	Gerard R. Glaser, Jr (202) 634-4682
OMB 3145-0032	1982 Survey of S & E Graduates	IND	21,530	5,383	None	James Brown (202) 634-4664
	Designing and Testing Alternative Strategies for Developing Reliable Estimates of Academic Basic Research Expenditures by Field of Science and Engineering	COLL	Unknown at this	-	None	Penny D. Foster (202) 634-4630
	Letter to Institutions - S & E Graduates 1980-81	COLL	225	1,000	None	James Brown (202) 634-4664

Name of Agency Veterans Administration Bureau/Office/Group Dept. of Veterans Benefits

OMB/FEDAC Number/ Agency Form Number	Title	Type of Respondents	Number of Respondents	Response Burden (Total Annual Manhours)	CFDA Number	Name and Telephone Number of Project Officer
27-4724	Compliance Report of Proprietary Institutions	NNE NPE V/T/C	367	184	64.116 64.117	Melvin T. Jackson 389-2095
27-8734 & a	Title VI Compliance Review Report	NNE NPE SNE SPE V/T/C	648	1,313	64.116 64.117	Melvin T. Jackson 389-2095
VA 10-1494	Veterans Administration Application for a Grant Under P.L. 94-541	COLL	26	455	64.021	Charles Barnes 389-5128

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DEPARTMENT OF ENERGY

Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting.

Name: Dose Assessment Advisory Group

Date and time: Thursday, March 12, 1981—8:30 a.m. to approximately 5:00 p.m.; Friday, March 13, 1981—8:30 a.m. to approximately 5:00 p.m.

Place: Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada

Contact: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, Department of Energy, Box 14100, Las Vegas, Nevada 89114, Telephone: 702–734–3181

Purpose of group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-site Radiation Exposure Review project. This project concerns the evaluation and assessment of the amount of radiation received by members of the offsite population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative agenda:

March 12, 1981

- Introduction and Briefing
- Mission of the Coordination and Information Center (C.I.C.)
- Role of the C.I.C. in Providing Support as the Data Collection Task Group
- Update on Task Group Activities
- Particle Size Distribution Data Discussion
- Dose Assessment Advisory Group Discussion
- Public Comment (5 minute rule)

March 13, 1981

- University of Utah Dose Assessment Project Presentation
- DOD National Troop Participant Review Presentation
- Discussion of Radiological Unit Measurements
- Discussion and Recommendations
- Public Comment (5 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office, telephone 202–2523–5187.

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

Georgia Hildreth

Director Advisory Committee Management.

[FR Doc. 81–5752 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95–621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective March 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., NW., Rm 4121, Washington, D.C. 20461 (202) 633–9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, also by Interim Rule, issued on December 24, 1980, in Docket No. RM81–9; amended price ceilings for Kentucky for the months following January 1981 to be set at the price ceiling at the Region D price until the Commission takes final action on its generic rulemaking in Docket No. RM79–21.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

Dollars per million BTU's

State:	
Alabama	4.06
Arizona	3.44
Arkansas	4.25
California	3.45
Colorado	3.76
Connecticut	4.75
Delaware	5.37
Florida	4.50
Georgia	4.50
Idaho	4.30
Illinois	2.90
Indiana	3.87
Iowa	4.07
Kansas	4.29
Kentucky [1]	3.54
Louisiana	3.85
Maine	4.92
Maryland	5.06
Massachusetts	4.91

[1] Region based price as required by FERC Interim Rule, issued on December 24, 1980, in Docket No. RM81-9.

Dollars per million BTU's

State:	
Michigan	3.85
Minnesota	3.89
Mississippi	4.42
Missouri	4.00
Montana	3.76
Nebraska	4.03
Nevada	3.44
New Hampshire	5.00
New Jersey	4.54
New Mexico	3.79
New York	4.09
North Carolina	4.74
North Dakota	4.62
Ohio	3.55
Oklahoma	3.79
Oregon	3.59
Pennsylvania	4.34
Rhode Island	4.92
South Carolina	4.57
South Dakota	4.33
Tennessee	4.27
Texas	3.55
Utah	4.30
Vermont	5.22
Virginia	4.66
Washington	3.39
West Virginia	4.14
Wisconsin	3.45
Wyoming	3.48

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during December 1980 was $36.86 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective March 1, 1981, is $8.26 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No.

RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of October 1980, November 1980, and December 1980.[2] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective March 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, October 1980, November, 1980, and December 1980. Reported prices for sales in October 1980 were adjusted by the percent change in the nationwide volume-weighted average price from October to December 1980. Prices for November 1980 were similarly adjusted by the percent change in the nationwide volume-weighted average price from November to December 1980. The volume-weighted 3-month average of the adjusted October 1980 and November 1980, and the reported December prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending February 12, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of December 1980. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Flordia
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C. on February 17, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-5019 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-01-M

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

Economic Regulatory Administration

[Docket No. ERA-FC-80-0-34; OFC Case Number 63003-9188-01-77]

Georgia Pacific Corp., Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Georgia Pacific Corporation.

SUMMARY: Georgia Pacific Corporation (G-P) has filed with the Economic Regulatory Administration (ERA) a request for classification as "existing" for a field-erected standby boiler a major fuel burning installation, pursuant to Section 515.13 of the "Final Rule to

Permit Classification of Certain Powerplants and Installations as Existing Facilities" (Final Rule), issued by ERA on October 14, 1979 (10 CFR Part 515), pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. § 8301 *et seq.*).

SUPPLEMENTARY INFORMATION: On December 18, 1979 G–P requested that ERA classify a field-erected standby boiler, designated to burn natural gas, at its Plaquemine, Louisiana facility as "existing", under the authority of the Final Rule. Notice of G–P's filing of the request for classification was published in the **Federal Register** on January 5, 1981, at 46 FR 1013. The public comment period provided in the notice expired on January 26, 1981. No comments were received.

G–P established its eligibility to request classification of its standby boiler by satisfactorily demonstrating, pursuant to § 515.10 of the Final Rule, since it executed a contract for the construction or acquisition of the unit prior to November 9, 1978. G–P requested that the unit be classified as "existing" pursuant to § 515.13(a) of the Final Rule, on the basis that the cancellation, rescheduling, or modification of the unit as of November 9, 1978 would have resulted in a substantial financial penalty. Specifically, G–P demonstrated that the nonrecoverable expenditures incurred as a result of cancellation of its contracts for the subject boiler as of November 9, 1978 would have been at least 25 percent of the total projected project cost as required § 515.13(a) of the Final Rule.

Based on a review of G–P's request, ERA has determined to classify G–P's standby boiler as an "existing" facility pursuant to § 515.13(a) of the Final Rule.

FOR FURTHER INFORMATION CONTACT:

Anthony M. Vaitekunas, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128K, Washington, D.C. 20461, Phone (202) 653–4237

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, DC 20461 (202) 653–4226

James Renjilian, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

The public files (OFC Case Number 63003–9188–01–77) containing documents on these proceedings are available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

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

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–5736 Filed 2–19–81; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket Nos. 81–09–NG et al.]

Pacific Gas Transmission Co., et al.; Natural Gas Imports, Applications To Pay the Canadian Border Price

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application to Amend Natural Gas Import Authorizations to Permit Purchase Price Increase.

SUMMARY: Pacific Gas Transmission Co. [ERA Docket No. 81–09–NG]; Great Lakes Gas Transmission Company, [ERA Docket No. 81–10–NG]; Northwest Pipeline Corporation [ERA Docket No. 81–11–NG]; Inter-City Minnesota Pipelines Ltd., Inc., [ERA Docket No. 81–12–NG]; St. Lawrence Gas Company, Inc., [ERA Docket No. 81–13–NG].

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of applications by Pacific Gas Transmission Company (PGT), Great Lakes Gas Transmission Company (Great Lakes), Northwest Pipeline Corporation (Northwest), Inter-City Minnesota Pipelines Ltd., Inc. (Inter-City), and St. Lawrence Gas Company, Inc. (St. Lawrence) to amend their current natural gas import authorizations in order to permit the purchase of natural gas imported from Canada into the United States at a price of U.S. $4.94 per MMBtu effective April 1, 1981. Currently, these companies are authorized to purchase natural gas from Canada at a price of U.S. $4.47 per MMBtu.

The applications are filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Stephen J. Gary (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 7108, RG–55, Washington, D.C. 20461, (202) 653–3286.

Patricia J. Neel, (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., SW., Forrestal Bldg., Room 5E–074, Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: PGT is currently authorized to purchase and import up to 1,021 MMcf of natural gas per day from Alberta and Southern Gas Company, Limited (Alberta and Southern), Canada. All of the gas imported by PGT is resold to Pacific Gas and Electric (PG&E) for use within the State of California.

Great Lakes is currently authorized to purchase and import up to 290 MMcf of natural gas per day from TransCanada Pipelines Limited (TransCanada), Canada. In addition, Great Lakes is also authorized to import a makeup volume of up to 18 Bcf of gas from TransCanada on an interruptible basis through October 31, 1981.

Northwest is currently authorized to purchase and import up to 961 MMcf of natural gas per day from Westcoast Transmission Company, Limited (Westcoast), Canada.

Inter-City is currently authorized to import up to 38 MMcf of natural gas per day at a price of U.S. $4.47 per MMBtu and reimport up to 32 MMcf of natural gas at a price of U.S. $3.65 per MMbtu.

St. Lawrence is currently authorized to import up to 30 MMcf per day from Niagara Gas Transmission Limited (Niagara), Canada. All of the natural gas imported by St. Lawrence, an intrastate distributor, is used within the State of New York.

In DOE/ERA Opinion and Order No. 14, issued on February 16, 1980, ERA approved the import of natural gas for PGT, Great Lakes, Northwest, Inter-City, St. Lawrence, and others at an interim price of U.S. $4.47 per MMBtu, in ERA Docket Nos. 80–01–NG, *et al.*, Inter-City Minnesota Pipelines Ltd., Inc., *et al.* This order was amended by DOE/ERA Opinion and Order No. 14B, issued on May 15, 1980, which authorized the import of natural gas from Canada at the price of U.S. $4.47 per MMBtu.

On January 15, 1981, the Government of Canada announced a border price of U.S. $4.94 per MMBtu for natural gas exported to the United States, effective April 1, 1981. Subsequently, on January 21, 1981, PGT filed an application for authorization to continue its importation of Canadian gas at the new price. In its application, PGT alleges that its sole customer, PG&E, is dependent on these supplies of Canadian natural gas to serve its customers' requirements. This gas represents approximately 37 percent of PG&E's system supply.

On January 23. 1981. Great Lakes filed its application to import Canadian natural gas at the new price. Great Lakes. which imports all of its supply. contends that its customers have expressed a long-term need for Canadian natural gas in ERA Docket No. 80–02–NG. Northwest filed its application to import at this new price on January 27. 1981. Northwest claims that such an amendment to its authorization is necessary because no alternate sources of natural gas are available to replace the volumes of Canadian gas it receives. This imported gas represents approximately 54 percent of Northwest's total system supply.

On February 11. 1981. Inter-City filed its application to import Canadian natural gas at the new prices. For those volumes Inter-City currently imports at U.S. $4.47 per MMBtu the price will increase to U.S. $4.94 per MMBtu. The volumes imported at a price of U.S. $3.65 per MMBtu would increase to U.S. $3.95 per MMBtu. In its application, Inter-City claims that it has no physical access to any source of natural gas other than Canadian. The alternate fuel supply in Inter-City's service area is also uncertain. St. Lawrence also filed an application on February 11, 1981 to import Canadian natural gas at the new border price of U.S. $4.94 per MMBtu. St. Lawrence, which receives all of its natural gas supply from Canada, alleges that such an amendment to its authorization is required so that it may continue to do business.

Other companies which have current authorizations to import natural gas from Canada are expected to submit similar applications to amend their authorizations in order to continue purchasing Canadian natural gas after April 1, 1981. These companies are: Michigan Wisconsin Pipeline Company, Midwestern Gas Transmission Company, Montana Power Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company, Transcontinental Gas Pipeline Company, and Vermont Gas Systems, Inc.

ERA anticipates that it will eventually consolidate for decision all applications to amend the price paid for currently authorized imports of Canadian gas. Therefore, persons with a specific interest in the Canadian price increase should intervene in the dockets noticed herein, without prejudice to filing comments in other related dockets at a later date.

Other Information

The ERA invites protests or petitions for intervention in the applications noticed herein, or in anticipation of a consolidated proceeding to consider all Canadian price increase requests by companies currently authorized to import natural gas from Canada.

Such protests or petitions are to be filed with the Economic Regulatory Administration, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the applicable rules of practice and procedure (18 CFR 1.8 and 1.10). Protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on March 9, 1981.

Any person wishing to become a party to the proceedings or to participate as a party in any hearing therein must file a petition to intervene. Protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

A hearing will not be held unless a motion for a hearing is made by any party and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. A party filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is ordered, due notice will be given to the parties.

A copy of the applications noticed herein is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-5751 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL 81-7-000]

Electric Power; Informal Public Conference

February 13, 1981.

The Federal Power Act[1] and the Public Utility Regulatory Policies Act of 1978,[2] assign the Federal Energy Regulatory Commission various regulatory responsibilities for wholesale transactions of electric power. These responsibilities require the Commission to balance, on the one hand, the need of electric utilities for sufficient revenues to enable them to provide efficient and reliable service to their customers while remaining financially healthy and, on the other hand, the interest of electric consumers in paying no more that the just reasonable price required to defray the costs of providing them with efficient, reliable service.[3]

Recent years have seen great concern, both within and without the government, about the financial health of the electric utility industry.[4] The financial and business risks facing this industry have been extensively discussed. The rapid and large increases in the cost of fuels and electric power are widespread concerns.

Significant changes in the public policy framework affecting the electric utility industry have occurred in recent years, particularly as a result of the various parts of the National Energy Act of 1978.[5] Interest cost have hit historical

[1] Act of June 10, 1920, *as amended*, Pub. L. 86–619, June 12, 1960; 16 U.S.C. 792, *et seq.*

[2] Pub. L. 95–617, November 9, 1978, *as amended*, Pub. L. 96–294, June 30, 1980; 16 U.S.C. 2601, *et seq.*

[3] *Bluefield Water Works and Improvement Company* v. *Public Service Commission*, 262 U.S. 679 (1923) and *Federal Power Commission* v. *Hope Natural Gas Company*, 320 U.S. 591 (1944).

[4] These concerns have surfaced in various forms, including media reports, industry and investment firms reports, legislative and executive initiatives, as well as reports of public and provate sector organizations. See, for example, "For the Utilities It's a Fight for Survival", *Fortune*, 1975; Paul L. Joskow and Paul W. MacAvoy, "Regulation and the Financial Condition of the Electric Power Companies in the 1970's", *Transport and Public Utilities*, May 1976; "The Financial Test that Utilities Face", *Business Week*, April 5, 1976; "Utilities Cut Appropriations," *The New York Times*, January 1, 1981; "Plunging Power: Big Financial Problems Hit Electric Utilities; Bankruptcies Feared," *Wall Street Journal*, February 2, 1981", Robert F. Gilkeson and W. Donham Crawford, *Remarks Before the San Francisco Society of Security Analysts*, March 6, 1975; William K. Rahner, *How an Analyst Appraises the Common Stocks of Utility Companies*, March 1, 1976; Bankers Trust Company, *U.S. Energy and Capital: A Forecast 1978–1982*; Andrew F. Brimmer, *Financing Public Utility Investment Requirements: Remarks Before the 43rd Annual Covention of the Edison Electric Institute*, June 3, 1975; William McCollam, Jr., *Remarks Before the New York Society of Security Analysts*, February 13, 1980; National Rural Electric Cooperative Association and National Rural Utilities Cooperative Finance Corporation, *Electric Power Supply. . . . Issue of the 80's): Hearings pursuant to S. Res. 45, The National Fuels and Energy Policy Study*, Before the Committee on Interior and Insular Affairs, United States Senate, 93rd Cong., 2nd Sess., 94th Cong. 1st Sess.; Hearings on *"Electric Utility Rate Reforms and Regulatory Improvement"*, Before the Subcommittee on Energy and Power of the Committee on Interstate and Foreign Commerce of the U.S. House of Representatives, 94th Cong., 2nd Sess.; the Utilities Act of 1975 and the Utility Rate Reform Provisions of the National Energy Plan; Federal Power Commission, the *Financial Outlook for the Electric Power Industry*, Sept. 1974; and Edison Electirc Institute, *Financing the Electric Utility Industry*.

[5] In an effort to foster savings in energy, efficient utilization of facilities and resources and fair rates, the Congress enacted the Public Utility Regulatory Policies Act of 1978, the National Energy Conservation Policy Act of 1978, and the Energy Security Act of 1980. Various provisions of these statues require consideration of certain ratemaking standards and load management techniques

highs and, particularly during the past year and a half, there has been unusual volatility of the capital markets.[6] These and other developments have had special impact on the financial operations of capital-intensive electric utilities.

The Federal Energy Regulatory Commission has attempted to take cognizance of the conditions within which the electric industry operates today and the industry's future prospects in its decisions affecting jurisdictional sales. The Commission has attempted to obtain decisional records in individual rate cases that adequately delineate the relevant considerations that should influence its determinations of just and reasonable rates. It has also attempt to develop general policies and rules that take appropriate cognizance of the financial situation of the companies within its jurisdiction. For example, the Commission is currently considering its policies in connection with construction work in progress, nuclear decommissioning costs, rate of return determination procedures, tax nomalization, cash working capital allowances, and other such policies and is attempting to respond to the current needs of electric utilities and their customers.

The Commission would be assisted in its efforts to calibrate its decision and policies to the needs of the electric industry and its wholesale customers by a general review of the current financial situation and future outlook of the electric industry. To this end, the Commission will hold and informal public conference to discuss the financial position of the electric utility industry, the recent experience of electric utilities in acquiring necessary capital, and what general steps might be taken by the Commission to improve this situation consistent with its responsibilities to electric utility consumers. Discussants are especially requested to provide the Commission with data, views and analyses which the Commission should be aware regarding the following matters:

(1) Short-term (i.e., next five years) estimates of the capital requirements of the electic utility industry (or segments thereof). (The basis, on which capital requirements are projected should be described, including the projected need for additional generating capacity, load growth projections, future conservation, cogeneration, and the need to replace uneconomic oil or gas generation capacity).

(2) The relationship between inflation and capital costs in the markets and how utilities and their ratepayers have been affected by this relationship.

(3) The earnings requirements and past earnings record of the electric utility sector.

(4) Estimates of the sources of capital and amounts of capital that might be available to meet the short-term (i.e., five years) capital requirements of the electric utility industry and the associated costs of capital.

(5) Barriers—internal and external—that hamper the electric utility industry from obtaining access to capital sources at reasonable prices.

(6) Efforts by the utility industry to overcome the obstacles to obtaining the necessary capital at reasonable rates.

(7) Initiatives that the FERC might appropriately undertake to reduce barriers to the electric utility industry in obtaining access to necessary capital at reasonable rates.

(8) Financial consequences for utilities and their wholesale customers of each initiative that the FERC might appropriately implement.

Participants are reminded that specificity of responses greatly enhances the Commission's understanding of the problems.

Requests to participate in the conference should be directed to Commission's Secretary no later than five days prior to the date of the conference. To assist the expeditious consideration of these matters, parties with similar views or information should attempt to provide joint presentations, to the extent practicable. If anyone wishes to participate but is unable to attend, written comments may be submitted and entered into the record of this conference. Written comments should be submitted by February 27, 1981.

The said conference will take place before the Commission (or designated Commissioners), at 10:00 A.M., March 6, 1981, in Hearing Room A, 825 North Capitol Street NE., Washington, D.C. 20426. The Commission herein invites the National Association of Regulatory Utility Commissioners to designate state commissioners to sit with the Commission (or designated Commissioner) in this informal public conference.

The Commission is interested in receiving comments from the broadest public possible. Consumers, the investment community, and any other interested parties outside of the electric utility industry are particularly welcome.

Requests for additional information may be directed to:

Gregory D. Martin, Technical Advisor to the Commissioner, Office of Commissioner Matthew Holden, Jr., Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 9300, Washington, D.C. 20426, Phone: (202) 357–8383

William Lindsay, Director, Office of Electric Power Regulation, Federal Energy Regulatory Commission, Washington, D.C. 20426, Phone: (202) 376–9232

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5796 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

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designed to promote conservation and efficiency; cause utilities to provide information to customers about energy conservation devices and financing for same; prohibit new utility plants from burning oil or gas; created tax credits for certain types of investments; and established funds for loans, loan gurantees, and grants for development of alternative energy source.

[6] We have seen the prime interest rate range from 11.12 percent to 21.53 percent, rates on prime commercial paper (4–6 months) range between 10.82 percent and 16.98 percent, and utility bond yields ranging between 12.27 and 13.85 percent.

[Project No. 3859-000]

City of Ashton, Idaho and Idaho Renewable Resources, Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that the City of Ashton, Idaho and Idaho Renewable Resources, Inc. (Applicant) filed on December 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3859 to be known as the Magic Reservoir Project located on the 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: Mr. J. R. Bingham, 415 Wright Bros. Way, Salt Lake City, Utah 84122. 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 earth-fill dam, Magic Dam, with a length of 800 feet and a height of 135 feet; (2) an existing reservoir with a surface area of over 3,500 acres and a capacity of 191,500 acre-feet; (3) a 900-foot long penstock with a 9-foot diameter; (4) a powerhouse containing two generating units rated at 2,500- and 7,500-kW, respectively; and (5) a 3.8 mile, 6.9-kV transmission line.

The Applicant estimates that the average annual energy output would be 34.0 GWh.

Purpose of Project—Power produced by the proposed project would be sold to the Idaho Power Company or the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which they would determine environmental effects; prepare engineering designs and cost estimates; consult with appropriate agencies; and prepare an economic and financial analysis.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Magic Dam Project No. 3407 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, either the competing April 20, 1981 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. 3859. 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 Commssion's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commssion, 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. 81-5812 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Federal Energy Regulatory Commission

[Docket No. CP81-165-000]

Cities Service Gas Co.; Application

February 17, 1981.

Take notice that on January 30, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-165-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline taps and appurtenant facilities in order to render natural gas service to 10 right-of-way grantors, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to provide natural gas service to ten right-of-way grantors as follows:

(1) Tap Applicant's North Ulysses Compressor Station 1½-inch pipeline in Kearny County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Kearny County Rural Fire District #2.

(2) Tap Applicant's Canadian-Blackwell 26-inch transmission pipeline in Woodward County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to C. R. Kornele.

(3) Tap Applicant's East Kansas City 20-inch transmission pipeline in Cass County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jim Lightner.

(4) Tap Applicant's Cambridge 16-inch transmission pipeline in Wilson County, Kansas, and constuct measuring, regulating and appurtenant facilities for delivery of natural gas to Mrs. Walfred E. Nelson.

(5) Tap Applicant's Mulhall-Drumright 12-inch transmission pipeline in Payne County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Joyce Patterson.

(6) Tap Applicant's Sedalia 20-inch transmission pipeline in Miami County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas Stallings.

(7) Tap Applicant's Canadian-Blackwell 26-inch transmission pipeline in Alfalfa County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Jack Sturgeon.

(8) Tap Applicant's Tonganoxie-Hund 16-inch transmission pipeline in Leavenworth County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Harry N. Thomas.

(9) Tap Applicant's Ottawa-Sedalia 12-inch transmission pipeline in Pettis County, Missouri, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Franklin T. Walz.

(10) Tap Applicant's Carrollton 8-inch transmission pipeline in Johnson County, Missouri, and construct

measuring, regulating and appurtenant facilities for delivery of natural gas to Phillip J. Young.

Applicant states that it has no written agreement covering the proposed delivery of natural gas to the Kearny County Rural Fire District #2. Applicant contends that since the fire station is near Applicant's North Ulysses compressor station and would provide it with increased fire protection. Applicant in exchange would provide gas service to Kearny County.

Applicant submits that the sales to the Kearny County Rural Fire District #2 and to C. R. Kornele would be made directly by Applicant. Sales to the other eight customers, it is asserted, would be made to the Gas Service Company for resale to those customers.

Applicant estimates the total cost of the proposed facilities to be $11,319, which would be financed by treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5811 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-163-000]

Columbia Gas Transmission Corp.; Application

February 17, 1981.

Take notice that on January 29, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-163-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Union Carbide Corporation (UCC), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a best-efforts basis up to 16,200 dekatherms (dt) equivalent of gas per day less 2.51 percent retained for fuel and losses for the account of UCC. It is asserted Applicant would receive liquid ethane at its Cobb Compressor Station in Kanawaha County, West Virginia, and deliver thermally equivalent quantities of natural gas to Sugar Bowl Pipe Line (Sugar Bowl) by a reduction in its scheduled receipts at the outlet of Exxon's Garden City Plant in St. Mary Parish, Louisiana. It is submitted that such quantities of natural gas would ultimately be delivered to UCC's Taft Plant by Sugar Bowl.

Applicant submits that deliveries would be made for a three-year term commencing on the date of initial deliveries. Applicant proposes to charge UCC 20.16 cents per dt equivalent for the proposed service. Applicant further asserts that all ethane volumes delivered by UCC to Applicant are subject to the General R&D Funding Unit of the Gas Research Institute which is currently 0.55 cents per dt equivalent.

Applicant further purposes that UCC reimburse Applicant an estimated $155,000 for the construction of 1,250 feet of 4-inch pipeline, a heater and a regenerator which are needed for the receipt and regasification of the liquid ethane. Applicant estimates the annual maintenance and operating costs of such facilities to be $46,900. Such facilities, Applicant contends, are nonjurisdictional. No new facilities would be needed for the Sugar Bowl deliveries, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein Provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5814 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-9002 and ER76-122]

Commonwealth Edison Co.; Order Denying Rehearing

Issued: February 13, 1981.

By order issued November 12, 1980, the Commission accepted the compliance filing of Commonwealth Edison Company (Com Ed) to Opinion Nos. 63 and 63-A. In accepting the compliance filing, the Commission determined that the data provided by Com Ed revealed that the rates established by those opinions did not create a price squeeze. On December 11, 1980, Illinois Cities (Cities), intervenors in the proceeding, filed an application

for rehearing of the November 12, 1980 order. For the reasons set forth below, we do not believe that the arguments used by Cities are sufficiently meritorious to warrant a result different from that contained in our November 12 order.

In Opinion No. 63, the Commission directed Com Ed in testing for price discrimination to make the relevant rate of return comparisons between *all* customers served under Rate 6, instead of the selected group of industrials, and the customers served under the wholesale rate. In its compliance filing for Opinion No. 63, Com Ed used an estimate of the Rate 6 coincident demand in developing the Rate 6 demand allocator which was based on Com Ed's sampling and class load methodologies as used in its retail rate proceeding before the Illinois Commerce Commission.

In its objection to the compliance filing, Cities' principal criticism was directed to the demand allocator for Rate 6. As noted by Com Ed in its response to the protest, Cities did not contend that the demand allocator was erroneous, nor did they urge the use of some other allocator. Instead, Cities merely pointed out that, as a statistical matter, there was some uncertainty associated with the retail class load estimate and, therefore, the demand allocator. Cities performed a study which purported to derive the likely minimum confidence interval about Com Ed's point estimate of coincident demand. Based upon Cities' computed range, the demand allocation at upper end of the range for a Rate 6 estimate would produce a rate of return less than the rate of return provided by the wholesale rates. However, Com Ed asserted, and our review indicates, that Cities used an improper statistical method. Cities' submission attempted to show the confidence interval for the demands of the Rate 6 Class. A confidence interval is a range. There is a 90% probability that the demands of the Rate 6 rate class are within the range if that interval has been properly determined. Cities' method for calculating the interval was improper. As Com Ed explains in its response, when computing a confidence interval on a total population (*i.e.*, Rate 6 class), it is not statisticaly correct to simply sum the upper and lower bounds of the demand confidence intervals of each stratum within the Rate 6 population to derive the upper and lower confidence limits for the total population. If the Cities had used the proper method, the resultant demand allocator at the upper end of the range for Rate 6 would produce a rate of return in excess of the rate of return provided by the wholesale rates.

Although we did not discuss the objection of the Cities at length in our November 9, 1980 order, we did conclude that Com Ed's method of developing the estimates of the coincident demand appears to be reasonable considering the data available. Cities now claim the Commission erred in approving Edison's compliance filing without according Cities an opportunity for a hearing. We had before us the compliance filing, Cities' objections to the compliance filing, along with testimony and affidavits of its witnesses, as well as Com Ed's response to the objections along with testimony and affidavits of its witnesses. Since the issue raised by the Cities would rise or fall on the validity of their statistical method, a hearing was not necessary to resolve such issues upon a finding that their statistical method was invalid.

Ordering Paragraph (B) of Opinion No. 63 directed Com Ed to provide calculations showing the rates of return earned in the test year under Rate 6 separately for all levels of the rate effective in the locked-in period of the wholesale rate. This was done by applying the billing determinants of the retail class served under retail Rate 6 for the test period to each of the retail rates in effect during the locked-in period of the wholesale rate. These resulting revenues for various levels of Rate 6, as well as the wholesale rate, were tested against the test year cost of service to develop a comparison of the rates of return.

Cities argue that the test is improper because it does not take into consideration the increased costs that necessitated the increase in revenues from the Rate 6 customers. It is important to note that this proceeding determined the appropriate costing methods to ascertain the revenue requirements of the wholesale customers. It is also important to note that the rates designed for this revenue requirement were in effect during the locked-in period of this docket. The task assigned was to compare the rate of return earned for the various levels of Rate 6 with the wholesale rate. If further increased costs were taken into consideration as suggested by the Cities, the earned rates of return would proportionately increase or decrease for both wholesale and retail customers. The use of the test period used in the proceeding is an administrative technique which sufficiently resolves the issue raised.

Cities also argue that the Commission violated its own criteria for determining a price squeeze case as set forth in "Order 567." Cities apparently intended to refer to Order No. 563, codified in the Commission's regulations as 18 CFR 2.17. Section 2.17 is a policy statement of the Commission which has been modified several times since its initial issuance. The Commission may change the requirements in litigated cases as it gains experience in dealing with the issue. However, Cities' claim that permitting Com Ed to file relevant data on its retail service in its compliance filing does violence to the requirements of § 2.17 is incorrect.

Section 2.17 sets out the elements of a *prima facie* case, a procedural schedule within which to adjudicate the *prima facie* case, and the placement of the burden of proof on the utility to rebut the allegations of price squeeze. The Section does not delineate the manner in which the utility may justify the proposed rates. Contrary to the assertion of Cities, the Commission requirement that Com Ed provide additional information does not "abandon those regulatory standards" (petition at 3) of § 2.17 since no standard relating to showings by the utility exists in that Section.

The Commission orders:

(A) The application for rehearing of Illinois Cities is hereby denied.

(B) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5787 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Consolidated Gas Supply Corp.; Amendment to Application

[Docket No. CP81-31-001]

February 17, 1981.

Take notice that on January 29, 1981, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-31-001 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the implementation of a shallow formation relief program in Applicant's Lost Creek Storage Pool area in Harrison and Lewis Counties, West Virginia, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its pending application filed October 24, 1980, Applicant proposed

the construction and operation of certain facilities in its Lost Creek Storage Pool in an effort to determine the source of gas emanating from a water well near the community of McWhorter, West Virginia.

Applicant states that it has found that one and possibly two shallow formations have become saturated with gas which is migrating upward into a water-bearing formation. Applicant asserts that in order to relieve the pressure on these shallow formations it has drilled four shallow wells and has equipped three other wells including the Hoover water well for use as relief wells.

Applicant proposes herein to retain and operate the aforementioned shallow wells and to construct and operate approximately 1.5 miles of 2-inch gathering pipeline and related facilities and to install one 100 horsepower and one 150 horsepower field compressor unit in the area in order to implement a shallow formation relief program. It is stated that the proposed gathering facilities are required to connect the shallow wells with the suction facilities at Applicant's existing Davis Compressor Station. Applicant contends that the compression facilities would maintain a reduced pressure in the gathering facilities thus maximizing the flow of natural gas from the relief wells.

Applicant estimates the cost of the proposed facilities to be $702,417 which would be financed from either funds on hand or from Applicant's parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5815 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3937-000]

Eyman Associates, Ltd.; Application for Preliminary Permit

February 17, 1981.

Take notice that Eyman Associated, Ltd. (Applicant) filed on January 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3937 to be known as Coralville Plant Dam located on the Iowa River in Coralville, Johnson County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Dean Eyman, President, 1427 Cedar Street, Iowa City, Iowa 52240. 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 crib and rockfill dam encased in concrete approximately 295 feet in length and 18.5 feet in height; (2) an existing small reservoir formed upstream having negligible storage capacity; (3) a proposed penstock extending from a 10-foot diameter conduit to the proposed powerhouse; (4) a proposed powerhouse to be located on the westerly bank of the river; (5) existing transmission lines; and (6) appurtenant facilities. Applicant estimates the capacity of the project to be 1.5 MW, and the annual energy output would be 5.3 GWh.

Purpose of Project—Energy producted at the proposed project would be sold to Iowa-Illinois Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-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 aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated 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 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. 3937. 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. 81-5818 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-81-000]

Florida Power and Light Co.; Order Accepting for Filing and Suspending Proposed Rates, Denying Waiver of Notice, Waiving Filing Requirements, Granting Intervention, and Establishing Procedures

Issued February 13, 1981.

On December 16, 1980,[1] Florida Power and Light Company (FP&L) completed its tendered filing of a proposed amendment to its fuel adjustment clause applicable to full and partial requirements customers.[2] Under FP&L's current fuel adjustment clause, a fuel adjustment factor is applied to sales in the billing month; this factor is estimated on the basis of sales and fuel costs in the second preceeding month. The proposed clause would retain this two month lag feature but would provide for a "true up" or correction factor to be applied in the second month succeeding the billing month. The "true up" factor would reflect the difference between billed and actual fuel costs plus interest charges. The proposed revision also would substitute a variable fuel revenue tax factor of 1/1-T for the present tax factor of 1.625%.

FP&L estimates that as a result of closer synchronization, its changed fuel adjustment clause will increase its revenues by approximately $2.5 million during calendar year 1981. The company requests that the new provisions be allowed to become effective on January 1, 1981, and further requests waiver of the Commission's filing and notice requirements as necessary to implement the revised fuel clause on that date. The company proposes to include in January's billings the "true up" adjustment for the differences between billed and actual fuel costs for the month of November, 1980.

Notice of the filing was issued on November 7, 1980, with responses due on or before November 28, 1980. On November 26, 1980, a protest, petition to intervene and motion to refect the filing was submitted by Seminole Electric Cooperative, Inc., and its members (Cooperatives). The Cooperatives request rejection of the proposed filing asserting that FP&L failed to provide (1) detailed cost support for the base cost of fuel as required by § 35.14 of the Commission's regulaitons, and (2) cost of service statements required by § 35.13 of the regulations. The Cooperatives question the imposition of interest at the prime rate on the fuel clause "true up" adjustment. They also allege that the revised fuel clause will create a price squeeze.

On November 28, 1980, the Cities of Ft. Pierce, New Smyrna Beach, Homestead, Starke and Vero Beach, Florida (Cities) filed a petition to intervene and motion to reject or suspend the proposed filing. The Cities contend that FP&L's filing represents a rate increase which must be rejected because it fails to comply with the requirements of § 35.13 of the regulations. The Cities also take exception to the proposed methodology under which FP&L proposes to eliminate the lag in its fuel receipts by subsequent correction subject to interest charges.

On December 10, 1980, FP&L filed an answer to the motions to reject the proposed fuel adjustment clause. FP&L contends that the Cities and Cooperatives have mischaracterized the proposed filing as a $2.5 million rate increase and that rejection of the filing for failure to comply with § 35.13 requirements is inappropriate. FP&L states that the instant filing represents only a change in the application of its existing fuel adjustment clause and proposes no change in the company's wholesale base rates. With respect to the petitioners' allegations that the company has failed to meet the filing requirements under § 35.14 of the regulations, FP&L states that the company is not proposing a new or changed fuel clause but is merely altering the application of its existing fuel clause.

The Cities filed a supplemental petition to intervene, out of time, on December 31, 1980. In that petition, Cities contend that the proposed fuel clause is anticompetitive. Cities reason that because the "true up" factor is billed two months after the service is received, they will not know their current cost of purchasing power. Therefore, they contend that the "true up" precludes Cities from making an informed choice whether to purchase power from FP&L, purchase from other sources, or use self-generation.

FP&L responded to Cities' supplemental petition on January 15, 1981. The company urges rejection of Cities' supplemental pleading as untimely.

Discussion

The Commission finds that participation in this proceeding by the Cooperaatives and Cities may be in the public interest. Accordingly, we shall grant their petitions to intervene.

The proposed addition of the "true up" factor and the substitution of a formula in place of a specific tax factor do constitute a change in FP&L's fuel adjustment clause as comtemplated by § 35.14 of the regulations. However, FP&L's submittal proposes no change in the base cost of fuel from its presently effective fuel adjustment clause. Therefore, the Commission finds that good cause exists to grant waiver of the filing requirements of § 35.14(9) applicable to FP&L's revised fuel clause.

Under the Commission's 60 day notice requirement FP&L's revision to its fuel adjustment clause cannot become effective until February 15, 1981, absent waiver of section 35.3 of the regulations. The company has requested an effective date of January 1, 1981, and has asked for any necessary waiver. FP&L, however, has failed to demonstrate a need for waiver of the notice requirement. Furthermore, the company's customers have impliedly objected to such waiver by requesting maximum suspension of the rate change. Therefore, the commission does not find good cause for the requested waiver and it will be denied.

As indicated above FP&L projects that the revised fuel adjustment clause will result in increased revenues of approximately $2.5 million. The company's filing therefore constitutes a request for a rate increase as contemplated by section 35.13 of the regulations. However, the increased revenues are not a result of changes in the base costs underlying the existing demand or energy charges. Rather, the increase results simply from a closer synchronization of fuel clause revenues and expenses actually incurred. Therefore, the Commission perceives no

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[1] The company originally submitted its revised rate schedules on November 3, 1980. By letter dated December 5, 1980, FP&L was advised that its submittal was deficient.

[2] See Attachment A for rate schedule designations.

need for detailed cost of service statements at this time and shall grant waiver of the filing requirements of section 35.13, and deny the motions to reject.

Our analysis indicates that FP&L's proposed rate schedule revisions have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed revisions for filing and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances were suspension for the maximum period may lead to harsh and inequitable results. Such circumstances of have been presented here. The Commission notes that a variety of contentions have been raised by the Cities and Cooperatives. However, we further note that the company's present fuel adjustment clause may result in mismatches between fuel costs and revenues which, in turn, can be expected to result in an underrecovery of fuel expenses in periods of rising fuel costs and an overrecovery of fuel expenses in periods of declining fuel costs. In contrast, FP&L's proposed fuel adjustment clause is designed to synchronize these costs and revenues. In general, it appears that such a closer matching is desirable and in the public interest. Moreover, as discussed below, even with a nominal suspension, no "true up" adjustment will actually be reflected in FP&L's billings until April of 1981. Thus, we believe that a maximum suspension is not warranted. However, in order to ensure refund protection to the affected customers pending further review of the proposed rates in light of the allegations contained in the petitions to intervene, we shall exercise our discretion to suspend the rate schedule changes for one day permitting them to take effect subject to refund thereafter on February 16, 1981.

The revised fuel adjustment clause will be allowed to become effective on February 16, 1981. Operation of the revised clause means that the company will be allowed to make a "true up" adjustment for the differences between billed and actual fuel costs incurred during the first month that the fuel clause is effective. This "true up" adjustment will then be collected two months after the first effective month.[4] In other words, FP&L will be allowed to collect its first "true up" adjustment revenues in April, 1981.

In their supplemental petition, the Cities allege that the revised fuel adjustment clause is anticompetitive. Although this claim was not timely raised, it is consistent with the tenor of the Cities' and the Cooperatives' petitions to intervene and raises an issue which is appropriate for investigation at hearing. The Commission does not seek here to encourage untimely pleadings. However, in this case we shall recognize Cities' anticompetitive claim and shall include that issue within the scope of the hearing convened pursuant to this order.

The Cooperatives have alleged that FP&L's revision to its fuel clause may create a price squeeze. In view of the fact that a hearing in this docket need not entail the full panoply of cost of service issues, we find no need to phase the price squeeze issue, as is normally the Commission's practice.[5] However, this does not preclude the presiding administrative law judge from exercising discretion to phase the price squeeze issue, if deemed appropriate.

The Commission Orders:

(a) FP&L's request for waiver of the notice requirements is hereby denied.

(B) Waiver of the filing requirements of §§ 35.13 and 35.14(9) of the Commission's regulations is hereby granted.

(C) Cities' and Cooperatives' motions to reject FP&L's filing are hereby denied.

(D) FP&L's proposed revision to its fuel adjustment clause is hereby accepted for filing and suspended for one day to become effective February 16, 1981, subject to refund pending hearing and decision thereon.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of FP&L's proposed fuel adjustment clause.

(F) The petitions to intervene of Cities and Cooperatives are hereby granted subject to the rules and regulations of the Commission: *Provided, however,* That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. This conference shall be held for purposes of determining the scope of this proceeding, initiating price squeeze procedures under section 2.17 of the Commission's regulations, expediting discovery, and establishing such other procedures as are necessary for the orderly disposition of this case. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hughes, dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

Attachment A.—Rate Schedule Designations, Docket No. ER81-81-000

Designation and Other Party

1. Third Revised Sheet No. 9 under FERC Electric Tariff 1st Revised Vol. No. 1 (Supersedes 2nd Revised Sheet No. 9)—Tariff Customers.
2. Supplement to Service Agreement (dated November 19, 1979) under FERC Electric Tariff 1st Revised Vol. No. 1—Seminole Electric Cooperative, Inc.

Hughes, Commissioner, Dissenting:

Issued: February 13, 1961.

[3] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-468 (August 22, 1980) (one day suspension).

[4] We note that this conclusion is contrary to FP&L's suggestion that the adjustment would first operate for the two months preceding the effective date.

[5] *See Arkansas Power & Light Company*, Docket No. ER79-339, order issued August 6, 1979.

I am unable to agree with my colleagues that it is appropriate to imply a request for waiver in Florida Power & Light Company's filing. Our rules of procedure are perfectly clear that a rate filing which results in an increase must be supported by a filing package required by § 35.13. FP&L's arguments of ambiguity on this point appear to me to be disingenuous. By my negative vote on this issue, I do not suggest disagreement with the actual grant of the waiver based on the facts of the case, or with the Commission's disposition of the matter, having granted the waiver. Rather, I protest the disregard of our procedural rules by the Applicant and the Commission's tolerance for such disregard in this and other cases.

David Hughes,

Commissioner.

[FR Doc. 81-5817 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-155-000]

City of Florence, Ala., et al.; Application

February 13, 1981.

Take notice that on January 21, 1981, the City of Florence, Alabama (Applicant), P.O. Box 1023, Florence, Alabama 35630, filed in Docket No. CP81-155-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Respondent Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) to establish a physical connection of its transportation facilities with those facilities of Applicant and directing Respondent Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) to make sales of natural gas to Applicant for resale in Florence, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its natural gas supply from Alabama-Tennessee and that Alabama-Tennessee receives its supply from Tennessee. Applicant requests the Commission to direct Tennessee to construct a tap point connecting its facilities with Applicant's proposed facilities approximately seven miles west of Florence, Alabama.

Applicant proposes to extend approximately 8.2 miles of 6-inch pipeline from the proposed tap to a point on Applicant's existing distribution system. Gas would be delivered to Applicant by Tennessee for the account of Alabama-Tennessee, it is stated. Applicant futher asserts that Alabama-Tennessee would in turn charge the account of Applicant. It is submitted that this service would not increase Applicant's requirements from Alabama-Tennessee nor Alabama-Tennessee's requirements from Tennessee.

Applicant estimates that the cost of the proposed tap would be $95,000. It is further estimated that the cost of Applicant's facilities would be $380,850. Funding for such costs, it is asserted, would come from Applicant's own funds and from loans.

It is asserted that the proposal herein would provide an alternate source of supply in the event of loss of the present line crossing on O'Neal Bridge which is Applicant's only source of natural gas supply and would serve to alleviate low pressure problems in the northern portions of the city during periods of peak load.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5801 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP79-75]

Gas Research Institute; Request for Reprogramming

February 13, 1981.

Take notice that on November 21, 1980, Gas Research Institute (GRI), 1019 19th Street, N.W., Suite 910, Washington, D.C. 20036, requested authority to reprogram some of the 1980 Research & Development (R&D) Program funds approved in Opinion No. 64. The original notice of December 17, 1980, and the renotice of January 19, 1981, incorrectly stated the docket as RP80-108, the docket which involves GRI's 1981 R&D Program.

The stated purpose of this reprogramming request is to allow these funds to be used in conjunction wih four (4) specific projects. Such projects, asserts GRI, now constitute the best use of the $4,624,137 of 1980 R&D Program funds proposed to be expended on them.

Moreover, GRI states that the proposed reprogramming of 1980 R&D Programs funds blends well with the 1981 GRI R&D Program approved by the Commission in Opinion No. 96 and assures that GRI's continuing effort remains abreast of the state-of-the-art in energy technology.

Any person desiring to be heard or to protest said request should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this request are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5798 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. EL80-19, EL80-24]

Massachusetts Municipal Wholesale Electric Co., et al.; Order Granting in Part and Denying in Part Motions for Summary Disposition and Providing for Hearing

Issued February 13, 1981.

On March 4, 1980, the Massachusetts Municipal Wholesale Electric Company (MMWEC) filed in FERC Docket No. EL80-19 a complaint and motion for partial summary judgment against the Power Authority of the State of New York (Power Authority or PASNY). On March 27, 1980, the Connecticut Municipal Electric Energy Cooperative (CMEEC) filed in FERC Docket No. EL80-24 a similar complaint and motion against PASNY. The complaints of both MMWEC and CMEEC involve the allocation of preference power from PASNY's Project No. 2216, the Niagara Project, licensed by the Commission on January 30, 1958, 19 FPC 186.

Upon motion by MMWEC, joined by CMEEC and PASNY, the Commission consolidated the two proceedings by notice of September 10, 1980. That same notice granted petitions to intervene to Allegheny Electric Cooperative

(Allegheny), the Vermont Public Service Board (Vermont), the City of Cleveland (Cleveland), Consolidated Edison Company of New York, Inc. (Con Ed), the Borough of Lansdale, Pennsylvania (Lansdale), the Municipal Electric Utilities Association of New York State (MEUA), New York State Electric and Gas Corporation (NYSEGC) and the New York State Energy Office (NYSEO).

In this consolidated proceeding MMWEC and CMEEC request that the Commission review PASNY's recent decision to allocate 145 megawatts of firm out-of-state preference power from the Niagara Project to Allegheny, Vermont, and Amercian Municipal Power-Ohio, Inc. (AMP-Ohio), through whom Cleveland receives 19 megawatts of firm power, and to exclude CMEEC, MMWEC, and Lansdale from that allocation.

The Niagara Redevelopment Act

The Niagara Redevelopment Act (the Niagara Act), 16 U.S.C. 836, 74 Stat. 401,[1] authorized the construction of a hydroelectric power project on the Niagara River, a boundary stream between the United States and Canada, at Niagara Falls, New York. The project authorized would utilize all of the United States' share of the amount of water in the Niagara River made available for power redevelopment under the terms of a 1950 treaty between the United States and Canada. The 1950 treaty supersedes previous agreements between the United States and Canada and permits the diversion of Niagara River waters above the falls for power purposes by both countries in equal amounts.

Bills were introduced in Congress soon after the ratification of the treaty to authorize the construction of a power project at Niagara Falls. These bills became enmeshed in severe controversy both in the Congress and within the State of New York concerning conflicting proposals on the extent, if any, to which Federal preference power marketing policy as uniformly applied to Federal hydroelectric projects should apply to this non-Federal project and on the extent to which Niagara power should be required to be made available to neighboring States. The controversy delayed passage of any bill until a rockslide in 1956, which destroyed about two-thirds of the power-generating capacity on the United States side of the Niagara River, demonstrated the need for prompt action.

The bill finally enacted as the Niagara Act was a compromise on both of the issues described above. First, the Niagara Act required that an article in the license issued require PASNY to accord a preference to public bodies and nonprofit cooperatives within economic transmission distance with respect to one-half of the project power. It also provided that if project power subject to such preference provisions is sold to public utilities, the contracts must include arrangements for the withdrawal of enough power to meet the reasonably foreseeable needs of the preference customers.

Second, in recognition of the Niagara River as a regional resource, the Niagara Act required that a reasonable portion of Niagara power subject to preference provisions must be made available for use within reasonable economic transmission distance in neighboring states, but not in excess of 20 percent of the power subject to the preference provisions, i.e., 10 percent of total project power. In the event of disagreement between PASNY and the power marketing agencies of the neighboring states, this Commission is authorized to hold public hearings and determine the allocation of preference power. These terms are incorporated in the license for Project No. 2216 in Articles 20 and 21.

History of the Proceedings

In November, 1976, PASNY solicited applications from states neighboring New York for allocations of the preference power which PASNY is required by the Niagara Act to furnish to marketing agencies "in neighboring states." Applications were submitted by MMWEC, CMEEC, Lansdale, American Municipal Power-Ohio, Inc. and also by Allegheny and Vermont, both of which were already receiving preference power from the Niagara Project under existing contracts due to expire February 19, 1978 and December 31, 1979, respectively.

On November 22, 1977, after hearings in which each applicant was allowed to give an oral presentation, PASNY approved contracts with Allegheny and Vermont for a total of 150 MW of firm and 35 MW of peaking power. ON February 3, 1978, the Governor of New York, who by law must either approve or request modification of such contracts within 60 days of their submission, disapproved the contracts and directed PASNY to consider "what amount of Niagara power constitutes a reasonable portion to be made available to our neighboring states."

After further hearings the Trustees of PASNY approved three proposed contracts, one for the sale of 40 MW of firm power and 10 MW of peaking power to Vermont, another for the sale of 19 MW of firm power and 4 MW of peaking power to AMP-Ohio, and a third to Allegheny for the sale of 86 MW of firm power and 21 MW of peaking power. On January 10, 1980, the Governor of New York approved the three contracts, which accounted for a total of 145 MW of firm power and 35 MW of peaking power. The total of 145 MW of firm power sold under the contracts represents 7.7 percent of the Niagara Project's firm power output of 1,880 MW, and the total of 35 MW of peaking power represents 8.75 percent of the Project's 400 MW output of peaking power.

The expiration date of the contracts is June 30, 1985, the same date as the expiration of the contracts from the St. Lawrence Project, Project No. 2000.[2]

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[1] 16 U.S.C. 836,

The relevant portions of the Niagara Act are as follows:

(b) The Federal Power Commission shall include among the licensing conditions, in addition to those deemed necessary and required under the terms of the Federal Power Act, the following:

(1) In order to assure that at least 50 per centum of the project power shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, to whom such power shall be made available at the lowest rates reasonably possible and in such manner as to encourage the widest possible use, the licensee in disposing of 50 per centum of the project power shall give preference and priority to public bodies and non-profit cooperatives within economic transmission distance. In any case in which project power subject to the preference provisions of this paragraph is sold to utility companies organized and administered for profit, the licensee shall make flexible arrangements and contracts providing for the withdrawal upon reasonable notice and fair terms of enough power to meet the reasonably foreseeable needs of the preference customers.

(2) The licensee shall make a reasonable portion of the project power subject to the preference provisions of paragraph (1) of this subsection available for use within reasonable economic transmission distance in neighboring States, but this paragraph shall not be construed to require more than 20 per centum of the project power subject to such preference provisions to be made available for use in such States. The licensee shall cooperate with the appropriate agencies in such States to insure compliance with this requirement. In the event of disagreement between the licensee and the power-marketing agencies of any of such States, the Federal Power Commission may, after public hearings, determine and fix the applicable portion of power to be made available and the terms applicable thereto: Provided, That if any such State shall have designated a bargaining agency for the procurement of such power on behalf of such State, the license shall deal only with such agency in that State. The arrangements made by the licensee for the sale of power to or in such States shall include observance of the preference in paragraph (1) of this subsection.

[2] Project No. 2000, license to PASNY on July 15, 1953, 12 FPC 172, is located on the St. Lawrence River, which is also an international boundary stream between the United States and Canada. Although this project was not Congressionally authorized, the Commission recognized the broad public interest in developing that water resource. In order to insure conformance with comprehensive

PASNY explains that the common expiration dates will allow it to evaluate all future requests from out-of-state entities for its power at the same time.

The Complaints

MMWEC and CMEEC, pursuant to the Niagara Act, Article 21 of the license for Project No. 2216 and Section 1.6 of the Commission's Rules of Practice and Procedure, filed formal complaints against PASNY for its allocation of Niagara Project power. MMWEC and CMEEC allege that PASNY erred in two substantive respects.

First, the complainants allege that the failure to allocate any Niagara Project power to MMWEC, CMEEC or Lansdale is unlawful. The complainants cite the Niagara Act and the Niagara Project's license to the effect that the output of that project must be distributed "in such manner as to encourage the widest possible use." Therefore, the complainants propose pro-rata sharing of the Niagara Project power based upon either the estimated or the calculated peak load of the out-of-state preference applicants within economic transmission distance. Second, the complainants assert that PASNY has violated the Niagara Act and the license to Project No. 2216 by its failure to allocate a full 10 percent of the project's power to out-of-state preference entities.

On May 12, 1980 PASNY filed its answer to the complaints. Some of the issues addressed in these pleadings can be disposed of summarily, while others are set for hearing.

Discussion

On its face the Niagara Act does not specify which states are neighboring states eligible for Niagara power. In Docket E–8746, *State of Vermont Public Service Board*, (issued March 12, 1976) (*mimeo* at 5, 6), the Commission addressed the issue whether Vermont was a neighboring state within the meaning of the Niagara Act. In light of the fact that the literal language of the statute is not restrictive of the term "neighboring states" and that the legislative history clearly favors no particular state(s), the Commission held that Vermont was a "neighboring state." In conformance with the rationale of *Vermont Public Service Board*, we hold that both Massachusetts and Connecticut are neighboring states within economic transmission distance of the Niagara Project.

In *Vermont Public Service Board*, the Commission also found that Congress did not intend substantially disproportionate allocations that favor one neighboring state within economic transmission distance while excluding another state, where similar benefits are to be realized. MMWEC's and CMEEC's first complaint, whether it was a reasonable exercise of PASNY's discretion to exclude the complainants from the Niagara Project allocations, involves factual issues that are not appropriate for summary disposition and will be set for an evidentiary hearing. Thus, we set for hearing the issues whether CMEEC and MMWEC should receive allocations of Niagara Project power and, if so, how much power they should receive.

The second complaint by MMWEC and CMEEC, their assertion that PASNY must allocate a full 10 percent of the project's power to out-of-state preference entities, raises two issues. First, it must be determined whether the Niagara Act requires that 10 percent or merely some amount up to 10 percent of the project's power be made available to out-of-state entities. Second, if PASNY is required to allocate only a reasonable amount of Niagara Project power up to 10 percent, it must be determined whether 145 MW is a reasonable amount.

The first part can be disposed of summarily. PASNY's contracts as they now stand provide only 145 MW of Niagara Project Power to out-of-state preference entities on a firm basis, below 10 percent of the Project's firm capability of 1880 MW. The complainants' assertion that the Niagara Act and its legislative history require PASNY to allocate a full 10 percent of the project's power to out-of-state entities is not well founded. In Docket No. E–8746, *State of Vermont Public Service Board, supra*, the Commission held that "the [Niagara] Act does not require PASNY to sell 10 percent of project power to out-of-state preference customers, but only that PASNY make a reasonable portion of project power—up to 10 percent—available to those customers." *Vermont Public Service Board, mimeo* at 15. Nothing in the complainants' pleadings sets forth anything new to change our decision on this issue. Thus we dispose of this issue summarily in favor of PASNY's position.

Our resolution of this issue, however, does not determine whether the amount of power actually allocated by PASNY to out-of-state preference entities is "a reasonable portion of project power—up to 10 percent." Although PASNY is not required to allocate a full 10 percent of Niagara Power to out-of-state entities, it is required to allocate a reasonable amount up to 10 percent. What constitutes a reasonable amount is an issue that can only be addressed upon examination of all relevant circumstances in an evidentiary hearing.

The Niagara Project's firm capability is 1880 MW. PASNY, however, has allocated 145 MW (7.7 percent) to out-of-state preference entities. The presiding judge shall take evidence to determine the proper allocation of firm and other project power to be made to out-of-state preference entities.

In holding that record evidence should be taken on the issue of the allocation of project power, we specifically reject PASNY's contention that PASNY's discretion in allocating power to out-of-state preference customers is not subject to Commission review. In its answer to the complaint, PASNY cites *City of Santa Clara v. Andrus*, 572 F.2d 660 (9th Cir.), *cert. denied*, 439 U.S. 859 (1978). That case involved the interpretation of some reclamation statutes under the jurisdiction of the Secretary for the Interior. In *City of Santa Clara*, the Ninth Circuit Court of Appeals examined the reclamation statute's language that preference power from a reclamation project is to be disposed of "in such manner as to encourage the most widespread use thereof consistent with sound business principles." It found that nothing in the applicable reclamation statute limited the discretion of the Secretary of the Interior to discriminate against some preference entities in favor of others in allocating power from a federal reclamation project. *City of Santa Clara*, at 666–668. Because the Secretary was granted the widest administrative discretion, the court held that there was no law for a court to apply to review his decision.

PASNY argues that the Niagara Act's provision directing distribution of preference power "in such manner as to encourage the widest possible use" is equally unreviewable by a court or the Commission. We, however, do not read *City of Santa Clara* as precluding our investigation of this particular matter. See *Municipal Electric Utilities Association et al. v. PASNY*, Docket Nos. EL78–24, 78–37, Order Granting in Part and Denying in Part Motions for Summary Disposition, Providing for Expedited Hearing and Consolidating Proceeding (issued November 2, 1979). By the very terms of the Niagara Act and the Niagara Project license, the Commission is granted the power to resolve disputes between the Licensee

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plans of development, the Commission ordered PASNY to make reasonable amounts of the power output available to neighboring States within economic transmission distance in nearby States. In the event of disagreement over the allocations which PASNY makes, the Commission reserved the right to determine what allocations are reasonable.

and any states concerning the allocation of Niagara Project power.

Intervenors' Comments

Comments on the complaint were filed May 9, 1980 by MEUA, whose main concern was that in-state preference customers had not received their proper entitlement. MEUA submits that out-of-state preference power can be allocated only if the current and reasonably foreseeable needs of in-state preference customers are first satisfied. This issue is inextricably tied to the issue of whether 145 megawatts is a reasonable amount up to ten percent to be allocated to out-of-state preference entities. As such, the hearing to be convened by the presiding administrative law judge shall also address this issue.

Allegheny also filed comments on May 9, 1980. In its filing Allegheny asserts that the legislative history of the Niagara Act establishes that only the states of Pennsylvania and Ohio were intended by Congress to receive Niagara Project out-of-state preference power. Allegheny's contention is without merit. The Commission has already determined that states other than Pennsylvania and Ohio can be "neighboring states" within the terms of the Niagara Redevelopment Act. Docket No. E-8746, *State of Vermont Public Service Board, supra*. Thus we today hold, in conformance with our decision in *Vermont Public Service Board*, that Massachusetts and Connecticut are "neighboring states" within the scope of the Niagara Act.

The New York State Electric and Gas Corporation (NYSEG) also filed comments on the complaints on May 9, 1980. Among other matters, NYSEG asserted that the Commission is without jurisdiction to take any action based upon the complaints which would affect or abrogate provisions of NYSEG's contract with PASNY for Niagara Project power.

NYSEG's argument concerning the Commission's jurisdiction is without merit. Under the clear terms of the Niagara Act, the Commission is granted jurisdiction to resolve disputes between applicants in neighboring states and PASNY over allocation of Niagara Project preference power. Whether or not NYSEG's contract must be reformed is a question not now before the Commission. The fact that the Commission has jurisdiction to require PASNY to allocate Niagara Project preference power in accordance with the Niagara Act cannot be denied. No contracts already in existence among the parties in this proceeding can in any way oust the Commission of its authority to resolve the dispute before us.

NYSEG also commented that any project power that may be allocated by this Commission to neighboring states in addition to the power currently allocated should not be diverted from any power currently under contract to NYSEG. Rather, such additional power should be diverted from 180 MW of power allegedly set aside by PASNY for this purpose and from 80 MW of firm power made possible by diversity in the loads of New York and municipal and cooperative customers. This question addresses a hypothetical issue that may never be reached. The Niagara Act gives authority to the Commission, in the event of disagreement, to determine and fix the portion of power to be made available to the out-of-state preference entities and leaves, at least in the first instance, to PASNY the responsibility for accommodating the Commission's determination.

The State of Vermont Public Service Board also filed comments on May 30, 1980. Among other matters Vermont asserted that any linkage of the Niagara Project No. 2216 and PASNY's St. Lawrence Project No. 2000 for purposes of allocating power from both is improper. It is not clear to what extent, if any, the Niagara and St. Lawrence projects should be considered together in determining the amount of power subject to the preference provisions of the Niagara Act and in determining the reasonableness of PASNY's allocation to out-of-state entities. This issue shall also be addressed at the evidentiary hearing.

Conclusion

We will leave the specific procedures most effectively and fairly expediting the resolution of the complaints and the other issues raised in the pleadings to the discretion of the presiding administrative law judge, who is directed to convene a prehearing conference within 30 days of this order.

The Commission orders:

(A) Pursuant to the authority contained in the Department of Energy Organization Act, the Federal Power Act, the Niagara Redevelopment Act and the license for Project No. 2216, this matter shall be set for hearing in conformance with the Commission's Rules of Practice and Procedure to consider all matters of fact and law, consistent with the provision of this order, concerning those issues in Docket Nos. EL80-19 and EL80-24 not decided in this order.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. The Presiding Judge shall convene a prehearing conference in this proceeding within 30 days of the issuance date of this order.

(C) The Secretary shall cause prompt publication of this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5018 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-175-000, ER79-642, ER80-124, and ER81-166-000]

Missouri Utilities Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Summary Disposition in Part, Granting Intervention, Consolidating Dockets, and Establishing Procedures

Issued February 13, 1981.

On December 15, 1980, Missouri Utilities Company (MU) tendered for filing revised rates for service to the Cities of Kennett, Jackson and Malden, Missouri (Cities), which provide for increases in jurisdictional revenues of approximately $201,680 based on the twelve month period ending June 30, 1980.[1] The company has also proposed revisions to its tariff terms and conditions.[2]

Notice of the filing was issued December 19, 1980, with responses due on or before January 9, 1981. On January 9, 1981, the Cities filed a motion to reject, request for summary disposition, protest, and petition to intervene. In their pleading, the Cities further request that price squeeze procedures be established and that the maximum five month suspension period be imposed. On January 26, 1981, MU filed a motion to strike. The motion states that Cities' allegations are inaccurate and may be intended to mislead the Commission. We have treated this motion as an answer to the Cities' pleading.[3]

Discussion

Initially, we find that participation in this proceeding by each of the

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[1] See attachment A for rate schedule designations.

[2] The currently effective service agreements for Jackson and Malden are under investigation in Docket No. ER81-166-000, those service agreements were submitted by MU on December 11, 1980, with an application to terminate Docket Nos. ER80-124 and ER79-642, which involve the service agreements previously applicable to Jackson and Malden. By order issued February 6, 1981, in Docket No. ER81-166-000, the Commission, *inter alia*, suspended the proposed service agreements for one day and consolidated Docket No. ER81-166-000 with Docket Nos. ER80-124 and ER79-642.

[3] See section 1.12 of the Commission's regulations.

petitioners is in the public interest. Consequently, we shall grant the petitions to intervene.

The Cities have requested rejection of MU's filing on the grounds that the company has not submitted appropriate support or adequate explanation of its filing as required by the Commission's regulations. We find that MU's filing substantially complies with § 35.13 of our regulations and, therefore, we shall deny the motion to reject the filing.[4]

Our analysis indicated that the rates, terms, and conditions filed by MU have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Indeed, our preliminary review indicates that the underlying rate may not be just and reasonable. Accordingly, we shall accept the rates, terms, and conditions for filing, as modified by this order, and suspend them as directed below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed rate schedules and tariff sheets for filing, as modified below, and suspend them for five months to become effective thereafter on July 13, 1981, subject to refund.

The Cities object to MU's use of a charge for purchased power which does not reflect Union Electric Company's (UE)[6] filing in compliance with *Union Electric Company*, Opinion No. 94, Docket No. ER77-614 (September 2, 1980). Cities request that MU be directed to incorporate in its rate the revised rates filed by UE in compliance with Opinion No. 94 or, in the alternative, that MU be directed to (1) flow through all refunds as they are received by MU, and (2) reduce its rates to the Cities when the lower rates charged by UE become effective. We note that the rates filed by UE and referred to by Cities have not yet been accepted for filing. Therefore, we shall deny the Cities' request for an order directing use of the rate submitted by UE in compliance with Opinion No. 94, but shall require MU to flow through all refunds (with interest) as they are received by MU and to reduce its rates to Cities when the UE rates become effective.

The Cities also state that MU has failed to flow through a credit which MU receives for its generation pursuant to UE's tariff rate for service to MU.[7] They seek a Commission directive requiring MU to revise its charges to the Cities to "match an exact flow through from the UE Tariff." Our analysis indicates that MU receives a generation credit from UE and that such credit may already be reflected in MU's stated cost of purchased power. This generation credit, in turn, would be reflected in MU's charges to the Cities. Because the Cities' concern appears to be misplaced, we shall deny their request for summary disposition of this issue, subject to renewal of the motion when the pertinent facts are developed at hearing.

In addition, the Cities move that the Commission summarily reject MU's attempt to recover contributions to EPRI in its rates. Our review of the company's study reveals that the EPRI contributions were eliminated from MU's expenses before such expenses were allocated to the Cities. Therefore, we shall deny the Cities' request for summary disposition on this issue.

The Commission will grant the Cities' motion for summary disposition with respect to one of the issues raised in their pleading. The Cities have challenged the "Billing and Payment" provisions (Section 5) of MU's proposed tariff sheets. In part, this section provides that any bill will be due and payable within ten days from its date; delinquent bills would bear interest at the then-current interest rate. The Cities object to these requirements, stating that the designated payment period is unreasonably short. We believe that these questions should properly be addressed at the hearing designated below. However, the billing provisions further provide as follows: "If the bill shall remain delinquent for (15) fifteen days, the Company shall have the right to forthwith terminate service without notice." MU proposed an identical provision in its service agreements filed in Docket No. ER81-166-000. We summarily rejected that provision by order issued February 6, 1981. For the reasons given in that order, we shall direct MU to strike the last sentence of Section 5 of its currently proposed tariff sheets and to refrain from applying any such unilateral cancellation provision.

The Cities also request summary disposition of a number of other issues, including, *inter alia*, (1) MU's use of a non-coincident peak method of allocating demand-related costs, and (2) MU's proposed tariff provisions which provide that the company shall not be required to increase the capacity of its facilities to provide service to the Cities without contractual provisions acceptable to the company for recovery of associated costs. Furthermore, the Cities object to a variety of cost of service matters without requesting specific Commission action. These remaining issues may be pursued most appropriately at the hearing ordered below.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the Cities. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission finds that Docket Nos. ER80-124, ER79-462, ER81-166-000, and ER81-175-000 may present common questions of law and fact. Accordingly, we shall consolidate these dockets, subject to severance at a later date in the event that action on Missouri's pending motion to terminate Docket Nos. ER80-124 and ER79-462 so warrants.

The Commission orders:

(A) The Cities' motion to reject MU's filing is hereby denied.

(B) MU's proposed rate schedules and tariff sheets tendered for filing on December 15, 1980, are accepted for filing, as modified by this order, and are suspended for five months from sixty days after filing to become effective on July 13, 1981, subject to refund pending hearing and decision thereon.

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[4] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971)

[5] *E.g., Boston Edison Company*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506 et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[6] MU is a subsidary of UE and purchases virtually all of its power requirements from its parent.

[7] MU purchases virtually all of its power and energy from UE under a rate schedule (UE FPC No. 80) which provides that the monthly billing demand shall be MU's maximum monthly system measured hourly load plus 15% for reserves less the Net Generating Capability of MU, but not less than 100% of the maximum billing demand occurring during the months of June, July, August and September in the 12-month period ending with and including the current month. The Net Generating Capability of MU is 28,300 kW.

(C) The Cities' motions for summary disposition are hereby denied except as provided in this paragraph and paragraph (D) below. Missouri is hereby directed to strike from its proposed service agreements the last full sentence of Section 5, and to refrain from applying any such unilateral concellation provision. Within thirty (30) days from the date of this order, Missouri shall refile its proposed tariff sheets with the designated sentence deleted.

(D) Cities' request for an order directing immediate use of the rates submitted by UE in compliance with Opinion No. 94 is denied. However, MU is hereby directed to flow through all related refunds (with interest) to the Cities, as they are received by MU, and to reduce its rates to the Cities when the lower UE rates become effective.

(E) The Cities' petition to intervene is hereby granted subject to the rules and regulations of the Commission, *provided, however,* That participation by the intervenors shall be limited to matters set forth in their petition to intervene, and *provided, further,* That the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of MU's rates.

(G) The Commission staff shall serve top sheets in this proceeding on or before May 1, 1981.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) Docket No. ER81-175-000 is hereby consolidated with Docket Nos. ER80-124, ER79-642, and ER81-166-000, for purposes of hearing and decision, pending appropriate subsequent action on Missouri's December 8, 1980 motion to terminate Docket Nos. ER80-124 and ER79-642.

(J) We hereby order the initiation of price squeeze procedures in Docket No. ER81-175-000 and further order that the price squeeze phase of the proceeding begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the evaluation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Acting Chairman Sheldon dissenting.

Kenneth F. Plumb,

Secretary.

Attachment A.—Missouri Utilities Company, Docket No. ER81-175-000

Item: Revised Tariff Sheets/Rate Increase
Dated: Undated
Filed: December 15, 1980
Effective: July 13, 1981, subject to refund and the outcome of hearings.

Designation and Description

(1) First Revised Sheets Nos. 1, 6, 8, 11 and 12 (Supersedes Original Sheet Nos. 1, 6, 8, 11 and 12)—Table of Contents and Rules
(2) Original Sheet No. 8A—Rules continued (Billing and Payment)
(3) Fifth Revised Sheet Nos. 3, 4 and 5 (Supersedes Fourth Revised Sheet Nos. 3, 4 and 5)—SFR-1 Rates
(4) Third Revised Sheet No. 5A (Supersedes Second Revised Sheet No. 5A)—SFR-1 General Terms
(5) First Revised Sheet No. 13 (Supersedes Original Sheet Nos. 13, 14, 15, 16 and 17)—Deletes Form of Standard Service Agreement

[FR Doc. 81-5819 Filed 2-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3736-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3736 to be known as the Horsehoe Dam Project located on the Verde River in Maricopa County, Arizona. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Water and Power Resources Service. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116.

Project Description—The proposed project would utilize the United States Water and Power Resources Service's existing Horseshoe Dam and Reservoir and would consist of: (1) a proposed powerhouse located just below the dam on the east bank of the Verde River, having units with a total installed capacity of approximately 3,500 kW; and (2) appurtenant works.

The Applicant estimates that the average annual energy output would be 17,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other

formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 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. 3736. 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. 81-5820 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3773-000]

Mitchell Energy Co. Inc.; Application for Preliminary Permit

February 17, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) - 825(r)] for proposed Project No. 3773 to be known as All American Canal Drop No. 1 Project located on All American Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government structure known as the All American Canal Drop No. 1 and owned by the United States Water and Power Resources Service and would consist of a power plant with a total installed capacity of 2,000 kW. The Applicant estimates that the average annual energy output would be 17,350,000 kWh.

Purpose of Project—Power generated by the project would be sold to a local utility.

Proposed Scope and Cost of Studies Under Permit—The work to be performed under the preliminary permit would include an economic analysis, preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of an application for license to construct and operate the project. Applicant estimates the cost of the studies to be performed under the preliminary permit to 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 evnironmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an appplication for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all

capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3773. 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. 81-5802 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3808-000]

Old Dominion Electric Cooperative; Application for Preliminary Permit

February 17, 1981.

Take notice that Old Dominion Electric Cooperative (Applicant) filed on December 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. 3808 to be known as the Sutton Dam Hydroelectric Project located on the Elk River in Braxton County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ernest M. Jordan, Jr., Old Dominion Electric Cooperative, 5601 Chamberlayne Road, Richmond, Virginia 23277. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) a tower intake structure with trash racks and slide gates; (2) a penstock through the right (north) abutment; (3) a powerhouse containing a generating unit having a rated capacity of 19.4-MW; (4) a short tailrace; (5) a substation; (6) a 138-kV transmission line; and (7) appurtenant facilities. Project energy would be delivered to an existing Monongahela Power Company 138-kV transmission line within 3 miles of the Project. The Applicant estimates that the average annual energy output would be 116,000,000 kWh.

Purpose of Project—The power generated from the project would be distributed to Applicant's members in Virginia, Maryland, and Delaware.

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 geologic, hydraulic, construction, economic, and environmental aspects of the project, and would prepare an application for a FERC license. Applicant estimates the cost of studies under the permit would be $115,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Noah Corporation and the Town of Gassaway, West Virginia for Project No. 3344 filed on August 20, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3808. 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. 81-5803 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER-81-230-000]

Pacific Gas & Electric Co.; Filing

January 29, 1981.

The filing Company submits the following:

Take notice that on January 19, 1981, Pacific Gas Electric Company (PGandE) tendered for filing a letter agreement

dated 3 September 1980. The agreement specifies the rate to be charged to the Los Angeles Department of Water and Power (LADWP) for emergency capacity provided to LADWP between 21 August and 25 August 1980.

The rate charged for this emergency capacity was 10 cents per kilowatt per day. No energy was taken during this period.

PGandE has requested waiver of the notice requirements pursuant to Section 35.11 of the Commission's regulations to permit an effective date of August 21, 1980.

Copies of this filing were served upon the California Public Utilities Commission and the Los Angeles Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1981. Protests will be considered by the Commission 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. 81-5799 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3807-000]

City of Rocky Mount, North Carolina; Application for Preliminary Permit

February 17, 1981.

Take notice that the City of Rocky Mount, North Carolina (Applicant) filed on December 1, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3807 to be known as Tar River Waterpower Project located on the Tar River Reservoir in Nash County, Rocky Mount, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Frederick E. Turnage, Mayor, City of Rocky Mount, Post Office Drawer 1180, Rocky Mount, North Carolina 27801. 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 860-foot long and 40-foot high concrete structure with an ogee type spillway and embankment sections; (2) an existing 60 inch in diameter reinforced concrete pipe, used to maintain low flow releases and as a reservoir overflow outlet conduit; (3) an existing 60 inch × 60 inch slide gate contained within the intake tower; (4) an existing 60 inch conduit extending from the intake tower to the water supply pumping units; (5) a proposed powerhouse with an installed capacity of approximately 1,900 kW; (6) a proposed water conduit consisting of an intake channel or pipe extending from the reservoir to the powerhouse; (7) a proposed tailrace to extend from the powerhouse to return the flow to the Tar River; (8) an existing reservoir extending approximately 5 miles upstream of the dam with a surface area of approximately 1,400 acres, and a gross storage of approximately 13,200 acre-feet at a maximum water surface elevation of 125.0 m.s.l.; and (9) appurtenant facilities.

The proposed project does not affect any Federal lands.

The Applicant estimates that the average annual energy output would be 7,569,000 kWh.

Purpose of Project—The power generated by the proposed project will be used entirely by the City of Rocky Mount.

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 $40,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 30, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 30, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all 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. 3807. 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. 81-5813 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-177-000]

Southern California Edison Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Summary Disposition in Part, Denying Motions to Reject, Granting Interventions, and Establishing Procedures

February 13, 1981.

On December 16, 1980, Southern California Edison Company (Edison) tendered for filing a proposed two-step rate increase for service to its nine wholesale customers.[1] The first phase rates (Step I) are proposed to become effective on February 14, 1981, and would result in approximately $18.6 million (7.4%) in additional revenues for the twelve month period ending December 31, 1981. The Step I rates are based on a cost of service which excludes all costs associated with the commercial operation of Edison's San Onofre Nuclear Unit No. 2 (SONGS 2). The second phase rates (Step II) reflect the inclusion of annualized costs associated with the operation of SONGS 2 in the cost of service. Edison proposes to make the Step II rates effective simultaneously with the in-service date of SONGS 2. These rates are expected to produce increased revenues of approximately $23.7 million (9.9%) based on the 12 month test period ending December 31, 1981. Since the date of commercial operation of SONGS 2 is uncertain and may occur more than 120 days after the filing date, Edison requests waiver of the notice requirements for the Step II rates.[2]

Notice of the filing was issued on December 22, 1980, with comments due on or before January 9, 1981. Three pleadings were timely filed.

On January 8, 1981, Anza Electric Cooperative, Inc. (Anza) filed a petition to intervene and protest, requesting that Edison's proposed rates be suspended and set for hearing. On January 9, 1981, the City of Vernon, California (Vernon) also filed a petition to intervene and protest. In its pleading, Vernon requests (1) a five month suspension of the Step I and Step II rates (or, in the alternative, rejection of the Step II rates), and (2) a hearing based on its objection to the amount of the proposed rate increase and certain rate design features.[3] In addition, Vernon alleges price squeeze.

On January 9, 1981, the Cities of Anaheim, Riverside, Banning, Colton and Azusa, California (Cities) filed a protest, petition to intervene, motion to reject, request for summary disposition of certain issues, and request for a five month suspension. In their pleading, Cities raise several rate design and cost of service issues and, further, allege price squeeze.[4] In addition, Cities request summary judgment with respect to the following issues: Edison's proposed attrition allowance; capital structure treatment of accumulated deferred investment tax credits (ADITC); and rate design.

On January 26, 1981, Edison filed an answer which challenges the specific objections raised by the Cities and Vernon.

Discussion

Initially, we find that participation in this proceeding by Anza, Vernon, and the Cities is in the public interest. Consequently, we shall grant their petitions to intervene. As we have done in other phased rate increase proceedings,[5] we shall also grant waiver of section 35.3 of the regulations to permit Edison's Step II rates to be submitted for filing more than 120 days before the proposed effective date.

We note that Edison's Step I cost of service contains an attrition allowance which purports to recover increased costs projected to occur during calendar year 1982.[6] In essence, the attrition allowance elevates the 1981 test year projected costs to the 1982 expense levels without the filing of timely cost supporting statements as required by section 35.13 of the regulations. Accordingly, Edison's attrition allowance will be summarily rejected. Edison will be directed to file revised Step I rates and cost of service statements within 30 days of the issuance of this order to reflect the exclusion of the attrition allowance.

Similarly, Edison's proposed Step II rates include a demand charge escalation clause which attempts to recover (1) carrying costs associated with any AFUDC accumulated from January 1, 1981, to the actual SONGS 2 in-service date,[7] and (2) projected increases in costs during 1982.[8] Such escalation of 1981 test year costs to 1982 expense levels is in violation of the Period II test year requirements of section 35.13 of the regulations. Accordingly, the demand charge escalation clause also will be summarily rejected. We note, however, that in a similar period phased rate increase proceeding (*Pacific Gas & Electric Company*, Docket Nos. ER80-214 and ER80-215, order issued March 28, 1980), the Commission allowed a proposed one-time demand charge adjustment to recover AFUDC to be accumulated from the beginning of the test year through the in-service date of a new nuclear plant. Consistent with that determination, the rejection of the demand charge escalation clause will be without prejudice to Edison's refiling a Step II demand charge adjustment

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[1] Cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon, California, Anza Electric Cooperative, Inc., Arizona Public Service Company, and Southern California Water Company. *See* Attachment A for designations. The wholesale customers are presently served under Edison's Rate Schedule R and optional time-of-use schedule TOU-12. Under the proposed filing, all service would be provided under schedule TOU-12.

[2] In its transmittal letter dated december 22, 1980, Edison anticipated that SONGS 2 would be operational sometime in late 1981.

[3] Vernon criticizes the following major rate design features: (1) imposition of mandatory time-of-use rate schedules applicable to all resale customers; (2) restructuring of the voltage discount applicable to 220 kV, 33 kV, and 66 kV service; (3) revision of the fuel cost adjustment clause which provides for the use of estimated cost data; and (4) inclusion of a "SONGS 2 Adjustment" clause which provides for automatic rate escalation to accommodate nuclear unit costs projected (including an attrition factor) to be incurred after January 1, 1981.

[4] Many of the rate design issues cited by the Cities are similar to those raised by Vernon. *See*, footnote 2, *supra*. The cost of service issues propounded by the Cities relate, *inter alia*, to the (1) computation of Edison's income taxes, (2) inclusion of Mono Power Company's fuel service charge in fuel expenses, (3) inclusion of EPRI contributions in the cost of service, and (4) computation of a working capital allowance.

[5] *See, e.g., Delmarva Power & Light Company*, Docket No. ER80-363, order issued June 30, 1980; and *Pacific Gas & Electric Company*, Docket Nos. ER80-214 and 215, order issued March 28, 1980.

[6] The attrition allowance is equivalent to 1% on common equity and is intended to insure that Edison actually earns its claimed 14% rate of return on common equity notwithstanding anticipated cost increases beyond the Period II test year.

[7] Edison's Step II cost of services reflects an investment in SONGS 2 including AFUDC accumulated through December 31, 1980.

[8] Step II demand charges will thus be increased for each day by which the SONGS 2 in-service date goes beyond January 1, 1981. This is a one time adjustment to be made at the time the Step II rates are placed in effect.

which reflects only the recovery of AFUDC.

The Commission notes that Edison has not included ADITC in its capitalization for purposes of developing its proposed rates, although the company's prepared testimony maintains that ADITC should be reflected as equity capital in determining the rate of return ultimately authorized in this proceeding. We have repeatedly prohibited treatment of ADITC such as that advocated in Edison's testimony. While Edison's filed cost of service does not reflect inclusion of ADITC in the capital structure, we desire to avoid unnecessary litigation on this point. The matter is well settled and, accordingly, we shall grant the Cities' request for summary disposition with respect to this issue.

Additionally, we find that Edison has functionalized its general plant on a basis other than labor ratios. In *Minnesota Power & Light Company*, Opinion No. 20, issued August 3, 1978, we held that general plant should be allocated on the basis of labor ratios. In subsequent orders, we indicated that the use of labor ratios in the functionalization of general plant was a "general rule" and held that the burden on the applicant was to "show that the labor ratios are unreasonable as applied to the company, not merely that its alternative method might be reasonable." [9] Edison bears this same burden.

We decline to grant summary disposition with respect to Edison's proposed rate design, since Edison's Statement P and related work papers are substantially in compliance with the regulations. Moreover, we believe that Edison's rate design involves issues of fact which would be more appropriately addressed in a hearing.

According to our analysis, Edison's Step II cost of service does not reflect the impact of load growth in determining cost allocations to the Edison's wholesale customers. We believe that consideration of the load growth that will occur through the twelve month period commencing with the commercial operation of SONGS 2 is a necessary element in assessing the lawfulness of the proposed rates. [10] As a result, we shall expect Edison to submit evidence on this issue in order to meet its burden of proving that the rates in question are just and reasonable.

Upon review of Edison's submittal, the Commission finds that the filing is in substantial compliance with the requirements of our regulations. [11] The issues raised by the Cities, Vernon, and Anza (other than those summarily disposed of therein) are matters which may be explored during the hearing ordered below. Therefore, we shall deny the motions to reject the Stop II rates.

Our analysis indicates that the proposed Step I and Step II rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders, [12] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have not been presented here. We shall therefore accept the proposed Step I rates for filing, as modified by this order, and suspend them for five months from 60 days after filing, to become effective thereafter on July 16, 1981, subject to refund. The Step II rates, as modified, will be accepted for filing and suspended for five months from the commercial operation date of SONGS 2, subject to refund.

In accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the Cities and Vernon. As we have noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of the intervenors or staff, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders: (A) The motions to reject are hereby denied.

(B) Edison's proposed Step I rates are hereby accepted for filing, as modified by this order, and are suspended for five months, to become effective July 16, 1981, subject to refund.

(C) Waiver of the notice requirements of section 35.3 of our regulations is granted in order that the Step II rate increase may be submitted for filing more than 120 days before its proposed effective date.

(D) Edison's Step II rates, as modified by this order, are hereby accepted for filing and suspended for a period of five months from the proposed effective date to become effective five months after the date of commercial operation of SONGS 2. Edison shall notify the Commission and all parties to this proceeding of the date of the commencement of commercial operation of SONGS 2 within 10 days from the date of such operation.

(E) Edison's inclusion of an attrition allowance in its Step I cost of service is summarily rejected. Edison is directed to file revised Step I rates and cost of service statements reflecting the exclusion of the Step I attrition allowance within 30 days of the date of this order.

(F) Edison's proposed demand charge escalation clause relative to the Step II rates is summarily rejected, without prejudice to Edison's refiling such clause to recover only AFUDC accumulated through the SONGS 2 in-service date.

(G) Summary disposition is hereby granted with respect to the treatment of ADITC advocated in Edison's prepared testimony. The final cost of service upon which rates in this proceeding are ultimately based shall exclude ADITC consistent with Commission precedent.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of the tariff and the rates proposed by Edison in this proceeding.

(I) The Cities, Vernon, and Anza are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by

[9] *E.g., Pennsylvania Electric Company*, Docket No. ER78-494, order issued September 27, 1978; *Public Service Company of Indiana*, Docket No. ER78-513, order issued August 25, 1978; *Public Service Company of Colorado*, Docket No. ER78-50, order issued October 4, 1978; and *Central Kansas Power Company, Inc.*, Docket No. ER79-50, order issued January 31, 1979.

[10] *See Delmarva Power & Light Company*, Docket No. ER80-363, order issued June 30, 1980, mimeo at p. 3.

[11] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[12] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

such intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(J) The Commission staff shall serve top sheets in this proceeding on or before April 7, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(L) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion o this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(M) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—*Rate Schedule Designations (ER81-177-000) Southern California Edison Co.*

[Filing date: Dec. 16, 1980]

Designation	Description	Other party
(1) Supplement No. 12 to rate schedule FERC No. 6 (supersedes supplement Nos. 10 and 11).	TOU-R (Step—One—Excl. SONGS 2).	Arizona Public Service Co. (Cibola).
(2) Supplement No. 13 to rate schedule FERC No. 13 (supersedes supplement Nos. 11 and 12).	TOU-R (Step—One—Excl. SONGS 2).	Vernon.
(3) Supplement No. 17 to rate schedule FERC No. 15 (supersedes supplement Nos. 15 and 16).	TOU-R (Step—One—Excl. SONGS 2).	Anaheim.
(4) Supplement No. 12 to rate schedule FERC No. 16 (supersedes supplement Nos. 10 and 11).	TOU-R (Step—One—Incl. SONGS 2).	Azusa.
(5) Supplement No. 16 to rate schedule FERC No. 17 (supersedes supplement Nos. 15 and 17).	TOU-R (Step—One—Excl. SONGS 2).	Riverside.
(6) Supplement No. 11 to rate schedule FERC No. 19 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Anza Electric Cooperative.
(7) Supplement No. 11 to rate schedule FERC No. 21 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Banning.
(8) Supplement No. 11 to rate schedule FERC No. 29 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Arizona Public Service Co. (Blythe).
(9) Supplement No. 13 to rate schedule FERC No. 31 (supersedes supplement Nos. 11 and 12).	TOU-R (Step—One—Excl. SONGS 2).	Colton.
(10) Supplement No. 11 to rate schedule FERC No. 33 (supersedes supplement Nos. 2 to supplement Nos. 7 and 8).	TOU-R (Step—One—Excl. SONGS 2).	Southern California Water co. (Harnish).
(11) Supplement No. 12 to rate schedule FERC No. 33 (supersedes supplement Nos. 9 and 10).	TOU-R (Step—One—Excl. SONGS 2).	Southern California Water Co. (Gold Hill).
(12) Supplement No. 13 to rate schedule FERC No. 6 (supersedes supplement Nos. 12).	TOU-R (Step—Two—Incl. SONGS 2).	Arizona Public Service Co.
(13) Supplement No. 14 to rate schedule FERC No. 13 (supersedes supplement Nos. 13).	TOU-R (Step—Two—Incl. SONGS 2).	Vernon.
(14) Supplement No. 18 to rate schedule FERC No. 15 (supersedes supplement Nos. 17).	TOU-R (Step—Two—Incl. SONGS 2).	Anaheim.
(15) Supplement No. 13 to rate schedule FERC No. 16 (supersedes supplement Nos. 12).	TOU-R (Step—Two—Incl. SONGS 2).	Azusa.
(16) Supplement No. 19 to rate schedule FERC No. 17 (supersedes supplement Nos. 16).	TOU-R (Step—Two—Incl. SONGS 2).	Riverside.
(17) Supplement No. 12 to rate schedule FERC No. 19 (supersedes supplement Nos. 11).	TOU-R (Step—Two—Incl. SONGS 2).	Anza Electric Cooperative.
(18) Supplement No. 12 to rate schedule FERC No. 21 (supersedes supplement Nos. 11).	TOU-R (Step—Two—Incl. SONGS 2).	Banning.
(19) Supplement No. 12 to rate schedule FERC No. 29 (supersedes supplement Nos. 11).	TOU-R (Step—One—Incl. SONGS 2).	Arizona Public Service Co. (Blythe).
(20) Supplement No. 14 to rate schedule FERC No. 31 (supersedes supplement Nos. 13).	TOU-R (Step—One—Incl. SONGS 2).	Colton.
(21) Supplement No. 12 to rate schedule FERC No. 33 (supersedes supplement Nos. 11).	TOU-R (Step—One—Incl. SONGS 2).	Southern California Water Co. (Harnish).
(22) Supplement No. 13 to rate schedule FERC No. 33 (supersedes supplement Nos. 12).	TOU-R (Step—One—Incl. SONGS 2).	Southern California Water Co. (Gold Hill).

[FR Doc. 81-5604 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-374-002]

Southern Natural Gas Co.; Petition To Amend

February 17, 1981.

Take notice that on January 9, 1981, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-374-002 a petition to amend the order issued August 22, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of additional facilities to increase the capacity of its South Main transmission lines, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 22, 1980, it was authorized to perform certain gas storage services and related transportation services for certain of its customers and to construct and operate the necessary facilities to effectuate such services.

Petitioner states that as it presently exists, the design capacity of its pipeline system is not sufficient to accommodate the transportation of the storage service volumes on a peak day. It is further stated that in calculating what additional facilities would be necessary for it to undertake firm obligations to perform the proposed storage and transportation services, Petitioner anticipated a daily input of 322,000 Mcf of regasified LNG into the eastern end of its pipeline system. Petitioner asserts that it can no longer prudently project that it would have that quantity of regasified LNG available on a daily basis throughout the life of the storage service. Petitioner, therefore, states it must assume that the proposed storage transportation on a peak day cannot be performed without the benefit of the additional capacity in its South Main transmission lines equal to the peak day storage service withdrawal volumes. Accordingly, Petitioner proposes to construct and operate the following facilities to increase the capacity of its South Main transmission lines:

(1) Approximately 5.6 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 56.5 to milepost 62.1,

(2) Approximately 3.1 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 83.3 to milepost 86.4,

(3) Approximately 5.7 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 133.2 to milepost 138.9,

(4) Approximately 3.1 miles of pipeline on Petitioner's 30-inch South Main third loop line from milepost 138.9 to milepost 142.0

(5) Approximately 7.0 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 205.8 to milepost 212.8.

(6) Approximately 3.7 miles of pipeline on Petitioner's 30-inch South Main third loop line from milepost 221.6 to milepost 225.3.

(7) Approximately 9.0 miles of pipeline on Petitioner's 30-inch South Main second loop line from milepost 298.5 to milepost 307.5,

(8) 2,000 horsepower of compression at Petitioner's Enterprise Compressor Station,

(9) 4,000 horsepower of compression at Petitioner's Gallion Compressor Station,

(10) 5,000 horsepower of compression at Petitioner's Elmore Compressor Station, and

(11) 2,000 horsepower of compression at Petitioner's Ellerslie Compressor Station.

It is stated that the proposed 30-inch pipeline loop segments are located in an area running from Jasper County, Mississippi, to Harris County, Georgia.

Petitioner estimates the cost of the proposed facilities to be $45,191,913, which would be financed initially by short-term financing and/or cash from current operations with subsequent permanent financing, it is stated.

Petitioner submits that it proposes to construct the facilities in two phases. Phase I would be the construction and operation of the loop pipeline to be completed by the beginning of the 1981–82 storage withdrawal period. Phase II would be the construction of the proposed compression facilities which, due to the long lead time required to obtain compression facilities, would not commence until sometime in 1982, it is stated. Petitioner projects the completion of the compression facilities to occur at the beginning of the 1982–83 storage withdrawal period.

Petitioner states that it does not propose to modify the procedure set out in the August 22, 1980, order for determining the storage transportation charge. Because the additional facilities proposed herein would be constructed in two phases, Petitioner requests that it be permitted to collect an interim transportation charge from the time the loop pipelines are completed and placed in service until the compression facilities are completed and placed in service. This interim charge, it is asserted, would be calculated on (i) the latest capital cost estimate of the facilities authorized by the August 22, 1980, order and of the loop pipelines proposed and (ii) the transmission cost of service underlying the rates that Petitioner would be collecting at the time storage transportation service is initiated as adjusted to include the cost of service of the storage service transportation facilities then in service.

Petitioner states that when the proposed compression facilities are completed and ready to be placed in service, Petitioner would recalculate the transportation charge using the same procedures as employed in determining the interim transportation charge but incorporating the latest capital cost estimate of said compression facilities in the cost of the storage service transportation facilities and utilizing the transmission cost of service underlying the rates that Petitioner would be collecting at that time as adjusted to include the cost of service of said compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a peition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5806 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-19-000]

Tapoco, Inc.; Order Granting Request for Clarification of Prior Order

February 17, 1981.

On October 9, 1980, Tapoco, Inc (Topoco) filed an Apportionment Agreement with Nantahala Power and Light Company (NP & L) dated June 1, 1971, which specifies amounts of energy available to NP&L and Tapoco, respectively, under a prior agreement (New Fontana Agreement of NFA) between these parties and the Tennessee Valley Authority.

By order issued December 2, 1980, the Commission found the apportionment agreement to be a jurisdictional rate schedule which should be filed as a supplement to the NFA. Upon consideration of the relevant circumstances, including the fact that remedies available through a pending proceeding in Docket Nos. EL78–18 and ER76–828 appeared adequate to protect the interests of all parties involved, the Commission waived the outstanding filing requirements and accepted the apportionment agreement for filing to become effective as of June 1, 1971, when service commenced under the agreement. The Commission however, further ordered that the apportionment question remain subject to the outcome of the proceeding in Docket Nos. ER76–828 and EL78–18.

On January 2, 1981, Highlands filed an application for rehearing and alternative request for clarification of the December 2, 1980 Commission order. Highlands asks for rehearing of the grant of waiver of notice requirements "in an abundance of caution." In the alternative, Highlands seeks clarification to the effect that acceptance of the apportionment agreement, with an effective date of June 1, 1971, will be conditioned so that the Commission retains the authority to order any appropriate remedy concernig the agreement as is justified on the record in Docket Nos. EL78–18 and ER76–828, without any predetermination as to the standards it will apply or the remedies it may impose. Highlands expresses its concern that the available remedies in this proceeding should not be limited to the possibility of a refund obligation.

On January 19, 1981, Tapoco filed a response to Highlands' January 2, 1981 pleading

Discussion

Highlands has challenged the Commission's decision to accept the apportionment agreement for filing as of 1971. However, the pleading demonstrates that Highlands' primary concern is that nothing set forth in the December 2, 1980 order prejudge or prejudice any of the remedies available with respect to Tapoco's submittal in Docket No. ER81–19–000, or the parties' positions in the underlying Dockets, EL78–18 and ER76–828. That, in fact, was the intent of the December 2, 1980 order. Accordingly, we believe that it is unnecessary to separately address Highlands' grounds for rehearing. Nevertheless, we agree that ordering paragraph (A) of the Commission's order was not as clear as it could have been. In order to clarify the Commission's intent, ordering paragraph (A) of the December 2, 1980 order will be modified to read as follows:

"(A) The instant submittal is hereby declared to be jurisdictional and is accepted for filing to be effective as of June 1, 1971, subject to refund, *provided, however,* that questions concerning the reasonableness of the apportionment agreement shall be subject to the outcome of the proceedings in Docket Nos. EL78-18 and ER76-828, and subject to any remedies deemed appropriate based on the record of those proceedings, including refunds, if warranted."

In its January 19 response, Tapoco contends that Highlands' January 2 submittal asks this Commission to broaden the potential remedies against Tapoco and essentially to reverse its December 2, 1980 order in this docket. After reviewing the pleadings on this matter, we have determined that our December 2, 1980 order should be modified as provided above, not in order to expand or contract the potential remedies in this docket, but merely in order to preserve the positions of the parties and to avoid any limitiations on the available remedies. The Commission will consider any appropriate remedies after the underlying facts and positions have been fully ventilated through hearing and briefing.

The Commission Orders

(A) Tapoco's January 2, 1981 motion to clarify the Commission's order of December 2, 1980, in these dockets is hereby granted and ordering paragraph (A) of that order is hereby modified as set forth in the body of this order.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5800 Filed 2-19-81; 8:45am]

BILLING CODE 6450-85-M

[Project No. 2816-000]

Vermont Electric Corporative, Inc.; Application for Major License

February 17, 1981

Take notice that an application was filed December 11, 1980, under the Federal Power Act, 16 U.S.C., Section 791(a)-825(r)(r), by the Vermont Electric Cooperative Inc., for major license for the North Hartland Project. The proposed project would utilize the existing U.S. Army Corps of Enginers' North Hartland Dam on the Ottauquechee River in Windsor County, Vermont. Correspondence with the Applicnt on this matter should be addressed to: Mr. William J. Gallagher, Vice President and Executive Manager, Vermont Electric Cooperative Inc., School Street, Johnson, Vermont 05656; and Attorney G. Douglas Essy; Belnap, McCarthy, Spencer, Sweeney and Harkaway, 1750 Pennsylvania Avenue, N.W., Washington D.C. 20006.

Project Description—The proposed project would utilize an existing outlet conduit at the dam, and would consist of: (1) a steel bifurcation at the existing outlet connected to two 7.5-foot diameter inlets and leading to; (2) a powerhouse containing two 2,000-kW horizontal shaft turbines and generators; (3) a 400-foot tailrace channel; (4) a 12-foot diameter bypass which would pass additional flows that are not needed for power generation. The bypass would lead from the outlet conduit at a point approximately 100 feet upstream of the bifurcation and discharge through (5) a vertical lift fixed-wheel control gate and into (6) a 60-foot long concrete-lined channel east of the powerhouse and thence to the Ottauquechee River; (7) transmission facilities; and (8) appurtenant works. The application was filed during the term of the Applicant's preliminary permit for the North Hartland Project, issued February 9, 1979. The Applicant does not propose any additional recreational facilities at the porject. Project power would be used by the Applicant for public utility purposes either within its distribution system or for sale to other public utilities.

Competing Applications—Anyone desiring to file a competing appliction must submit to the Commission, on or before April 27, 1981 the competing application itself or an intent to file competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this appliction should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.10 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 paty, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before April 27, 1981. The Commission's address is: 825 North Capitol Street, N.W., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5806 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 3688-000]

Washington County Hydro Development Associates; Application for Short-Form License (Minor)

February 17, 1981.

Take notice that Washington County Hydro Development Associates (Applicant) filed on November 5, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the East Machias Project No. 3688. The project would be located on the East Machias River in the Town of East Machias, Washington County, Maine. Correspondence with the Applicant should be directed to: Dr. N. Laberge, Washington County Hydro Development Associates, P.O. Box 151 Eastport, Maine 04631.

Project Description—The proposed project would consist of; (1) an existing 25-foot high, 166-foot long concrete stanchion-stop-log dam built in 1926; (2) a new crest gate to be located at the north abutment adjacent to the existing penstock intake structure; (3) a fishway; (4) a reservoir with a total storage capacity of 800 acre-feet; (5) a new 12-foot diameter 1,100-foot long penstock in place of the old penstock; (6) a new powerhouse containing a single turbine-generator with a rated capacity of 1,500-kW; and (7) appurtenant facilities. The project would generate up to 6,990,000 kWh annually saving the equivalent of 11,500 barrels of oil or 3,200 tons of coal.

Purpose of Project—Energy produced at the project would be sold to Bangor Hydro-Electric Company, the local utility, for distribution to its customers.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and

Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. 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 May 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 1, 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 teke, the Commission will consider all protest or other comments file, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 204426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5807 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD						
-GRACE PETROLEUM CORP			RECEIVED: 02/02/81 JA: AL			
8114897	1-16-816PD	0105720205 102	MURPHY 31-16	BLUFF	120.0	
8114895	1-16-813PDA	0107520307 102	SIZEMORE 2-5	N BLOWHORN CREEK	0.0	
-SHELL OIL CO			RECEIVED: 02/02/81 JA: AL			
8114896	1-16-315PD	0100320034 107	WEFEL NO 2	SEVEN MILE AREA WILDCAT	40.0	
-WARRIOR DRILLING & ENG CO INC			RECEIVED: 02/02/81 JA: AL			
8114899	1-16-818PD-A	0105720197 102	STEINER SCHWAB 35-10	MUSGROVE CREEK	30.0	WARRIOR DRLG & ENG
8114898	1-16 817PD A	0105720165 102	WRIGHT 35-4	MUSGROVE CREEK	30.0	WARRIOR DRLG & ENG
MONTANA BOARD OF OIL & GAS CONSERVATION						
-BWAB INC			RECEIVED: 02/02/81 JA: MT			
8114903	11-80-233	2508321344 102	CANOFE #35-31	RIDGE LAWN	41.9	MONTANA DAKOTA UTILI
8114898	10-80-226	2508321346 102	CARLSEN-LYCHE # 22-12	SIDNEY	12.7	MONTANA DAKOTA UTILI
8114904	10-80-227	2508321371 102	HEIN # 27-43	MONDAK WEST	29.2	MONTANA DAKOTA UTILI
8114901	10-80-229	2508321269 102	PETERSEN #20-33X	SIDNEY	19.1	MONTANA DAKOTA UTILI
-HELMERICH & PAYNE INC			RECEIVED: 02/02/81 JA: MT			
8114905	11-80-234	2508321370 103	MARTIN 1-11	NORTH SIOUX PASS	59.0	TRUE OIL CO
-MIDLANDS GAS CORPORATION			RECEIVED: 02/02/81 JA: MT			
*8114903	9-80-193	2507121163 108	0752 ARCHIE DUNBAR 1-7	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
*8114902	4-80-99	2507121588 108	2070 1-20 COMPTON	BOWDOIN	11.0	KANSAS-NEBRASKA NATU
-SHELL OIL CO			RECEIVED: 02/02/81 JA: MT			
8114905	10-80-229	2508321381 107	STEINBEISSER 23-27	MONDAK WEST	10.5	MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE			RECEIVED: 02/02/81 JA: MT			
8114907	10-80-225	2509121293 102	PETERSON FLB #1	KATY LAKE NORTH	2.5	TRUE OIL CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-CONSOLIDATED OIL & GAS INC			RECEIVED: 01/30/81 JA: NM			
8114947		3004500000 108	TEMPLETON 1	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
-EXXON CORPORATION			RECEIVED: 01/30/81 JA: NM			
8114949		3002526196 108	NEW MEXICO AB STATE #5	LANGLIE MATTIX SEVEN RIV	11.0	EL PASO NATURAL GAS
8114948		3002526197 108	NEW MEXICO AB STATE #5	LANGLIE MATTIX SEVEN RIV	8.5	EL PASO NATURAL GAS
-GETTY OIL COMPANY			RECEIVED: 01/30/81 JA: NM			
8114889		3002526158 102	STATE 29 J WELL NO 1	UNDESIGNATED WOLFCAMP	364.0	TRANSWESTERN PIPELIN
-HARVEY E YATES COMPANY			RECEIVED: 01/30/81 JA: NM			
8114946		3002526271 107	AUSTIN MONTEITH #1	UND AUSTIN-MISSISSIPPIAN	365.0	EL PASO NATURAL GAS
-MESA PETROLEUM			RECEIVED: 01/30/81 JA: NM			
8114892		3004523745 103	STATE COM AJ 34E	BASIN DAKOTA	70.0	NORTHWEST PIPELINE C
8114891		3004523746 103	STATE COM AK 35E	BASIN DAKOTA	100.0	NORTHWEST PIPELINE C

JD NO	DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHERN UNION EXPLORATION COMPANY		RECEIVED: 01/30/81 JA: NM					
8114894		3002526190 103		STATE 17 #1	AUSTIN	274.0	EL PASO NATURAL GAS
8114894		3002526190 107		STATE 17 #1	AUSTIN	274.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION		RECEIVED: 01/30/81 JA: NM					
8114893		3000560788 102		KUYKENDALL OP COM #1	JONES ABO	0.0	TRANSWESTERN PIPELIN
8114893		3000560728 107		WILLOW CREEK UNIT #2	WILDCAT ABO	0.0	TRANSWESTERN PIPELIN
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY							
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-MERRILL NATURAL RESOURCES INC		RECEIVED: 01/30/81 JA: VA					
8114941		4516520351 102		SOUDER #1 #6914	BERGTON	30.0	COLUMBIA GAS TRANSMI
**********							
WEST VIRGINIA DEPARTMENT OF MINES							
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-ALTON SKINNER		RECEIVED: 01/30/81 JA: WV					
8114843		4704102750 103		MCCUE #1	VANDALIA	5.0	
-APPALACHIAN EXPLORATION & DEVEL INC		RECEIVED: 01/30/81 JA: WV					
8114864		4701100670 102		F J MCWHORTER #1	UNION	18.0	COLUMBIA GAS TRANSMI
-ASHLAND EXPLORATION INC		RECEIVED: 01/30/81 JA: WV					
8114876		4701900421 103		CHRISTIAN COLLIERY #2	PAINT CREEK	51.0	COLUMBIA GAS TRANSMI
8114875		4701900435 103		EASTERN ASSOCIATED #68 (089191)	PAINT CREEK	0.0	COLUMBIA GAS TRANSMI
8114877		4704700830 103		LON B ROGERS #21	VIRGINIA	73.0	CONSOLIDATED GAS SUP
-BRAXTON OIL AND GAS CORP		RECEIVED: 01/30/81 JA: WV					
8114842		4704102738 103		NO 1 PERRINE	VANDALIA	4.0	CONSOLIDATED GAS SUP
-BRUCE FOSTER		RECEIVED: 01/30/81 JA: WV					
8114882		4702103614 103		SUMMERS NO 5	GLENVILLE SOUTH	20.0	EQUITABLE GAS CO
-CHASE PETROLEUM		RECEIVED: 01/30/81 JA: WV					
8114878		4701702463 103		BRITTON-LEGGETT #1	BENSON RUN	0.0	
-CITIES SERVICE COMPANY		RECEIVED: 01/30/81 JA: WV					
8114881		4704700826 103		MALONE B-#2	BRADSHAW	35.0	COLUMBIA GAS TRANSMI
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 01/30/81 JA: WV					
8114883		4705500078 102		MCCREERY COAL LAND 820062	WEST VIRGINIA FIELD AREA	140.3	COLUMBIA GAS TRANS C
8114887		4705900915 107		W H BRONSON ET AL 820569	TUG RIVER	16.2	COLUMBIA GAS TRANS C
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 01/30/81 JA: WV					
8114872		4703301931 103		LANDORA HARBERT 12567	WEST VIRGINIA OTHER AB57	41.0	GENERAL SYSTEM PURCH
-FERRELL L PRIOR		RECEIVED: 01/30/81 JA: WV					
8114844		4708504745 103		ROYAL D COX NO 1 (EAST 50 ACRES)	BEREA	0.0	COLUMBIA GAS TRANSMI
-GENE STALNAKER INC		RECEIVED: 01/30/81 JA: WV					
8114861		4701702523 103		SMITH B-37-1	LOURIE SMITH	21.5	COLUMBIA GAS TRANSMI
8114860		4701702555 103		SMITH B-39-2	LOURIE SMITH	21.7	COLUMBIA GAS TRANSMI
-INDUSTRIAL GAS ASSOCIATES		RECEIVED: 01/30/81 JA: WV					
8114868		4703302042 103		JOHNSON NO 1 HAR-2342	SARDIS DISTRICT	23.0	CONSOLIDATED GAS SUP
8114865		4701702349 103		KING NO 1 DOD-2349	WEST UNION DISTRICT	23.0	CONSOLIDATED GAS SUP
8114869		4701702345 103		POWELL NO 1 DOD-2345	CENTRAL DISTRICT	23.0	CONSOLIDATED GAS SUP
-J C J ENTERPRISES INC		RECEIVED: 01/30/81 JA: WV					
8114883		4700100871 103		B-118	UNION	400.0	CONSOLIDATED GAS SUP
8114885		4709721729 103		B-70A	WARREN	400.0	CONSOLIDATED GAS SUP
8114879		4701702521 103		J-102	NEW MILTON	400.0	CONSOLIDATED GAS SUP
8114871		4703302340 103		J-244	UNION	400.0	CONSOLIDATED GAS SUP
8114862		4701702681 103		J-263	CENTRAL	400.0	COLUMBIA GAS TRANSMI
8114884		4709702083 103		J-281	BANKS	200.0	COLUMBIA GAS TRANSMI
8114873		4701702595 103		J-36 JJ-8 #5	NEW MILTON	400.0	CONSOLIDATED GAS SUP
-MERT DEVELOPMENT INC		RECEIVED: 01/30/81 JA: WV					

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PRTD	PURCHASER
8114845		4700701442	102	YEOLOSKY #1	UTIER DISTRICT	1621.9	COLUMBIA GAS TRANS C
-MONITOR PETROLEUM CORP				RECEIVED: 01/30/81 JA: WV			
8114880		4700121253	103	MONITOR #3 GUY GOLDEN	BARKER	45.0	COLUMBIA GAS TRANSMI
-PETROLEUM DEVELOPMENT CORP				RECEIVED: 01/30/81 JA: WV			
8114867		4701702586	103	L BROADWATER #2	STRAIGHT FORK-BLUESTONE	48.0	COLUMBIA GAS TRANSMI
8114863		4701702534	103	L S MCGEE #1	STRAIGHT FORK-BLUESTONE	78.0	COLUMBIA GAS TRANSMI
-STONESTREET LANDS CO				RECEIVED: 01/30/81 JA: WV			
8114874		4701501697	103	C O SUMMERS #1-S-52	ELMIRA	35.0	COLUMBIA GAS TRANSMI
-STONEWALL GAS CO INC				RECEIVED: 01/30/81 JA: WV			
8114886		4701702594	103	BERNICE L DAVIS #1	GREENBRIER	18.0	CONSOLIDATED GAS SUP
8114865		4703322245	103	G WILLIAMS #1	TEN MILE	18.0	CONSOLIDATED GAS SUP
-UNION DRILLING INC				RECEIVED: 01/30/81 JA: WV			
8114873		4708300299	103	HARRY MCMULLAN JR EST #5 1547	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
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** U.S. GEOLOGICAL SURVEY - CASPER,WY							
**********							
-DOME PETROLEUM CORP				RECEIVED: 01/30/81 JA: ND 5			
8114852	ND613-0	3305301095	102	DOME FEDERAL 2-26	MON-DAK	30.9	SHELL OIL CO
-GETTY OIL COMPANY				RECEIVED: 01/30/81 JA: ND 5			
*8114853	ND 2120	3300700372	107	MYSTERY CREEK WELL NO 1-11	T R FIELD (UPPER3M)	15.0	KOCH HYDROCARBON CO
-SHELL OIL CO				RECEIVED: 01/30/81 JA: ND 5			
8114858	ND 624-0	3305301017	102	USA 34-13-59	MONDAK	39.5	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY				RECEIVED: 01/30/81 JA: ND 5			
8114859	ND 625-0	3300700473	102	STUART USA 1-33	BIG STICK	500.0	WESTERN GAS PROCESSO
-COTTON PETROLEUM CORPORATION				RECEIVED: 01/30/81 JA: WY 5			
*8114851	W 552-0	4903721600	102	SHALLOW CREEK UNIT A 1-25	WILDCAT	150.0	COLORADO INTERSTATE
-DAVIS OIL COMPANY				RECEIVED: 01/30/81 JA: WY 5			
8114857	W 620-0	4901920572	102	#1 CHIEF FEDERAL	INDIAN CREEK	452.6	PHILLIPS PETROLEUM C
8114854	W616-0	4900921641	102	#1 WEST ROBINSON FEDERAL	UNNAMED	13.4	PHILLIPS PETROLEUM C
8114853	W615-0	4901920545	102	BRAVE FEDERAL NO 1	INDIAN CREEK	16.4	PHILLIPS PETROLEUM C
-INEXCO OIL COMPANY				RECEIVED: 01/30/81 JA: WY 5			
8114855	W 617-0	4900525527	103	CHU NO 229	CENTRAL HILIGHT UNIT	12.0	MCCULLOCH OIL CORP
8114856	W 618-0	4900525623	103	CHU NO 229	CENTRAL HILIGHT UNIT	175.0	MCCULLOCH OIL CORP

OTHER PURCHASERS	VOLUME NO 1368
8114850	WESTERN GAS PROCESSORS LTD
8114851	UNITED GAS PIPELINE CO
8114852	MONTANA-DAKOTA UTILITIES CO
8114857	MONTANA-DAKOTA UTILITIES CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5678 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-CHEVRON U S A INC			RECEIVED: 01/29/81 JA: CA			
8114797	80-6-0027	0401120139 102	JIMENO RANCHO #1	COMPTON LANDING	116.5	
8114798	80-6-0028	0411320530 102	KNAGG WALLACE #3	ZAMORA	91.7	PACIFIC GAS & ELECTR
8114799	80-6-0029	0411320572 102	KNAGGS WALLACE #5	ZAMORA	35.1	PACIFIC GAS & ELECTR
-COASTAL OIL & GAS CORP			RECEIVED: 01/29/81 JA: CA			
8114800	80-6-0030	0401120148 102	ABRUCKLE ROAD NO 3	GRIMES	506.0	PACIFIC GAS & ELECTR
-QUINTANA PETROLEUM CORP			RECEIVED: 01/29/81 JA: CA			
8114801	80-6-031	0406720152 103	ELTON #1	NORTH THORNTON	180.0	PACIFIC GAS & ELECTR
COLORADO OIL & GAS COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 01/29/81 JA: CO			
8114817	80-392	0512309839 103	ADOLPH ANDERSON UNIT WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114812	80-383	0512309514 103	CLARK D VANDERHOFF JNIT WELL #2	HAMBERT	300.0	PANHANDLE EASTERN PI
8114818	80-394	0512309886 103	ESTHER F GAUMER WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114816	80-396	0512309919 103	GLADYS JACCARD GAS UNIT WELL #2	WATTENBERG	73.0	PANHANDLE EASTERN PI
8114815	80-395	0512309918 103	MAX KATCHEN WELL #2	WATTENBERG	0.0	PANHANDLE EASTERN PI
8114827	81-113-8	0512307331 108	PRYMACK G U #1	WATTENBERG	0.0	COLORADO INTERSTATE
8114814	80-393	0512309832 103	RAY E OLIN UNIT WELL #2	WATTENBERG	292.0	PANHANDLE EASTERN PI
8114813	80-399	0512309823 103	SALAZAR FAMILY GAS JNIT WELL #2	WATTENBERG	110.0	PANHANDLE EASTERN PI
8114803	80-391	0500107492 103	UPRR 23 PAN AM M WELL NO 1		200.0	PANHANDLE EASTERN PI
8114823	80-344	0512307279 108	UPRR 38 PAN AM B NO 1	WATTENBERG	14.0	PANHANDLE EASTERN PI
8114804	80-398	0512309667 103	UPRR 38 PAN AM GAS JNIT J WELL #1	WATTENBERG	146.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY			RECEIVED: 01/29/81 JA: CO			
8114811	80-354	0506706319 103	SOUTHERN UTE 29-2 33-8	IGNACIO BLANCO	100.0	NORTHWEST PIPELINE C
-COTTON PETROLEUM CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114810	80-380	0512309397 103	HALL NO 2	SPINDLE	60.0	IONE GAS PROCESSING
8114809	80-382	0512309395 103	HIGHLAND NO 2	SPINDLE	24.0	IONE GAS PROCESSING
8114808	80-397	0512309290 103	IONE C #2	SPINDLE	130.0	IONE GAS PROCESSING
8114802	80-379	0512309289 103	IONE D NO 1	SPINDLE	84.0	COLORADO INTERSTATE
8114807	80-388	0512309378 103	STERHOLE B NO 1	SPINDLE	60.0	IONE GAS PROCESSING
8114819	80-381	0512309509 103	WELD COUNTY NO 1	SPINDLE	90.0	IONE GAS PROCESSING
-ENERGY MINERALS CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114805	80-367	0512310024 102	#1 PARMLEE	WAITE LAKE	72.0	CRYSTAL GAS RESOURCE
8114824	80-369	0512308219 108	#3 VONASEK	SPINDLE	11.0	COLORADO INTERSTATE
8114825	80-368	0512309233 108	#8 VONASEK	SPINDLE	9.0	COLORADO INTERSTATE
-EXXON CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114822	80-378	0507708132 107	VEGA UNIT #2	WILDCAT	96.0	NORTHERN NATURAL GAS
-J GREGORY MERRION & ROBT L BAYLESS			RECEIVED: 01/29/81 JA: CO			
8114832	80-317	0506705272 108	CHRISTINE HAMILTON #1	IGNACIO-MESA VERDE	15.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
-MGF OIL CORP			RECEIVED: 01/29/81 JA: CO			
8114830	80-372	0512309945 103	NICHOLS 34-16	WATTENBERG FIELD	700.0	PANHANDLE EASTERN PI
8114828	80-375	0512309950 103	POWERS 21-22	WATTENBERG	700.0	PANHANDLE EASTERN PI
8114829	80-374	0512309949 103	POWERS 34-22	WATTENBERG	700.0	PANHANDLE EASTERN PI
8114835	80-371	0512308015 108	PREMIER 44-33	LOST CREEK	14.0	CRYSTAL GAS RESOURCE
-NORTHWEST PIPELINE CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114833	80-261	0506700000 108	BONDAD 33-9 #32	IGNACIO MESAVERDE	17.0	NORTHWEST PIPELINE C
8114826	80-211	0506705721 108	IGNACIO 33-8 #14	IGNACIO BLANCO MESAVERDE	20.0	EL PASO NATURAL GAS
-SAMSON OIL COMPANY			RECEIVED: 01/29/81 JA: CO			
8114820	80-366	0500906230 103	M L MCLAIN #1-33	STONINGTON	140.0	
-TEXAS OIL & GAS CORP			RECEIVED: 01/29/81 JA: CO			
8114821	80-400	0506106265 103	LAS ANIMAS LTD A #1	MCCLAVE	91.3	NUECES CO
-TRANSCONTINENTAL OIL CORPORATION			RECEIVED: 01/29/81 JA: CO			
8114831	80-340	0512309924 103	A MILLER #1	WILDCAT	233.6	KANSAS NEBRASKA NATU
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LOUISIANA OFFICE OF CONSERVATION						
**********						
-MCMORAN EXPLORATION CO			RECEIVED: 01/28/81 JA: LA			
8114756	79-759	1704520447 102	IBERIA INVESTMENT CORP NO 1 152864	S E AVERY ISLAND	240.0	TRANSCONTINENTAL GAS
-THE LOUISIANA LAND & EXPLORATION CO			RECEIVED: 01/28/81 JA: LA			
8114757	79-1743	1710921763 102	LL&E FEE #6 - 151610	LAKE HATCH	365.0	
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MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
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-NORTHERN MICHIGAN EXPLORATION CO			RECEIVED: 01/28/81 JA: MI			
8114758		2110133711 102	DROBENA ET AL #2-23A	CLEON 23	73.0	CONSUMERS POWER CO
8114759		2110100003 102	VAN HORN ET AL #2-16	CLEON 17	500.0	CONSUMERS POWER CO
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OHIO DEPARTMENT OF NATURAL RESOURCES						
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-A & R COMPANY			RECEIVED: 01/28/81 JA: OH			
8114726		3416724716 103	DEAN ABICHT NO 3 OH 15 1103	LONG RUN	10.0	
8114731		3416725677 107	HELEN SCHULTHEIS NO 1 OH 31 2501	NEWPORT	0.0	
-ALTHEIRS OIL INC			RECEIVED: 01/28/81 JA: OH			
8114574		3400922105 103	STATE OF OHIO-GIFFORD #2	BERN TWP	6.0	COLOMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC			RECEIVED: 01/28/81 JA: OH			
8114706		3413322313 103	CARVER NO 1	DEER FIELD	18.0	EAST OHIO GAS CO
8114718		3415521487 102	CEBULA NO 1	VERNON	0.0	COLUMBIA GAS TRANSMI
8114707		3413322333 103	EARNEST NO 2	DEERFIELD	0.0	EAST OHIO GAS CO
8114720		3415521574 103	GIBSON UNIT NO 1	GAZETTA	40.0	COLUMBIA GAS TRANSMI
8114716		3415521405 102	LENYO NO 1	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8114722		3415521496 102	LENYO NO 2	JOHNSTON	0.0	COLUMBIA GAS TRANSMI
8114721		3415521595 102	PAULLY UNIT NO 1	JOHNSTON	0.0	COLUMBIA GAS TRANS C
8114719		3415521542 103	POLLOCK NO 1	GAZETTA	35.0	COLUMBIA GAS TRANSMI
8114715		3415521381 102	STARP NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
-BARTLO OIL AND GAS COMPANY			RECEIVED: 01/28/81 JA: OH			
8114690		3410322308 103	BRYAN UNIT #1	SHARON	30.0	
-BECK OIL & GAS CO			RECEIVED: 01/28/81 JA: OH			
8114675		3403123854 103	ROBERT BARRICK NO I	JACKSON	12.0	NATIONAL GAS & OIL C
8114676		3403123855 103	ROBERT BARRICK NO II	JACKSON	12.0	NATIONAL GAS & OIL C
-BEREA OIL AND GAS CORPORATION			RECEIVED: 01/28/81 JA: OH			
8114712		3415521356 102	MURCKO #1	BROOKFIELD	10.0	COLUMBIA GAS TRANSMI
8114711		3415521354 102	MURCKO #3	BROOKFIELD	2.0	COLUMBIA GAS TRANSMI

JD NO	DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114713		3415521376	102		PUGH #1	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8114714		3415521377	102		PUGH #2	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
8114717		3415521442	102		PUGH #3	BROOKFIELD	1.0	COLUMBIA GAS TRANSMI
-BERRESFORD ENTERPRISES INC					RECEIVED: 01/28/81 JA: DH			
8114727		3416725281	103		WILBUR WHECKBACHER #1	BEAR CREEK ALLOTMENT	15.0	
-BETHEL RESOURCES INC					RECEIVED: 01/28/81 JA: DH			
8114755		3416922459	103		CHANCE #1	PLAIN	12.0	COLUMBIA GAS TRANSMI
-BOBBY ANDERSON					RECEIVED: 01/28/81 JA: DH			
8114724		3416723555	107		JAMES HALE #1 (DRILLED DEEPER)	BARLOW	7.3	COLUMBIA GAS TRANS C
-BUCKEYE OIL PRODUCING CO					RECEIVED: 01/28/81 JA: DH			
8114569		3400523343	103		PAUL & RUTH FRANK #1	HANOVER	12.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC					RECEIVED: 01/28/81 JA: DH			
8114596		3411121964	107		LAWRENCE KNOWLTON #1	GRAYSVILLE FIELD	0.0	
-CHANSE PETROLEUM CORPORATION					RECEIVED: 01/28/81 JA: DH			
8114571		3400721277	103		JAMES & ELLEN CLARK #1	NEW LYME	5.0	
-DANVILLE PIPE & SUPPLY COMPANY					RECEIVED: 01/28/81 JA: DH			
8114685		3408322684	103		ISAAC MILLER 2-A	UNION	0.0	COLUMBIA GAS TRANSMI
-DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 01/28/81 JA: DH			
8114591		3410322356	103		A & C FIRESTONE #1	GRANGER	5.0	COLUMBIA GAS TRANS C
8114592		3410322357	103		A & C FIRESTONE #2	GRANGER	5.0	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC					RECEIVED: 01/28/81 JA: DH			
8114587		3408923968	103		CAREY & KAREN JUDGEON #1	EDEN	5.0	OHIO FUEL
8114588		3408923971	103		M & M ENTERPRISES #1	EDEN	5.0	OHIO FUEL
-FRONTIER PETROLEUM LTD					RECEIVED: 01/28/81 JA: DH			
8114728		3416725415	107		GARY RIGGS #1	INDEPENDENCE TOWNSHIP	25.0	COLUMBIA GAS TRANSMI
-GIANT PETROLEUM CORPORATION					RECEIVED: 01/28/81 JA: DH			
8114572		3400721482	103		STUDER UNIT WELL #2	ROME	20.0	EAST OHIO GAS CO
-HORTIN & HUFFMAN					RECEIVED: 01/28/81 JA: DH			
8114570		3400523346	103		GUY Z & FERN D HUMM NO 2	MOHICAN	10.0	COLUMBIA GAS TRANSMI
-J D DRILLING CO					RECEIVED: 01/28/81 JA: DH			
8114593		3410521828	107		CHARLES LAWRENCE #1	LEBANON	14.0	COLUMBIA GAS TRANSMI
-K S T OIL & GAS CO INC					RECEIVED: 01/28/81 JA: DH			
8114709		3415322871	103		THOMSON #1	NORTHAMPTON	20.0	
-KEN E SAUTER					RECEIVED: 01/28/81 JA: DH			
8114710		3415320898	103		SAUTER #1	SAUTER	15.0	
-L & M PETROLEUM					RECEIVED: 01/28/81 JA: DH			
8114729		3416725466	103		ELIZA BROOKS #4	LAWRENCE	12.7	COLUMBIA GAS TRANSMI
8114730		3416725489	103		ELIZA BROOKS #5	LAWRENCE	127.0	COLUMBIA GAS TRANSMI
-LUDCO INC					RECEIVED: 01/28/81 JA: DH			
8114684		3407322224	103		BEATY #1	STARR	0.0	
-MOHAWK OIL & GAS CORP					RECEIVED: 01/28/81 JA: DH			
8114705		3412122417	103		#1 NEWHART	HARRIETSVILLE	1.0	COLUMBIA GAS OF OHIO
-MONROE & KEUSINK INC					RECEIVED: 01/28/81 JA: DH			
8114595		3408322762	103		DONALD AND JOHN BLANCHARD #1	HOWARD	12.0	COLUMBIA GAS TRANSMI
-NEW FRONTIER EXPLORATION INC					RECEIVED: 01/28/81 JA: DH			
8114708		3415123389	103		RUSSELL BOUGHMAN #2	BETHLEHEM	30.0	
-OXFORD OIL CO					RECEIVED: 01/28/81 JA: DH			
8114598		3411522206	107		J KOMAROMY #1-A	YORK	12.0	
8114689		3408924004	103		S M GUTRIDGE #12	HOPEWELL	10.0	
-R GENE BRASEL DBA BRASEL & BRASEL					RECEIVED: 01/28/81 JA: DH			
8114590		3405320563	103		DALE MULFORD #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
8114577		3405320406	103		HELEN SPEARS #1	CHESHIRE	1.0	COLUMBIA GAS TRANSMI

JA NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114679		3405320514	103		JAMES CLARK #1	ADDISON	2.0	COLUMBIA GAS TRANSMI
8114681		3405320565	103		MARION F THOMAS #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
8114678		3405320449	103		MARY F RAYNES #1		2.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INV CORP 80-II		RECEIVED: 01/28/81 JA: OH						
8114682		3405320592	103		HALLIDAY-SHEETS WELL #1	CHESHIRE	5.0	COLUMBIA GAS TRANSMI
-RMR PETROLEUM CO INC		RECEIVED: 01/28/81 JA: OH						
8114702		3412122353	103		SAM TEWANGER #1	ELK	50.0	
8114703		3412122354	103		SAM TEWANGER #2	ELK	50.0	
-SANDHILL ENERGY INC		RECEIVED: 01/28/81 JA: OH						
8114744		3416725991	107		HARRY WEDDLE #1	GRANDVIEW	540.0	
8114742		3416725974	107		JOSEPH SEMON #1	GRANDVIEW	325.0	
8114736		3416725923	107		LLOYD MILLER #1	WASHINGTON	150.0	
8114734		3416725921	107		R D FICKIESEN #1	LAWRENCE	400.0	
8114735		3416725922	107		R D FICKIESEN #2	LAWRENCE	250.0	
8114743		3416725977	107		WILLIAM CLEGG #1	GRANDVIEW	360.0	
-SANTA FE DRILLING CO INC		RECEIVED: 01/28/81 JA: OH						
8114701		3412122187	107		KEHL WELL #2	ELK	50.0	
8114700		3412122188	107		KEHL WELL NO 1	ELK	50.0	
-TEMPLE OIL & GAS CO		RECEIVED: 01/28/81 JA: OH						
8114699		3411522208	103		ROY MILLER #2	YORK	10.0	
-THE MUTUAL OIL & GAS COMPANY		RECEIVED: 01/28/81 JA: OH						
8114683		3407322156	103		PACE ENGLAND #2	GREEN	5.0	
-THUNDER CORP		RECEIVED: 01/28/81 JA: OH						
8114725		3416724507	108	D	INGRAHAM #1		1.0	PIVER GAS CO
-TIGER OIL INC		RECEIVED: 01/28/81 JA: OH						
8114704		3412122403	107		BECKER-SCHRAMM HEIRS #3	ELK	0.0	COLUMBIA GAS TRANSMI
-W J LYDIC INC		RECEIVED: 01/28/81 JA: OH						
8114697		3411122010	107		E WITTEN #1 E	WITTEN #1E	25.6	COLUMBIA GAS TRANSMI
-WASHINGTON ENERGY LTD		RECEIVED: 01/28/81 JA: OH						
8114695		3411121942	107		U S A #2	WASHINGTON	10.0	COLUMBIA GAS TRANSMI
-WHITNAM OIL & GAS CORP		RECEIVED: 01/28/81 JA: OH						
8114737		3416725958	107		R D DUVALL #1	INDEPENDENCE	24.0	
8114747		3416726007	107		DALE & PHYLLIS HAUGHT #1	INDEPENDENCE	10.0	
8114748		3416726012	103		DALE & PHYLLIS HAUGHT #6	INDEPENDENCE	15.0	
8114749		3416726012	107		DALE AND PHYLLIS HAUGHT #6	INDEPENDENCE	15.0	
8114752		3416726157	103		HAROLD SCHNEIDER #1	MUSKINGUM	10.0	
8114754		3416726164	103		HAROLD WRIGHT #1	MUSKINGUM	10.0	
8114740		3416725964	103		HAUGHT-DECKER #4	INDEPENDENCE	15.0	
8114738		3416725961	103		HAUGHT-DECKER HEIRS #1	INDEPENDENCE	15.0	
8114739		3416725961	107		HAUGHT-DECKER HEIRS #1	INDEPENDENCE	15.0	
8114741		3416725964	107		HAUGHT-DECKER HEIRS #4	INDEPENDENCE	15.0	
8114733		3416725901	107		HOWARD WEST #1	INDEPENDENCE	10.0	
8114573		3400922089	103		JOHN LOCKE #1	CANAAN	10.0	COLUMBIA GAS TRANSMI
8114750		3416726133	103		JOHN STRAHLER #1	ADAMS	10.0	
8114753		3416726163	103		MABEL STACY #2	MUSKINGUM	10.0	
8114751		3416726134	103		RICHARD LANG #1	ADAMS	0.0	
8114732		3416725883	107		ROGER WELCH #1	WASHINGTON	20.0	
8114594		3410522044	103		T WATKINS #1	OLIVE	20.0	
8114745		3416726006	103		WEBB-MCKINNON #4	LUDLOW	15.0	
8114746		3416726006	107		WEBB-MCKINNON #4	LUDLOW	0.0	
-WILLIAM N TIPKA		RECEIVED: 01/28/81 JA: OH						
8114723		3415723453	103		MCCORMICK #1	WASHINGTON	0.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PRTD	PURCHASER
OKLAHOMA CORPORATION COMMISSION						
-MAY PETROLEUM INC			RECEIVED: 01/30/81 JA: OK			
8114838	6968	3500721709 103	NEIDEN #1 (007-5R253)	S W COMO	20.0	PHILLIPS PETROLEUM C
-OKLAHOMA PETROLEUM MANAGEMENT CORP			RECEIVED: 01/30/81 JA: OK			
8114839	6938	3511921149 103	#2 MORAN	WEST PERKINS	90.0	SERVICE DRILLING CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 01/30/81 JA: OK			
8114840	05943	3513900000 108	RIFFE-B #1	GUYMON HUGOTON	20.0	MICHIGAN WISCONSIN P
-SAMSON RESOURCES COMPANY			RECEIVED: 01/30/81 JA: OK			
8114836	6993	3513520073 102	TAYLOR NO 2-21	KINTA	164.0	ARKANSAS LOUISIANA G
-WESSELY ENERGY CORPORATION			RECEIVED: 01/30/81 JA: OK			
8114835	5767	3504921254 102	MANTOOTH NO 1 049-59990	GOLDEN TREND	35.0	CITIES SERVICE GAS C
8114834	5768	3504921254 102	MANTOOTH NO 1 049-59990	GOLDEN TREND	400.0	CITIES SERVICE GAS C
-WILLIAM MOSS PROPERTIES INC			RECEIVED: 01/30/81 JA: OK			
8114837	5646	3507322339 103	HLADIK 3 NO 1 (MISSISSIPPIAN)	SOONER TREND	36.5	PHILLIPS PETROLEUM C
WEST VIRGINIA DEPARTMENT OF MINES						
-APPALACHIAN EXPLORATION & DEVEL INC			RECEIVED: 01/28/81 JA: WV			
8114760		4707900910 107	G W SMITH #1	UNION	18.3	CABOT CORP
8114761		4707900911 107	G W SMITH #2	UNION	15.8	CABOT CORP
8114763		4707900875 107	HARDY HEIRS B-4	UNION	25.6	CABOT CORP
8114774		4707900933 103	L BUSH #1	UNION	12.0	
8114786		4707900862 107	MCLEAN HEIRS A-7	UNION	19.0	CABOT CORP
8114762		4707900923 107	PUTNAM LAND COMPANY B-10	UNION	31.9	CABOT CORP
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 01/28/81 JA: WV			
8114775		4705500072 103	POCA LAND CORP 12533	PINEVILLE FIELD AREA A59	33.0	GENERAL SYSTEM PURCH
-FRANKLIN ADKINS			RECEIVED: 01/28/81 JA: WV			
8114768		4709921686 108	HUNDLEY #1	LINCOLN DISTRICT	12.0	COLUMBIA GAS TRANS C
8114769		4709901692 108	MCMILLION #1	LINCOLN	13.0	COLUMBIA GAS TRANS C
-GUYAN GAS CO			RECEIVED: 01/28/81 JA: WV			
8114777		4704300219 108	J W JEFFERS #2	GUYAN RIVER	8.4	PENNZOIL CO
-J & J ENTERPRISES INC			RECEIVED: 01/28/81 JA: WV			
8114773		4703301959 103	B-246	ELK	70.0	CONSOLIDATED GAS SUP
8114783		4703302128 103	B-274	EAGLE	500.0	CONSOLIDATED GAS SUP
8114796		4703302127 103	B-289	EAGLE	500.0	CONSOLIDATED GAS SUP
8114784		4703302196 103	B-303	EAGLE	500.0	CONSOLIDATED GAS SUP
8114779		4702123596 103	J-238	TROY	150.0	CONSOLIDATED GAS SUP
8114797		4701725750 103	J-78	CENTRAL	200.0	COLUMBIA GAS TRANSMI
-J S PRIDEMORE FACTOR			RECEIVED: 01/28/81 JA: WV			
8114780		4704300151 108	MINNIE ADKINS #1	UNION	9.1	PENNZOIL CO
-JAMES F SCOTT			RECEIVED: 01/28/81 JA: WV			
8114771		4703302285 103	A D MORRIS #1 (S-298)	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
8114770		4703302286 103	A D MORRIS #2 (S-299)	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
-MRM PETROLEUM CORPORATION			RECEIVED: 01/28/81 JA: WV			
8114785		4709701921 103	SHOMO #3-A	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PALERMO GAS CO			RECEIVED: 01/28/81 JA: WV			
8114778		4704302466 108	BARRETT ADKINS #2	PALERMO	2.7	PENNZOIL CO
-PETROLEUM DEVELOPMENT CORP			RECEIVED: 01/28/81 JA: WV			
8114772		4703302177 103	WILLIAM ALLEN #1	BRIDGEPORT	85.0	CONSOLIDATED GAS SUP
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 01/28/81 JA: WV			

JD NO	JA DKT	API NO	SEC	P	WELL NAME	FIELD NAME	PROD	PURCHASER
8114794		4704700682	108		POCAHONTAS #A-10	NORTH FORK	7.4	CONSOLIDATED GAS SUP
8114764		4704700681	108		POCAHONTAS #A-11	NORTH FORK	10.9	CONSOLIDATED GAS SUP
8114793		4704700684	108		POCAHONTAS #A-12	NORTH FORK	14.6	CONSOLIDATED GAS SUP
8114791		4704700697	108		POCAHONTAS #A-18	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114790		4704700698	108		POCAHONTAS #A-19	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114767		4704700665	108		POCAHONTAS #A-2	NORTH FORK	4.3	CONSOLIDATED GAS SUP
8114765		4704700673	108		POCAHONTAS #A-5	NORTH FORK	16.0	CONSOLIDATED GAS SUP
8114732		4704700696	108		POCAHONTAS #C-1	NORTH FORK	21.9	CONSOLIDATED GAS SUP
8114766		4704700667	108		POCAHONTAS #3	NORTH FORK	14.3	CONSOLIDATED GAS SUP
8114789		4704700699	108		POCAHONTAS LAND CORP #A-20	NORTH FORK	12.5	CONSOLIDATED GAS SUP
8114788		4704700745	108		POCAHONTAS LAND CORP A-23	NORTH FORK	7.7	CONSOLIDATED GAS SUP
-W E PAULEY AGENT					RECEIVED: 01/28/81 JA: WV			
8114781		4707900339	108		A S DUKE #1 (130 A)	CHARLEYS CREEK	3.8	PENNZOIL CO
8114782		4707900356	108		A S DUKE ET AL #1 (105A)	CHARLEYS CREEK	3.1	PENNZOIL CO
8114776		4707900206	108		C L HARBOJR #1	CHARLEYS CREEK	2.9	PENNZOIL CO
8114795		4707900266	108		C L HARBOUR #2	CHARLEYS CREEK	2.9	PENNZOIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5677 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD NO	JA DKT	API NO	SEC O WELL NAME	FIELD NAME	PRIO	PURCHASER
KANSAS CORPORATION COMMISSION						
-ANADARKO PRODUCTION COMPANY			RECEIVED: 01/27/81 JA: KS			
8114497	K 80-1034	1512920461 103	LEWIS A NO 1	INTERSTATE	78.0	PANHANDLE EASTERN PI
8114490	K 80-1041	1512920444 102	MORGAN E NO 1	ROLLA	653.0	NORTHERN NATURAL GAS
8114445	K-80-1060	1517520421 102	UNDERWOOD A NO 2	ADAMSON	164.0	CIMARRON-QUINQUE
-BENSON MINERAL GROUP			RECEIVED: 01/27/81 JA: KS			
8114475	K-80-1074	1512522708 102	ROBERTS #2-31	JEFFERSON - SYCAMORE	368.6	UNION GAS SYSTEMS IN
8114467	K-80-1071	1514520700 102	THOMPSON #1-17	BRYANT	163.0	NORTHERN NATURAL GAS
8114477	K-80-1072	1512522711 102	WISE #3-5	JEFFERSON - SYCAMORE	321.2	UNION GAS SYSTEMS IN
8114476	K-80-1073	1512522712 102	WISE #4-5	JEFFERSON - SYCAMORE	292.0	UNION GAS SYSTEMS IN
-BEREN CORPORATION			RECEIVED: 01/27/81 JA: KS			
8114471	K-80-1065	1504720689 103	GILES #1	TATLOCK SOUTHWEST	9.0	
8114502	K 80-1028	1515120778 103	LAMB #1	WIL EXTENSION	205.0	
8114501	K 80-1029	1507720561 103	WINGATE #1	SPIVEY GRABS	6.0	CITIES SERVICE CO
-CABOT CORP			RECEIVED: 01/27/81 JA: KS			
8114447	K-80-1013	1517520465 103	HACKER #2-1		175.0	CITIES SERVICE GAS C
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 01/27/81 JA: KS			
8114466	K-80-1018	1500720877 103	DAVIS RANCH Q NO 2	AETNA	191.6	CITIES SERVICE GAS C
8114464	K-80-1019	1505520354 103	ESTHER NO 2	PANOMA	315.4	COLORADO INTERSTATE
8114444	K-80-0004	1505500000 108	OHMES NO 1	HUGOTON	18.0	KANSAS - NEBRASKA NA
-CITIES SERVICE COMPANY			RECEIVED: 01/27/81 JA: KS			
8114455	K-80-0748	1515520669 103	TONN A #2	ZENITH PEACE CREEK	73.0	PEOPLES NATURAL GAS
-CONTINENTAL ENERGY			RECEIVED: 01/27/81 JA: KS			
8114483	K-80-1042	1505500000 108	GERBER #1	HUGOTON	4.9	CITIES SERVICE GAS C
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 01/27/81 JA: KS			
8114448	K-80-1015	1511920427 103	MARTIN ECKHOFF NO 1	KOHLER NE	33.0	PANHANDLE EASTERN PI
8114465	K-80-1014	1511920425 103	OTTO FELDMAN NO 4	KOHLER NE	24.0	PANHANDLE EASTERN PI
-GEAR PETROLEUM CO INC			RECEIVED: 01/27/81 JA: KS			
8114479	K-80-1049	1515120756 103	BLACKWELDER #1	HARDING WEST (INDIAN CAV	73.0	CENTRAL STATES GAS C
8114480	K-80-1048	1509520905 103	BOHREP A #1	WILLOWDALE SOUTHEAST	20.0	PEOPLES NATURAL GAS
-GERALD W ZORGER			RECEIVED: 01/27/81 JA: KS			
8114494	K80-1036	1515120738 103	#1 EUBANK	PRATT	73.0	CENTRAL STATES GAS C
-GRAHAM-MICHAELIS CORP			RECEIVED: 01/27/81 JA: KS			
8114496	K 80-1035	1511900000 108	ADAMS A - 1	ADAMS RANCH	15.0	COLORADO INTERSTATE
-GRIGGS OIL INC			RECEIVED: 01/27/81 JA: KS			
8114491	K80-1040	1504700000 108	MEAD UNIT #1	CARPENTER	9.3	KANSAS-NEBRASKA
-GULF OIL CORPORATION			RECEIVED: 01/27/81 JA: KS			
8114492	K 80-1038	1500720901 103	SCHOOL TRUST #1-4	HARDTNER	55.0	CITIES SERVICE GAS C
-IMPERIAL OIL COMPANY			RECEIVED: 01/27/81 JA: KS			
8114478	K-80-1051	1502523270 102	DAILY #1-17	LEXINGTON	73.0	KANSAS POWER & LIGHT
-INTER-AMERICAN ENERGY CORP			RECEIVED: 01/27/81 JA: KS			
8114486	K 80-1061	1518720242 103	LANE #1	PANOMA POOL (COUNCIL GR)	25.0	COLORADO INTERSTATE

JD NO	JA JAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-J MARK RICHARDSON					RECEIVED: 01/27/81 JA: KS			
#8114484	K-80-1063	1509720175	108		CLINTON DEAN #1	ALFORD	12.0	KANSAS GAS SUPPLY CO
8114473	K-80-1064	1509720126	108		PYLE GAS UNIT #1	PYLE EXT	9.0	KANSAS POWER & LIGHT
-J-W OPERATING COMPANY					RECEIVED: 01/27/81 JA: KS			
8114468	K-80-1070	1502320112	102		A ZWEYGARDT #3	CHERRY CREEK	90.0	CITIES SERVICE GAS C
8114452	K-80-0977	1502320045	102		ALVIN ZWEYGARDT #1	CHERRY CREEK	7.4	CITIES SERVICE GAS C
8114450	K-80-0984	1502300000	102		ALVIN ZWEYGARDT #2	CHERRY CREEK	25.2	CITIES SERVICE GAS C
8114453	K-80-0952	1502320078	102		HITT #1	CHERRY CREEK	41.0	CITIES SERVICE GAS C
8114470	K-80-1068	1502320141	102		ROBERT WALTER #A-2	CHERRY CEEK	30.0	CITIES SERVICE GAS C
8114454	K-80-0944	1502320035	102		ROBERT WALTER #3	CHERRY CREEK	50.0	CITIES SERVICE GAS C
8114488	K 80-1056	1502320147	102		ROBERT WALTERS A #3	CHERRY CREEK	33.0	CITIES SERVICE GAS C
8114451	K-80-0983	1502300000	102		RUDOLPH WALTER #4	CHERRY CREEK	10.0	CITIES SERVICE GAS C
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 01/27/81 JA: KS			
8114493	K 80-1037	1509320697	103		TATE 4-2	PANOMA COUNCIL GROVE	96.0	KANSAS-NEBRASKA NATU
-MCCOY PETROLEUM CORP					RECEIVED: 01/27/81 JA: KS			
8114463	K-80-1021	1500720947	103		REED #1-23	AETNA	72.0	
-MCGINNESS OIL COMPANY					RECEIVED: 01/27/81 JA: KS			
8114482	K-80-1043	1500720916	103		LOHMANN B-2	HARDTNER EXT	30.0	PANHANDLE EASTERN PI
-MESA PETROLEUM					RECEIVED: 01/27/81 JA: KS			
8114495	K 80-0612	1502520348	102		DAILY #1-7	LEXINGTON	330.0	KANSAS POWER & LIGHT
8114446	K-80-0618	1511920344	102		HEINSON #1-27	WILDCAT	250.0	
-MOBIL OIL CORP					RECEIVED: 01/27/81 JA: KS			
8114499	K 80-1032	1506720581	103		C L DEW UNIT B NO 2	PANOMA	70.0	CITIES SERVICE GAS C
8114457	K-80-0857	1518920499	103		ETHEL B SPRING UNIT NO 1	NORTH GENTZLER	250.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 01/27/81 JA: KS			
8114500	K 80-1031	1518920509	103		JONES NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8114498	K 80-1033	1518920510	103		KENOYER NO 1 UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
-PETRIE ENTERPRISES INC					RECEIVED: 01/27/81 JA: KS			
8114469	K-80-1069	1515120345	108		L G P CO NO 1	PRATT	7.5	CENTRAL STATES GAS C
-R R PRATER					RECEIVED: 01/27/81 JA: KS			
8114449	K-80-0996	1509520938	103		HAGEMAN #1		145.0	CENTRAL STATES GAS C
-RANGE OIL CO INC					RECEIVED: 01/27/81 JA: KS			
8114474	K-80-1009	1503522199	108		#1 DUNCAN	WALNUT BEND	10.1	COLONIAL CORP
-ROBERT F WHITE					RECEIVED: 01/27/81 JA: KS			
8114461	K-80-1022	1512900300	108		HAYWARD-NATIONAL #1	GREENWOOD FIELD	15.0	COLORADO INTERSTATE
8114472	K-80-1047	1520300000	108		LINDAU #2	EAST ANTELOPE FIELD	0.0	CITIES SERVICE GAS C
8114481	K-80-1046	1512900000	108		SCHWEIZER #1	GREENWOOD	0.0	PANHANDLE EASTERN PI
-RUPE OIL CO INC					RECEIVED: 01/27/81 JA: KS			
8114442	K-80-0980	1505320335	102		#1 KANAK	KANAK	36.5	NORTHERN NATURAL GAS
8114443	K-80-0979	1505300000	102		#1 VONDRA	KANAK	60.0	NORTHERN NATURAL GAS
-TEXACO INC					RECEIVED: 01/27/81 JA: KS			
8114440	K-80-1023	1512920436	103		E C MINGENBACK GAS UNIT #3	PANOMA COUNCIL GROVE	100.0	NORTHERN NATURAL GAS
8114458	K-80-1025	1518920516	103		W C SANDFORD GAS UNIT #2	PANOMA COUNCIL GROVE	160.0	NORTHERN NATURAL GAS
8114459	K-80-1024	1512920435	103		MATTIE VANSANT GAS UNIT #2	PANOMA COUNCIL GROVE	660.0	NORTHERN NATURAL GAS
8114489	K80-1052	1518920515	103		T J ISOM GAS UNIT NO 2	PANOMA	340.2	PANHANDLE EASTERN PI
-TEXAS OIL & GAS CORP					RECEIVED: 01/27/81 JA: KS			
8114485	K-80-1062	1500721002	103		RUSK F #1	MULE CREEK	150.0	DELHI CORP
-THORNTON F ANDERSON					RECEIVED: 01/27/81 JA: KS			
8114462	K-80-1027	1514520404	108		GINGRICH #1	ZOOK	8.5	KANSAS-NEBRASKA NATU
-W B OSBORN JR (OPERATOR)					RECEIVED: 01/27/81 JA: KS			
8114456	K-80-0906	1509320572	108		RUPP #1	HUGOTON	5.8	PANHANDLE EASTERN PI
8114503	K 80-1027	1509300000	102		VACHA #1	HUGOTON (CHASE)	40.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PRICE	PURCHASER
-WENERT TRICH			RECEIVED: 01/27/81 JA: KS			
8114487	K 80-1057	1509720610 102	LONG #1		300.0	PANHANDLE EASTERN PI
MONTANA BOARD OF OIL & GAS CONSERVATION						
-MIDLANDS GAS CORPORATION			RECEIVED: 01/26/81 JA: MT			
*8114432	10-80-221	2507121568 108	1771 1-1771 P ANDERSON	BOWDOIN	23.0	KANSAS-NEBRASKA NATU
*8114430	10-80-223	2507121538 108	2460 1-24 WHITE	BOWDOIN	26.0	KANSAS-NEBRASKA NATU
*8114433	10-80-222	2507121491 108	2470 1-24 BROWN	BOWDOIN	27.0	KANSAS-NEBRASKA NATU
*8114431	10-80-224	2507121492 108	2770 1-27 ROSE	BOWDOIN	22.0	KANSAS-NEBRASKA NATU
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-DOYLE HARTMAN OIL OPERATOR			RECEIVED: 01/26/81 JA: NM			
8114335		3002526736 103	GUTMAN NO 1	EUMONT	110.0	EL PASO NATURAL GAS
-HOLLY ENERGY INC			RECEIVED: 01/26/81 JA: NM			
8114333		3001500000 103	STATE B 14 COMM NO 1	TRAVIS UPPER PENN	110.0	NORTHERN NATURAL GAS
-LEE M CRANE			RECEIVED: 01/26/81 JA: NM			
8114332		3004560215 108	MARTIN #3	OSWALD FARMINGTON	10.0	EL PASO NATURAL GAS
-READ & STEVENS INC			RECEIVED: 01/26/81 JA: NM			
8114334		3002500000 108	STATE D NO 1	INBE PERMO PENN	5.0	WARREN PETROLEUM CO
OKLAHOMA CORPORATION COMMISSION						
-AMOCO PRODUCTION CO			RECEIVED: 01/26/81 JA: OK			
8114440	06853	3504520340 108	K L MITCHELL #1 (2ND FILING)	CATESBY NE	14.9	MICHIGAN WISCONSIN P
8114439	06852	3505935290 108	PEARSON UNIT B #1 (2ND FILING)	MOCANE-LAVERNE	15.9	MICHIGAN WISCONSIN P
8114438	06851	3505935297 108	STATE OF OKLAHOMA GJ W #1 (2ND FLG)	MOCANE-LAVERNE	11.4	MICHIGAN WISCONSIN P
-AN-SON CORPORATION			RECEIVED: 01/26/81 JA: OK			
8114372	6955	3505120866 103	LENTS #1	N W ALEX	55.0	
-ANDOVER OIL COMPANY			RECEIVED: 01/26/81 JA: OK			
8114382	07285	3501721534 102	FLOYD MILLER #31-2		185.0	DELHI GAS PIPELINE C
8114412	6896	3501721520 102	LOTTIE JONES #33-3		180.0	DELHI GAS PIPELINE C
8114383	7172	3501721533 103	WALTER MILLS #4-2		185.0	DELHI GAS PIPELINE C
-B & H EXPLORATION CO			RECEIVED: 01/26/81 JA: OK			
8114414	6894	3513120778 103	STATE VAN PELT #7	W TALALA	0.0	DIAMOND S GAS SYSTEM
8114413	6895	3513156137 103	STATE VAN PELT #8	SW/4 SE/4 SW/4	0.0	DIAMOND S GAS SYSTEM
8114361	6915	3513120872 103	STATE-VAN PELT #10	WEST TALALA	0.1	DIAMOND S GAS SYSTEM
8114415	6893	3513120873 103	STATE-VAN PELT #11	WEST TALALA	10.0	DIAMOND S GAS SYSTEM
8114421	6882	3513120741 103	STATE-VAN PELT #2	WEST TALALA	24.0	DIAMOND S GAS SYSTEM
8114419	6893	3513020755 103	STATE-VAN PELT #3	WEST TALALA	20.0	DIAMOND S GAS SYSTEM
8114418	6884	3513120774 103	STATE-VAN PELT #4	WEST TALALA	20.0	DIAMOND S GAS SYSTEM
8114417	6885	3513120773 103	STATE-VAN PELT #5	WEST TALALA	30.0	DIAMOND S GAS SYSTEM
8114416	6886	3513120775 103	STATE-VAN PELT #6	WEST TALALA	35.0	DIAMOND S GAS SYSTEM
8114362	6916	3513100000 103	STATE-VAN PELT #9	WEST TALALA	0.1	DIAMOND S GAS SYSTEM
-BOVAY INVESTMENTS			RECEIVED: 01/26/81 JA: OK			
8114359	07327	3507121632 103	MURFT #1-19		5.0	CITIES SERVICE GAS C
8114390	07328	3507121635 103	MURFT #2-19		5.0	CITIES SERVICE GAS C
-CALVERT DRILLING CO			RECEIVED: 01/26/81 JA: OK			
8114405	6959	3510920256 108	SNYDER #1 HUNTON ONLY	WEST EDMOND	4.0	CONTINENTAL OIL CORP
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 01/26/81 JA: OK			
8114377	6957	3500320723 103	L V MAHAFFEY NO 2	EAST CHANEY DELL	57.2	CHAMPLIN PETROLEUM C

ID NO	JA DKT	API #	SEC	WELL NAME		FIELD NAME	PROD	PURCHASER
-CIMARRON PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK				
8114402	6888	3505920866	103	STANLEY CPC #133			400.0	DELHI GAS PIPELINE C
8114373	6956	3507920341	103	TANKSLEY CPC #132			180.0	ARKANSAS LOUISIANA G
-CONOCO INC				RECEIVED: 01/26/81 JA: OK				
8114420	6837	3501121469	103	TRIM UNIT NO 2		S W ALTONA	155.1	
-COTTON PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK				
8114398	06890	3501520911	103	HERBOLD NO 1		N SICKLES	350.0	TRANSOK PIPE LINE CO
-DALCO PETROLEUM INC				RECEIVED: 01/26/81 JA: OK				
8114358	07021	3507322451	103	WELCH #1		SOONER TREND	91.3	CITIES SERVICE GAS C
-DAVIS OIL COMPANY*				RECEIVED: 01/26/81 JA: OK				
8114375	6945	3501721477	103	LIBERTY TRUST #1		NORTH FORK	329.0	PHILLIPS PETROLEUM C
-GEORGE P POST DBA POST PETROLEUM CO				RECEIVED: 01/26/81 JA: OK				
8114403	6917	3500320688	103	HOLDEN #1		SOONER TREND	365.0	CITIES SERVICE GAS C
-GLENCO PETROLEUM CORP				RECEIVED: 01/26/81 JA: OK				
8114365	06702	3506320897	103	STRINGFELLOW #1		GREASY CREEK	10.0	WELLHEAD ENTERPRISES
-GULF OIL CORPORATION				RECEIVED: 01/26/81 JA: OK				
8114429	7340	3501720978	102	CANON NO 1-15		YUKON	125.0	PHILLIPS PETROLEUM C
8114426	7339	3501726093	102	H E CANON NO 2-15		YUKON	175.0	PHILLIPS PETROLEUM C
8114427	07342	3501720979	102	HARRIS WEST NO 1-15		YUKON	75.0	PHILLIPS PETROLEUM C
8114357	7341	3501720980	102	HARRIS WEST NO 2-15		YUKON	145.0	PHILLIPS PETROLEUM C
-HARPER OIL COMPANY				RECEIVED: 01/26/81 JA: OK				
8114392	06748	3504700000	108	CROMWELL #1		WEST ENID	10.0	EXXON CORP
-HESTON OIL CO				RECEIVED: 01/26/81 JA: OK				
*8114363	6906	3504722144	103	WELLS #18-1		SOONER TREND	136.8	EXXON USA
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 01/26/81 JA: OK				
8114360	6907	3501520870	103	BLAIR #1			110.0	MICHIGAN WISCONSIN P
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 01/26/81 JA: OK				
8114393	06747	3513921219	103	L BROWN 1-X		CAMRICK	34.0	
-KETAL OIL PRODUCING CO				RECEIVED: 01/26/81 JA: OK				
8114378	6971	3503722424	103	EVANS #1		VANDERSLICE	511.0	
8114379	6972	3511720770	103	JENNIE #1		SOUTH RALSTON	56.0	
-LADD PETROLEUM CORPORATION				RECEIVED: 01/26/81 JA: OK				
8114364	07018	3504722169	103	FOD SMITH NO 2		N E ENID	68.4	CITIES SERVICE GAS C
-MACK OIL CO				RECEIVED: 01/26/81 JA: OK				
8114369	5891	3508100000	103	#1 DANKER			0.0	SUN GAS CO
8114376	5889	3501700000	103	#1 DEATHERAGE			0.0	PHILLIPS PETROLEUM C
-MAGAW & ZIMMER				RECEIVED: 01/26/81 JA: OK				
8114373	6926	3511121066	108	ANTHIS NO 1		NUYAKA	18.0	PHILLIPS PETROLEUM C
8114374	6923	3511120751	108	RALDRIDGE NO 1		SOUTH NUYAKA	11.0	PHILLIPS PETROLEUM C
8114441	6922	3511121226	108	THOMPSON NO 1		NUYAKA	13.0	PHILLIPS PETROLEUM C
-MAJOR OIL CORP				RECEIVED: 01/26/81 JA: OK				
8114407	6925	3509321638	103	MAJOR-SHERMAN NO 1-24		MEND-RINGWOOD	0.0	PIONEER GAS PRODUCTS
-NATIONAL OIL COMPANY				RECEIVED: 01/26/81 JA: OK				
8114395	06918	3515321043	103	RUBLE #153-61087		TANSIER	365.0	DELHI PIPELINE CORP
-NORTH AMERICAN ROYALTIES INC				RECEIVED: 01/26/81 JA: OK				
8114436	6897	3501721226	103	MACA #1 (#017-59933)		YUKON	365.0	PHILLIPS PETROLEUM C
8114437	6898	3501721343	103	MILLER #1 (#017-60437)		YUKON	365.0	PHILLIPS PETROLEUM C
8114435	6896	3501721429	103	WRIGHT #1 (#017-60935)		YUKON	365.0	PHILLIPS PETROLEUM C
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED: 01/26/81 JA: OK				
8114404	6936	3510720749	103	#1 MARTIN-HODGES		OKEMAH	91.3	
8114403	6937	3510720748	103	#1 YOUNG		WILDCAT	13.0	
-P-T III LTD				RECEIVED: 01/26/81 JA: OK				

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114389	06646	3504722039	103		MATHEWS #18	SOONER TREND	65.0	WELLHEAD ENTERPRISES
8114367	06644	3504722067	103		WILMA #18-2	SOONER TREND	110.0	WELLHEAD ENTERPRISES
-PEDESTAL OIL CO INC					RECEIVED: 01/26/81 JA: OK			
8114399	05481	3502920068	107		BABY GOOSE #1	CLARITA DIST	0.0	SWAB GAS CO
8114428	5469	3502920184	103		FATHER GOOSE #1	CLARITA DIST	0.0	SWAB GAS CO
8114391	5470	3502920152	107		MOTHER GOOSE #2	CLARITA DIST	0.0	SWAB GAS CO
-PETRO-ENERGY EXPLORATION INC					RECEIVED: 01/26/81 JA: OK			
8114406	6929	3504721960	103		JOHNSON NO 1	NORTHEAST ENID	70.0	GRACE PETROLEUM CORP
-PIONEER PRODUCTION CORPORATION					RECEIVED: 01/26/81 JA: OK			
8114384	07290	3515121063	102		LUELLA MORGAN #1-28	WILDCAT	365.0	PANHANDLE EASTERN PI
-QUINTIN LITTLE CO					RECEIVED: 01/26/81 JA: OK			
8114397	07131	3509520215	102		CARRIF LOU LITTLE #1-25	ISOM SPRINGS	25.0	NATURAL GAS PIPELINE
-R R SHEETS					RECEIVED: 01/26/81 JA: OK			
8114394	05830	3505500000	108		PUCKETT #A1	S E ERICK	3.8	HARLOW CORP
-RICKS EXPLORATION CO					RECEIVED: 01/26/81 JA: OK			
8114409	05755	3509321757	103		EWBANKS 10-A	DANE	15.0	PHILLIPS PETROLEUM C
*8114371	6927	3509321691	103		KEHN 33-A	N FAIRVIEW	20.0	PHILLIPS PETROLEUM C
-ROY MARTIN					RECEIVED: 01/26/81 JA: OK			
*8114411	02306	3504300000	102		SCUDDER CHRISTIAN 3-4	WAYSIDE	73.0	COOK CREEK GAS INC
*8114409	02308	3504300000	102		SCUDDER HEIRS 3-4	WAYSIDE	0.0	COON CREEK GAS INC
*8114413	02307	3504300000	102		SCUDDER 3-18	WAYSIDE	46.0	COON CREEK GAS INC
-SAMEDAY OIL CORPORATION					RECEIVED: 01/26/81 JA: OK			
8114383	7313	3501721340	102		J J FARMS #2		55.0	DELHI GAS PIPELINE C
-SAMSON RESOURCES COMPANY					RECEIVED: 01/26/81 JA: OK			
8114385	2706	3500700000	108		DILLON-LONKER NO 1		0.0	CITIES SERVICE GAS C
-SEARCH DRILLING CO					RECEIVED: 01/26/81 JA: OK			
8114423	6942	3501721441	103		SANDITEN #2-22	E YUKON	493.0	PHILLIPS PETROLEUM C
-SHELL OIL CO					RECEIVED: 01/26/81 JA: OK			
8114422	6943	3505900000	103		BARRY 2-10	MOCANE LAVERNE	251.0	COLORADO INTERSTATE
8114401	6976	3507300000	108		TAGGERT 2-31	HENNESSEY	8.1	EXXON COMPANY USA
-SULLIVAN AND CO					RECEIVED: 01/26/81 JA: OK			
8114366	7015	3508121008	103		L P CARPENTER NO 1	SOUTHWEST PRAIRIE GEM	69.0	SUN OIL CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/26/81 JA: OK			
8114396	06554	3505300000	108		S W WAKITA UNIT NO 14-4	WAKITA SW	7.0	CITIES SERVICE GAS C
-TEXAS OIL & GAS CORP					RECEIVED: 01/26/81 JA: OK			
8114424	6940	3509321810	103		EDWARDS F #1	CHEYENNE	295.0	
-THE OHIO COMPANY					RECEIVED: 01/26/81 JA: OK			
8114381	09960	3500920355	107		K C CATTLE 1-34	SOUTH CARPENTER	4380.0	
-TOMLINSON OIL CO INC					RECEIVED: 01/26/81 JA: OK			
8114386	5106	3500720854	108		HUMPHREY #1	BALKO NORTH	13.0	NORTHERN NATURAL GAS
-WESTERN CONTINENT OIL CORP					RECEIVED: 01/26/81 JA: OK			
8114397	05927	3507121330	103		BRAZELTON 3-33	PERMIAN	35.0	CORONADO TRANSMISSIO
8114398	05928	3507121427	103		SMITH 2-36	PERMIAN	35.0	CORONADO TRANSMISSIO
-WILLIAM MOSS PROPERTIES INC					RECEIVED: 01/26/81 JA: OK			
8114434	6684	3504700000	103		HERBERT 16 WELL NO 1	SOONER TREND	182.5	
8114368	06685	3507322440	103		WESTFAHL 5 WELL NO 2	SOONER TREND	73.0	CITIES SERVICE GAS C
-WILSHIRE OIL CO OF TEXAS					RECEIVED: 01/26/81 JA: OK			
8114425	7360	3504321065	102		PICKERING 1-28		292.0	MICHIGAN WISCONSIN P
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
**********								
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 01/26/81 JA: WV			
8114325		4709701782	102	D	CHARLES E SHERMAN 1 820538	WEST VIRGINIA FIELD AREA	21.0	COLUMBIA GAS TRANS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114324		4709901607	102	D	F D CALDWELL 820299	WEST VIRGINIA FIELD AREA	42.0	COLUMBIA GAS TRANS C
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 01/28/81 JA: WV					
8114326		4709701783	102	D	CHARLES L WERELY 820539	WEST VIRGINIA FIELD AREA	14.0	COLUMBIA GAS TRANS C
**********								
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
**********								
-AMOCO PRODUCTION CO			RECEIVED: 01/26/81 JA: LA 3					
8114327	GO-1745	1771540284	102		OCS-G 1248 #C-6	SOUTH TIMBALIER	0.0	TRUNKLINE GAS CO
-GULF OIL CORPORATION			RECEIVED: 01/26/81 JA: LA 3					
8114330	GO-1719	1770940380	102		EUGENE ISLAND 239 WELL #-3	EUGENE ISLAND	45.6	SEA ROBIN PIPELINE C
-MOBIL OIL EXPLORATION & PROD S E			RECEIVED: 01/26/81 JA: LA 3					
8114331	GO-1760	1771340899	102		EUGENE ISLAND 354 #A-5A	EUGENE ISLAND	60.0	SEA ROBIN PIPELINE C
-SHELL OIL CO			RECEIVED: 01/26/81 JA: LA 3					
8114329	GO-1738	1770840138	102		OCS-G 2280 C-7 S/T	SOUTH MARSH ISLAND	5.9	TRANSCONTINENTAL GAS
-GULF OIL CORPORATION			RECEIVED: 01/26/81 JA: TX 3					
8114328	GO-1618	4270940552	102		OCS-G 4188 #1	HIGH ISLAND	0.0	
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
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-CHERRY CREEK OIL CO			RECEIVED: 01/26/81 JA: MT 5					
8114341	M 578-0	2503521445	103		CHERRY CREEK #3-34 TRIBAL	CUT BANK FIELD	33.0	FOUREM CO
-DALE G MOORE			RECEIVED: 01/26/81 JA: MT 5					
8114340	M 577-0	2503521382	103		MOORE #3-27 TRIBAL	BIG ROCK GAS FIELD	39.0	FOUREM CO
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 01/26/81 JA: MT 5					
8114342	M 579-0	2507121719	102		1-21 FEDERAL	SWANSON CREEK	10.0	MONTANA-DAKOTA UTILI
-MIDLANDS GAS CORPORATION			RECEIVED: 01/26/81 JA: MT 5					
*8114336	M 233-0	2507121532	108		1432 1 FEDERAL	BOWDOIN	13.0	KANSAS-NEBRASKA NATU
*8114337	M 515-0	2507121260	108		1761 #1 FEDERAL	BOWDOIN	21.0	KANSAS-NEBRASKA NATU
-BWAB INC			RECEIVED: 01/26/81 JA: ND 5					
8114355	ND 609-0	3305301108	102		ALLEN-FEDERAL #7-43	MONDAK	7.5	MONTANA DAKOTA UTILI
-DOME PETROLEUM CORP			RECEIVED: 01/26/81 JA: ND 5					
8114356	ND 612-0	3305301088	102		DOME FEDERAL 1-17	MON-DAK	25.7	SHELL OIL CO
-FARMERS UNION CENTRAL EXCHANGE INC			RECEIVED: 01/26/81 JA: ND 5					
8114347	ND 597-0	3300700475	102		FEDERAL 16-9	ELKHORN RANCH	40.0	KOCH HYDROCARBON CO
8114345	ND 591-0	3300700175	102		FEDERAL 5-4	ELKHORN RANCH	30.0	KOCH HYDROCARBON CO
8114346	ND 592-0	3300700413	102		FEDERAL 5-9	ELKHORN RANCH	30.0	KOCH HYDROCARBON CO
-GETTY OIL COMPANY			RECEIVED: 01/26/81 JA: ND 5					
*8114344	ND 590-0	3300700388	102		MYSTERY CREEK ND 1-3	T R FIELD (FRY3JRS)	36.5	KOCH HYDROCARBON CO
-AMOCO PRODUCTION CO			RECEIVED: 01/26/81 JA: WY 5					
8114343	W 582-0	4903721553	103		HARRINGTON FEDERAL UNIT WELL #1	EMIGRANT SPRINGS	250.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY			RECEIVED: 01/26/81 JA: WY 5					
8114353	W 606-0	4901320916	103		ARCO TRIBAL ND 30	RIVERTON DOME	68.0	MONTANA-DAKOTA UTILI
-DAVIS OIL COMPANY			RECEIVED: 01/26/81 JA: WY 5					
8114350	W 602-0	4900520489	103		CULP DRAW UNIT II #36	CULP DRAW	17.2	PHILLIPS PETROLEUM C
-DIAMOND SHAMROCK CORPORATION			RECEIVED: 01/26/81 JA: WY 5					
8114354	W 607-0	4900921644	103		WESTSIDE FEDERAL 24-28	WESTSIDE	2.0	
-ENERGETICS INC			RECEIVED: 01/26/81 JA: WY 5					
8114351	W 603-0	4903520508	102		FEDERAL 10-5	BIRD CANYON	180.0	NORTHWEST PIPELINE C
-INEXCO OIL COMPANY			RECEIVED: 01/26/81 JA: WY 5					
*8114338	W 546-0	4900921750	103		FEDERAL ANADAR NO 1-1	WELL DRAW	46.0	INEXCO GASOLINE PLAN
*8114339	W-572-0	4900921754	103		FEDERAL MARGARET NO 1-28 WELL	WELL DRAW	20.0	INEXCO GASOLINE PLAN
-MARATHON OIL COMPANY			RECEIVED: 01/26/81 JA: WY 5					

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8114352	W 605-0	4902920662	103	CUSTER #33	OREGON BASIN FIELD	10.5	COLORADO INTERSTATE
8114348	W 599-0	4903721505	102	FABIAN DITCH #3-32	FABIAN DITCH	91.0	
8114349	W 600-0	4902320332	103	WILSON RANCH UNIT NO 15	WILSON RANCH UNIT	632.0	

OTHER PURCHASERS

8114356 MONTANA DAKOTA UTILITIES CO
8114357 MONTANA DAKOTA UTILITIES CO
8114358 PANHANDLE EASTERN PL CO
8114359 PANHANDLE EASTERN PL CO
8114360 WESTERN GAS PROCESSORS LTD
8114362 COOK GAS CO
8114363 PANHANDLE EASTERN PIPE LINE
8114371 DELHI GAS PIPELINE CORP
8114409 CITIES SERVICE GAS CO
8114410 CITIES SERVICE GAS CO
8114411 CITIES SERVICE GAS CO
8114430 MONTANA DAKOTA UTILITIES CO
8114431 MONTANA DAKOTA UTILITIES CO
8114432 MONTANA DAKOTA UTILITIES CO
8114433 MONTANA DAKOTA UTILITIES CO
8114484 KANSAS GAS SUPPLY CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5875 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 13, 1981.

JD ID	JA DET	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
-DELTA OIL CO INC			RECEIVED: 01/27/81 JA: MI			
8114595		2105500000 103	HAIGHT-RAWLINGS #1-8	BLAIR 34-26N-11W POOL	750.0	CONSUMERS POWER CO
-ENERGY ACQUISITION CORP			RECEIVED: 01/27/81 JA: MI			
8114588		2107900000 102	STATE-HAYDEN 1-5	BLUE LAKE TOWNSHIP	87.5	MICHIGAN CONSOLIDATE
-MGU DEVELOPMENT CO			RECEIVED: 01/27/81 JA: MI			
8114591		2102500000 102	C & M BROWN ET AL 1-10	LEE-10B FIELD	250.0	MICHIGAN GAS UTILITI
8114592		2102500000 102	IRVING ET AL #1-25	CLARENCE 19A	90.0	MICHIGAN GAS UTILITI
8114593		2102500000 102	KOYL ET AL 3-10	LEE 10C	250.0	MICHIGAN GAS UTILITI
8114594		2102500000 103	NAIL ET AL #1-9A	LEE 9 FIELD	0.0	MICHIGAN GAS UTILITI
-TRAVERSE OIL CO			RECEIVED: 01/27/81 JA: MI			
8114587		2105533940 102	MACDONALD #2-10	EAST BAY 10 T26N R10W	140.0	CONSUMERS POWER CO
8114589		2110133488 102	MAR-LAWN HEIGHTS SJB #3-36	MANISTEE 36 FIELD T22N R	100.0	CONSUMERS POWER CO
8114590		2110133621 102	SPAULDING ETAL #1-32	CLEAN 32 B T24N R13W	90.0	CONSUMERS POWER CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-ALPHA TWENTY-ONE PRODUCTION CO			RECEIVED: 01/27/81 JA: NM			
8114644		3001522626 102	CERRO COM #1	CASS DRAW WOLFCAMP	40.5	EL PASO NATURAL GAS
8114666		3001522626 103	CERRO COM #1	CASS DRAW WOLFCAMP	40.5	EL PASO NATURAL GAS
-AMINOIL USA INC			RECEIVED: 01/27/81 JA: NM			
8114536		3001523300 103	VASQUEZ COMM NO 1	UNDESIGNATED MALAGA MORR	2920.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO			RECEIVED: 01/27/81 JA: NM			
8114527		3004521147 108	CANDELARIA GAS COM #1 (3RD FILING)	AZTEC-PICTURED CLIFFS	18.5	EL PASO NATURAL GAS
8114600		3004524178 103	GALLEGOS CANYON UNIT #108E	BASIN DAKOTA	30.0	AMOCO GAS CO
8114602		3004524169 103	GALLEGOS CANYON UNIT #173E	BASIN-DAKOTA	31.0	EL PASO NATURAL GAS
8114534		3004524284 103	GALLEGOS CANYON UT COM B #143E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8114542		3001522729 102	RIO SIETE #1	WILDCAT MORROW	273.8	NATURAL GAS PIPELINE
8114539		3004524282 103	SAMMONS GAS COM C NO 1E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8114654		3001522953 103	STATE HE COM #1	WILDCAT MORROW	45.0	PHILLIPS PETROLEUM C
8114567		3002526492 102	STATE HL #1	NORTH BELL LAKE WOLFCAMP	610.2	LLANO INC
8114647		3002526696 103	STATE HQ #2	AIRSTRIP UPPER BONE SPRI	40.0	WARREN PETROLEUM CO
8114643		3001523202 102	STATE IC COM #1	UND MORROW	588.0	EL PASO NATURAL GAS
-BCO INC			RECEIVED: 01/27/81 JA: NM			
8114597		3003922333 103	STATE H #3	BASIN DAKOTA	300.0	EL PASO NATURAL GAS
8114638		3003922332 103	STATE H #4	BASIN DAKOTA	300.0	EL PASO NATURAL GAS
-BTA OIL PRODUCERS			RECEIVED: 01/27/81 JA: NM			
8114551		3002526692 103	8006 JV-P RIDGE #1	ANTELOPE RIDGE (MORROW)	328.0	EL PASO NATURAL GAS
-CASING PULLERS INC			RECEIVED: 01/27/81 JA: NM			
8114623		3002500000 108	YATES A NO 2	NORTH SAN SIMON YATES	4.4	PHILLIPS PETROLEUM C
8114629		3002500000 108	YATES A NO 5	NORTH SAN SIMON YATES	2.1	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CITIES SERVICE COMPANY					RECEIVED: 01/27/81 JA: NM			
8114599		3002526639	103		BRUNSON-C #13	WANTZ ABO	147.0	GETTY OIL CO
-CONSOLIDATED OIL & GAS INC					RECEIVED: 01/27/81 JA: NM			
8114548		3004523636	103		ROBINSON BROS 1-M (DAKOTA)	BASIN-DAKOTA	0.0	SOUTHERN UNION GATHE
8114549		3004523636	103		ROBINSON BROS 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
8114564		3004524234	103		WILMERDING ND 1-M (DAKOTA)	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
8114563		3004524234	103		WILMERDING ND 1-M (MV)	BLANCO MESAVERDE	0.0	SOUTHERN UNION GATHE
-DUGAN PRODUCTION CORP					RECEIVED: 01/27/81 JA: NM			
8114611		3004524265	103		STELLA NEEDS A COM #1-E	BASIN DAKOTA	65.3	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/27/81 JA: NM			
8114631		3003921636	108		SAN JUAN 28-7 UNIT #249	BASIN DAKOTA	22.0	EL PASO NATURAL GAS
8114533		3003907282	108		SAN JUAN 28-7 UNIT MP #94 PC&MV	SOUTH BLANCO-PICTURED CL	21.0	EL PASO NATURAL GAS
8114630		3004505721	108		THOMPSON A #1	BALLARD PICTURED CLIFFS	10.0	EL PASO NATURAL GAS
-EL RAN INC					RECEIVED: 01/27/81 JA: NM			
8114598		3000520753	103		CARROLL #2	CHAVEROO	36.0	TRANSWESTERN PIPELIN
-FLAG-REDFERN OIL CO					RECEIVED: 01/27/81 JA: NM			
8114531		3001522970	103		NEW MEXICO STATE NO 2	SHUGART (Y 7R QUEEN GRAY	6.2	CONTINENTAL OIL CO
8114596		3001523280	103		NEW MEXICO STATE NO 4	SHUGART (Y 7R QUEEN GRAY	9.1	CONTINENTAL OIL CO
-GETTY OIL COMPANY					RECEIVED: 01/27/81 JA: NM			
8114565		3002526824	103		HOBBS N NO 6	VACUUM ABO REEF	75.9	PHILLIPS PETROLEUM C
-MARALO INC					RECEIVED: 01/27/81 JA: NM			
8114615		3002526646	102		MARALO 16 STATE #4	SIOUX YATES	23.4	EL PASO NATURAL GAS
8114555		3002526646	103		MARALO 16 STATE #4	SIOUX YATES	23.4	EL PASO NATURAL GAS
8114616		3002526753	102		MARALO 16 STATE #9	SIOUX YATES	13.9	EL PASO NATURAL GAS
8114617		3002500000	102		MARALO 16 STATE 3Y	SIOUX YATES POOL	36.7	EL PASO NATURAL GAS
8114559		3002500000	103		MARALO 16 STATE 3Y	SIOUX YATES POOL	36.7	EL PASO NATURAL GAS
-MESA PETROLEUM					RECEIVED: 01/27/81 JA: NM			
8114535		3004524039	103		STATE COM AL #35E	BASIN DAKOTA	400.0	EL PASO NATURAL GAS
-MILLARD DECK					RECEIVED: 01/27/81 JA: NM			
8114532		3002510823	108		MAY A NO 1	LANGLIE MATTIX	2.4	EL PASO NATURAL GAS
-MORRIS R ANTWEIL					RECEIVED: 01/27/81 JA: NM			
8114510		3002526764	103		ALBERT #1	UNDESIGNATED DRINKARD	0.0	WARREN PETROLEUM CO
-MWJ PRODUCING CO					RECEIVED: 01/27/81 JA: NM			
8114522		3000500000	103		SAUNDERS 16 STATE #1	SAUNDERS PERMO PENN	31.0	WARREN PETROLEUM CO
-PERRY R BASS					RECEIVED: 01/27/81 JA: NM			
8114541		3001523164	102		PALMILLO STATE NO 1		85.0	PHILLIPS PETROLEUM C
8114558		3001523164	103		PALMILLO STATE NO 1	UNDESIGNATED	85.0	PHILLIPS PETROLEUM C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/27/81 JA: NM			
8114552		3002526569	103		E VAC GB/SA UNIT TR 2059 #333	VACUUM GB/SA	2.0	EL PASO NATURAL GAS
8114653		3002526850	103		LEAMEX NO 27	MALJAMAR GB/SA	14.0	EL PASO NATURAL GAS
8114528		3002504351	108		NEW #2	EUMONT (QUEEN)	15.0	NORTHERN NATURAL GAS
-SHELL OIL CO					RECEIVED: 01/27/81 JA: NM			
8114525		3002500000	108		COOPER B NO 1	EUNICE-MONUMENT (G-SA)	14.4	WARREN PETROLEUM CO
8114624		3002500000	108		STATE J NO 3	EUNICE-MONUMENT (G-SA)	6.4	GETTY OIL CO
8114626		3000500000	108		THELMA CROSBY B NO 4	CATO (SAN ANDRES)	1.7	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO					RECEIVED: 01/27/81 JA: NM			
8114612		3004523959	103		PATTERSON B COM #1E	BASIN	105.0	SOUTHERN UNION GATHE
8114656		3002526991	103		SCHARB 4 #1	UNDESIGNATED	40.0	WARREN PETROLEUM CO
-STEVENS OIL COMPANY					RECEIVED: 01/27/81 JA: NM			
8114508		3000560717	103		OBRIEN F NO 5	TWIN LAKES-SAN ANDRES AS	8.5	TRANSWESTERN PIPELIN
8114507		3000560732	103		OBRIEN F NO 6	TWIN LAKES-SAN ANDRES AS	29.6	TRANSWESTERN PIPELIN
8114619		3000500000	103		OBRIEN F NO 7	TWIN LAKES-SAN ANDRES AS	0.0	TRANSWESTERN PIPELIN

JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8114506		3000560695	103	OBRIEN I NO 5	TWIN LAKES-SAN ANDRES AS	16.6	TRANSWESTERN PIPELIN
8114521		3000560696	103	OBRIEN I NO 6	TWIN LAKES-SAN ANDRES AS	8.0	TRANSWESTERN PIPELIN
8114520		3000560697	103	OBRIEN I NO 7	TWIN LAKES-SAN ANDRES AS	20.0	TRANSWESTERN PIPELIN
8114518		3000560767	103	OBRIEN I NO 8	TWIN LAKES-SAN ANDRES AS	5.0	TRANSWESTERN PIPELIN
8114509		3000560768	103	OBRIEN J NO 2	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPELIN
-TAHOE OIL & CATTLE CO				RECEIVED: 01/27/81 JA: NM			
8114540		3002504461	108	BROWNLEE #1	PENROSE SKELLY - GRAYBUR	1.4	WARREN PETROLEUM COR
8114561		3002526827	103	TONTO	LANGLIE-MATTIX	58.0	EL PASO NATURAL GAS
-TENNECO OIL COMPANY				RECEIVED: 01/27/81 JA: NM			
8114562		3001523370	103	CATCLAW DRAW #14	CATCLAW DRAW MORROW	365.0	TUCO INC
8114553		3001523253	103	CATCLAW DRAW UNIT #12	CATCLAW DRAW MORROW	15.3	TUCO INC
-TEXACO INC				RECEIVED: 01/27/81 JA: NM			
8114663		3004524385	103	NEW MEXICO COM C 1A	BLANCO MESAVERDE	182.5	EL PASO NATURAL GAS
-W M GALLAWAY				RECEIVED: 01/27/81 JA: NM			
8114557		3003922048	103	DAVIS #3	BLANCO MESAVERDE	50.0	NORTHWEST PIPELINE C
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 01/27/81 JA: NM			
8114613		3002526480	103	LAURA J MAY #1	DRINKARD	0.0	EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION				RECEIVED: 01/27/81 JA: NM			
8114568		3001523059	102	GOAT ROPER LP COM #1	EAGLE CREEK ATOKA MORROW	0.0	TRANSWESTERN PIPELIN
8114505		3001523426	103	GUSHWA DP #3	BOYD MORROW	0.0	TRANSWESTERN PIPELIN
8114614		3000560741	102	JOHNSON FEE #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114504		3001523447	103	NICHOLAS RJ #2	PENASCO DRAW SA-YESO ASS	0.0	TRANSWESTERN PIPELIN
8114503		3000560754	103	NINE MILE OB STATE #1	WILDCAT	0.0	TRANSWESTERN PIPELIN
8114545		3000560775	102	PAPALOTE OI STATE #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114546		3000560733	102	RATTLESNAKE NZ STATE COM #1	JNDES ABO	0.0	TRANSWESTERN PIPELIN
8114537		3001523204	103	RUSHING NJ #1	PENASCO DRAW SA YESO	0.0	TRANSWESTERN PIPELIN
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WEST VIRGINIA DEPARTMENT OF MINES							
**********							
-ASHLAND EXPLORATION INC				RECEIVED: 01/27/81 JA: WV			
8114584		4700501273	107	SOUTHERN LAND CO #5- 080071	LOGAN-WYOMING	27.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED: 01/27/81 JA: WV			
8114545		4710720905	103	A HENDERSHOT #1	UNION	1.7	
8114544		4710720906	103	B HENDERSHOT #2	UNION	17.0	
8114552		4710720907	103	C S HOWARD #1	UNION	17.0	
8114550		4710720904	103	J W CARPENTER #1	UNION	17.0	
8114554		4710720911	103	M STUDENIC #1	UNION	17.0	
8114553		4710720910	103	MOORE-PRITCHETT #1	UNION	17.0	
8114551		4710720922	103	T CORBIN #1	UNION	17.0	
-BOW VALLEY PETROLEUM INC				RECEIVED: 01/27/81 JA: WV			
8114561		4704700810	103	CONSOLIDATION COAL #767		40.0	CONSOLIDATED GAS SUP
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED: 01/27/81 JA: WV			
8114504		4703903351	102	TCO OIL&GAS 820515	INDIAN CREEK	78.1	
-D C MALCOLM INC				RECEIVED: 01/27/81 JA: WV			
8114531		4707900942	103	BOGGESS #1	ST ALBANS - BURDETTE	12.0	COLUMBIA GAS TRANSMI
8114529		4701501695	103	HEROLD #1	SWANDALE-WIDEN	66.0	EQUITABLE GAS
8114528		4701501665	103	MULLINS #1	SWANDALE-WIDEN	24.0	EQUITABLE GAS
-DEVON CORPORATION				RECEIVED: 01/27/81 JA: WV			
8114514		4707900948	103	#844 DELMER K FOSTER #1	MIDWAY	4.0	DEVON PIPELINE CO &
8114515		4707900851	103	#853 W DALE LONG	SCOTT DEPOT	17.0	DEVON PIPELINE CO &
8114511		4707900957	103	#870 WAYNE WINTER	MIDWAY	28.0	DEVON PIPELINE CO &
8114507		4707900958	103	#871 ROY BENNETT #1	MIDWAY	26.5	DEVON PIPELINE CO &

ID NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRTD	PURCHASER
8114567		4707900859	103	#872 GAE SIDERS #1	MIDWAY	35.0	DEVON PIPELINE CO &
8114509		4707900854	103	#873 MAXINE LARCK	SCOTT DEPOT	2.0	DEVON PIPELINE CO &
8114508		4707900853	103	#874 HENSON BROTHERS	SCOTT DEPOT	14.0	DEVON PIPELINE CO &
8114515		4707900852	103	#875 MAE ANDERSON	SCOTT DEPOT	4.4	DEVON PIPELINE CO &
8114513		4707900855	103	#876 DELMER K FOSTER #2	MIDWAY	1.0	DEVON PIPELINE CO &
8114505		4707900860	103	#877 VEACHER WINTERS	MIDWAY	0.2	DEVON PIPELINE CO &
8114506		4707900876	103	#878 PEARL RICKMAN	MIDWAY	23.0	DEVON PIPELINE CO &
8114541		4707900903	103	#879 LUELLA M HENSON	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114565		4707900902	103	#880 A C RADFORD	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114566		4707900877	103	#881 C W CASDORPH	SCOTT DEPOT	3.5	DEVON PIPELINE CO &
8114540		4707900905	103	#882 L M HENSON #2	SCOTT DEPOT	7.0	DEVON PIPELINE CO &
8114539		4707900906	103	#883 TEAYS FARMS #1	SCOTT DEPOT	3.3	DEVON PIPELINE CO &
8114538		4707900907	103	#884 TEAYS FARMS #2	SCOTT DEPOT	3.3	DEVON PIPELINE CO &
8114537		4707900936	103	#900 ROY ARTHUR	SCOTT DEPOT	3.5	DEVON PIPELINE CO &
8114560		4703501466	103	#902 MAYWOOD GARNES	PARCHMENT	14.0	DEVON PIPELINE CO &
8114559		4703501444	103	#907 FREDA BATTEN	PARCHMENT	4.5	DEVON PIPELINE CO &
8114532		4707900937	103	#928 ROY BENNETT #2	MIDWAY	14.0	DEVON PIPELINE CO &
8114536		4707900938	103	#929 GAE SIDERS #2	MIDWAY	14.0	DEVON PIPELINE CO &
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 01/27/81		JA: WV			
8114582		4702103667	107	F W FLOYD #3	GLENVILLE	66.0	EQUITABLE GAS CO
8114585		4701702716	107	FA #4 CUMPSTON	BEECHLICK FORK	20.0	COLUMBIA GAS TRANSMI
-ENERGY DEVELOPMENT CORPORATION		RECEIVED: 01/27/81		JA: WV			
8114564		4704700813	103	FDC NO 16 MCD-813	BIG SANDY	25.0	CONSOLIDATED GAS SUP
8114563		4704700817	103	FDC NO 18 MCD-817	BIG SANDY	25.0	CONSOLIDATED GAS SUP
8114562		4704700819	103	FDC NO 19 MCD-819	BIG SANDY	60.0	CONSOLIDATED GAS SUP
-J & J ENTERPRISES INC		RECEIVED: 01/27/81		JA: WV			
8114585		4701702653	103	J-101	NEW MILTON	0.0	CONSOLIDATED GAS SUP
-MAGNUM OIL CORP		RECEIVED: 01/27/81		JA: WV			
8114533		4701702637	103	C SWENTZEL #4	GRANT DISTRICT	23.0	CARNEGIE GAS CO
8114530		4701702619	103	CALDWELL #1 DODD-2619	TOLLGATE	23.0	CARNEGIE GAS CO
8114527		4708504738	103	J MCCULLOUGH #1	CLAY DISTRICT	23.0	CONSOLIDATED GAS & S
8114534		4701702628	103	JACKSON #1 DODD-2628	DUCKWORTH	23.0	CONSOLIDATED GAS & S
8114535		4701702657	103	WALDO #1	TOLLGATE	0.0	CARNEGIE GAS CO
-PATRICK H CUNNINGHAM		RECEIVED: 01/27/81		JA: WV			
8114558		4703302278	103	NAY #1	EAGLE DISTRICT	50.0	CONSOLIDATED GAS SUP
-PETRO ENTERPRISES INC		RECEIVED: 01/27/81		JA: WV			
8114517		4701303002	103	A MALONEY NO 1 CAL-3002	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
8114526		4701303001	103	STUMP #2 CAL - 3001	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
8114521		4701303000	103	STUMP NO 1 CAL-3000	SHERIDAN DISTRICT	23.0	COLUMBIA GAS TRANSMI
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 01/27/81		JA: WV			
8114570		4704102535	103	C O DENNISON #3	ASPINALL-FINSTER	20.0	CONSOLIDATED GAS SUP
8114583		4700101278	103	C TABLER #1	TAYLOR DRAIN	21.0	CONSOLIDATED GAS SUP
8114543		4704102545	103	F PUMPHREY #1	ASPINALL-FINSTER	37.0	CONSOLIDATED GAS SUP
8114573		4703302181	103	JOHN WEBB #1	BRIDGEPORT	3.7	CONSOLIDATED GAS SUP
8114575		4703301239	108	LILLIE BARTLETT #1	BRIDGEPORT	5.0	CONSOLIDATED GAS SUP
8114576		4703301240	108	LILLIE BARTLETT #2	BRIDGEPORT	6.0	CONSOLIDATED GAS SUP
8114577		4703301920	108	LILLIE BARTLETT #3	BRIDGEPORT	3.5	CONSOLIDATED GAS SUP
8114578		4703301924	108	LILLIE BARTLETT #4	BRIDGEPORT	5.0	CONSOLIDATED GAS SUP
-R & S GAS COMPANY		RECEIVED: 01/27/81		JA: WV			
8114579		4708524265	103	ELIZABETH CAMPBELL NO 3	MURPHY DISTRICT	12.0	CABOT CORP
8114542		4708524737	103	ELIZABETH CAMPBELL NO 4	MURPHY DISTRICT	12.0	CABOT CORP
8114546		4708524342	103	J W HEFFNER NO 3	MURPHY DISTRICT	24.0	CABOT CORP
-STERLING DRILLING & PROD CO INC		RECEIVED: 01/27/81		JA: WV			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8114555		4701501679	103	ALOI #21 SDP #181	BUFFALO DISTRICT	93.6	EQUITABLE GAS CO
8114569		4701501677	103	ALOI 19 SDP #179	BUFFALO DISTRICT	360.0	EQUITABLE GAS CO
8114556		4701501680	103	ALOI 22 SDP #182	BUFFALO DISTRICT	177.8	EQUITABLE GAS CO
8114523		4701501683	103	ALOI 23 SDP #183	BUFFALO DISTRICT	124.0	EQUITABLE GAS CO
8114557		4701501684	103	ALOI 24 SDP #184	BUFFALO DISTRICT	21.6	EQUITABLE GAS CO
8114525		4701501686	103	ALOI 26 SDP 186	BUFFALO DISTRICT	90.0	EQUITABLE GAS CO
8114524		4701501688	103	ALOI 28 SDP #188	BUFFALO DISTRICT	72.0	EQUITABLE GAS CO
-THE CARTER JONES LUMBER CO				RECEIVED: 01/27/81 JA: WV			
8114512		4709500779	103	MILDRED TUTTLE #2	PADEN CITY	15.0	
-UNION DRILLING INC				RECEIVED: 01/27/81 JA: WV			
8114549		4709702066	103	BRENT T SCOTT #2 1560	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114581		4709702071	103	FLODA DINGER #3 1483	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114580		4709702055	103	G H ERVIN HEIRS #1 1559	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114574		4708300300	103	HARRY MCMULLAN JR EST #1 1553	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114571		4708300297	103	HARRY MCMULLAN JR EST #3 1545	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114572		4708300298	103	HARRY MCMULLAN JR EST #4 1546	ROARING CREEK DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114548		4709702068	103	GLEN CARPENTER #2 1571	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
8114547		4709702052	103	WOODY LUMBER CO #1 1558	MEADE DISTRICT	0.0	COLUMBIA GAS TRANSMI
-WARREN R HAUGHT AGENT				RECEIVED: 01/27/81 JA: WV			
8114519		4708524495	103	HARRY MOATS H-900	GRANT DISTRICT	20.0	CONSOLIDATED GAS SUP
8114513		4708524447	103	JOYCE HOWARD H-884	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114520		4708524443	103	KENNETH PERINE H-880	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114568		4708524491	103	KENNETH PERINE H-893	UNION DISTRICT	20.0	CONSOLIDATED GAS SUP
8114518		4708524523	103	STEPHEN DOUGLAS H-950	MURPHY DISTRICT	20.0	CONSOLIDATED GAS SUP
8114522		4701722609	103	WILMA ALKIRE H-959	NEW MILTON DISTRICT	20.0	CONSOLIDATED GAS SUP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf) An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 9, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-5676 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals;

Issuance of Decisions and Orders; Week of January 5 Through January 9, 1981

During the week of January 5 through January 9, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Exxon Co., U.S.A., Washington, D.C., BEA-0185, motor gasoline

Exxon filed an Appeal from an Assignment Order issued to the firm by the Region VIII Office of the Economic Regulatory Administration (ERA) on January 10, 1980. That Order directed Exxon to supply North Side Center with motor gasoline during the months January through June 1980. In considering the Exxon appeal the DOE found that the ERA had erroneously executed its responsibilities in issuing the Assignment Order. Accordingly, the Exxon appeal was granted. In granting the appeal the DOE rescinded the Assignment Order without provision for a payback of product supplied as a result of that order.

Tulsa Daily World, Tulsa, Oklahoma, BFA-0530, freedom of information

On December 8, 1980, the Tulsa Daily World filed an Appeal from a denial by the Director of Contract Execution Division B of the DOE Office of Procurement Operations of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain portions of the document which was initially withheld under Exemption 4 should be released to the public. Important issues that were considered in the Decision and Order were the applicability of Exemption 4 to cost proposals.

Wesreco, Inc., Woods Cross, Utah, DEA-0166, crude oil

Wesreco, Inc. filed an Appeal from an Economic Regulatory Administration decision which modified Wesreco's crude oil purchase opportunity through the Buy/Sell Program during the April through September 1978 allocation period. Wesreco sought a substantial increase in its purchase opportunity for that period, arguing that the ERA should not have confined its adjustment for unusual and non-recurring operating conditions to episodes which resulted in a complete shutdown of the refinery and that the refinery's runs to stills during the preceding six-month period were abnormally high and therefore should not have been used as a basis for the April through September 1978 allocation. In considering the Appeal, the DOE remanded the matter to the ERA for an explanation of its decision to limit Wesreco's adjustment to decreases in runs to stills attributable to complete shutdowns of the refinery. The DOE also concluded that Wesreco had not demonstrated error in the ERA's rejection of the firm's request for an increased allocation on the grounds of significant changes in the refinery's supply of crude oil. Accordingly, the DOE remanded one portion of Wesreco's Appeal and denied the remainder.

Petition for Special Redress

R. R. Morrison & Son, Inc., Vicksburg, Mississippi, BEG-0041, motor gasoline

R. R. Morrison & Son, Inc., filed a Petition for Special Redress requesting that the retail outlet which it leases in Pearl, Mississippi, be deemed a new outlet and assigned a supplier and base period volume of motor gasoline. In considering the Petition the DOE found that Morrison does not qualify as a new wholesale purchaser-reseller at the site. The DOE found Morrison to be the successor to the allocation of the previous retail operation at the site. Accordingly, the firm's Petition for Special Redress was denied.

Reqest for Exception

Adams Oil Company, Fredericksburg, Virginia, FEE-4816, motor gasoline

Adams Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought retroactive exception relief that would relieve it of a requirement to make refunds pursuant to a Remedial Order. In considering the request, the DOE found that while exception relief was necessary to give the firm more time to make refunds to its customers, it was not suffering a gross inequity or financial hardship that would call for exception relief which would relieve the firm of its obligation. Accordingly, exception relief was granted in part.

Antonio Vricella and Angelo & Sons, Sommerville, Massachusetts, Revere, Massachusetts, BEE-0289, BEE-0784, motor gasoline

Antonio Vricella and Angelo & Sons filed Applications for Exception from the provisions of 10 CFR Part 211 in which the firms sought a change of supplier with respect to their base period allocations of motor gasoline. In considering the request, the DOE found that the firms' base period supplier/purchaser relationships had deteriorated to the degree that the firms would incur a gross inequity and serious hardship in the absence of exception relief. Accordingly, exception relief was granted.

Asamera Oil (U.S.) Inc., Golden Colorado, BXE-1160, BXE-1161, BXE-1162, crude oil

Asamera Oil (U.S.) Inc. (Asamera) filed three Applications for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Asamera to sell at market prices 100 percent of the crude oil produced and sold for the benefit of the working interest owners that are classified as integrated and independent producers from the Carrell Lease and the Knight Lease. Exception relief was also granted to permit the applicant to sell 100 and 76.32 percent of the crude oil produced and sold for the benefit of the integrated and independent producers, respectively, from the Myrin Ranch Lease at market price levels.

Chadwick's Exxon, Columbus, Georgia, BEO-0567, motor gasoline

Chadwick's Exxon filed an Application for Exception in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that additional volumes of motor gasoline were required by the firm in order to continue its business operations. The DOE also found that the firm had failed to demonstrate that it had significantly altered its business practices by investing in additional service equipment.

Continental Oil Company, Houston, Texas, DEE-1775, crude oil

Continental Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the Shoshone Lease as a stripper well property effective January 1, 1977. In considering the exception application, the DOE determined that an anomalous series of events had precluded the property from otherwise qualifying for stripper well status on that date. The DOE concluded that it was the intent of Ruling 1977-7 to permit such properties to qualify for exception relief. Consequently, exception relief was granted to permit Conoco to classify the Shoshone Lease as a stripper well property on January 1, 1977.

Echo Bay Resort, Overton, Nevada, BXE-1315, motor gasoline

Echo Bay Resort filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an extension of exception relief previously granted which would enable the firm to continue to receive an increase in its base period allocation for motor gasoline. In considering the request, the DOE found that the denial of exception relief would frustrate one or more of the policy objectives set forth in the Emergency Petroleum Allocation Act of 1973. Accordingly, exception relief was granted.

Finnegan's Inc., Chevy Chase, Maryland, BEO-0027, motor gasoline

Finnegan's Inc. filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm was neither suffering a gross inequity nor financial hardship as a result of DOE regulation. Accordingly, exception relief was denied.

Jet Oil Co., Pinellas Park, Florida, BEO-0196, motor gasoline

Jet Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to allow the firm to realize the intended benefits of its capital investment. Accordingly, exception relief was granted. The important issue discussed in the Decision and Order is the rate of return method for determining the amount of relief.

Kerr-McGee Corp., Washington, D.C., BEE-1561, crude oil

Kerr-McGee Corp. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested that the ERA be directed to issue Kerr-McGee additional entitlements to correct a reporting error which the firm had made. In considering the request, the DOE found that the firm had demonstrated that penalizing it for an inadvertent error would impose a gross inequity and unfair distribution of burdens on the firm. Accordingly, exception relief was granted.

Panasonic Company, Secaucus, New Jersey, BEE-1093, energy testing

Panasonic Company filed an Application for Exception from the provisions of 10 CFR Part 430, Appendix A, the Energy Conservation Program for Consumer Products test procedures for refrigerators. In its Application, Panasonic requested that it be relieved of the requirement to perform energy efficiency tests on two models of small-capacity refrigerators. In considering the request, the DOE found that design characteristics of the Panasonic refrigerators prevented testing in accordance with the applicable test procedures. Accordingly, exception relief was granted which permits Panasonic to modify the test procedures applicable to its small-capacity refrigerators.

Parker Energy & Petroleum Co., Richmond, Virginia, BEE-1234, gasohol

Parker Energy & Petroleum Co. filed an Application for Exception from the provisions of 10 CFR 210.62 in which the firm asked the Office of Hearings and Appeals to issue an order requiring the Cities Service Company to permit Parker to obtain gasoline directly from Citgo's terminal facilities for a retail gasohol outlet which Parker owns. In considering the request, the DOE found that exception relief was necessary to enable Parker to carry out its gasohol marketing efforts. Accordingly, exception relief was granted.

Pride Refining, Inc., Abilene, Texas, BEE-0651, crude oil

Pride Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.65 in which the firm sought an increase in its January through October 1978 base period crude oil runs to stills for the purpose of qualifying for an emergency allocation under the Buy/Sell Program. In considering the request, the DOE found that due to expansion of Pride's refinery, the January through October 1978 period represented an anomalous period in the firm's operations, and that the use of this base period would have a significant adverse effect on the firm. Accordingly, exception relief was granted substituting the firm's crude oil runs to stills during the period January through October 1977 for purposes of calculating Pride's eligibility for the Crude Oil Buy/Sell Program.

Rudolph's, Inc., Yoakum, Texas, DEE-3058, motor gasoline

Rudolph's, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious hardship or gross inequity as a result of DOE regulations. Accordingly, exception relief was denied.

Samedan Oil Corporation, Ardmore, Oklahoma, DEE-1171, crude oil

Samedan Oil Corporation filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Specifically, the firm sought to sell at upper tier ceiling prices the oil it produces from the Martin and Stitt leases. In considering the request, the DOE found that exception relief is not necessary in order to provide the firm with sufficient incentive to undertake needed repairs at the well. Accordingly, the firm's request was denied.

Thunderbird ARCO, Portland, Oregon, BEE-1256, motor gasoline

Thunderbird ARCO filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that Thunderbird ARCO failed to substantiate its claim that its community would suffer an unfair distribution of burdens in the absence of exception relief. Accordingly, exception relief was denied.

Request for Stay

MAPCO, Inc., Washington, D.C., BES-1568, BET-1568, natural gas liquids propane

MAPCO, Inc. filed Applications for Stay and Temporary Stay from the requirement that it and Earth Resources treat their operations as a single firm for purposes of computing maximum permissible selling prices for covered products. In considering the Application, the DOE determined that MAPCO had demonstrated that it would incur an irreparable injury in the absence of relief. MAPCO's stay request was therefore granted and its temporary stay request was dismissed.

Interlocutory Order

Gulf Oil Corporation, Office of Special Counsel, Washington, D.C., BRZ-0078, crude oil

Gulf Oil Corporation and the DOE Office of Special Counsel submitted to the Office of Hearings and Appeals portions of a stipulation concerning discovery matters related to a Proposed Remedial Order which was issued to Gulf on May 1, 1979. In considering these stipulation provisions, The DOE determined that the OSC's negotiated agreement to produce certain documents requested by Gulf with restrictions placed upon the use of those documents does not constitute a waiver by the OSC of any privileges which may be applicable to the documents. Accordingly, the DOE approved the stipulation provisions submitted by Gulf and the OSC.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Atlantic Richfield, Office of Special Counsel, BRJ-0167, Wash., DC
Chevron U.S.A. Inc. (Dow Chemical U.S.A.), BEJ-0101, Wash., DC
Navajo Refining Co., Amoco Oil Co., Chevron U.S.A. Inc., Little America Ref., Mobil Oil Corp., Whitco Chemical Corp., BEJ-0168 thru BEJ-0172, Wash., DC

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Lake Oil Co., BEE-0150, Clear Lake, IA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions

and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Bullitt County Board of Education, BEO-0246, Sheperdsville, KY
First Texarkana Co., DEE-4763, Dallas, TX
Morrissette Texaco, BEE-0481, Mammoth Lakes, CA
Rapp Tire & Supply, Inc., BEO-0446, Morton Groves, IL

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case. No.

Giant Industries, Inc., BEL-1346
Good Chevrolet, DEE-3749
Harrison Gas & Oil Co., Inc., BRT-0336, BRS-0336, BEE-1185
John Robert Stratton, Inc., BFA-0583
Johnson Oil Co., Inc., BEJ-0163, BED-0163
Marathon Oil Co., BEE-1426, BEE-1447, BEE-1467
Oklahoma Refining Co., BST-0013
Roadrunner Food Mart, Inc., DEL-7393, DES-7393, DST-7393

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: February 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-5735 Filed 2-19-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 1758-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of February 9, 1981 to February 13, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 20, 1981 and will end on April 6, 1981. The 30-day review period for final EIS's as calculated from February 20, 1981 will end on March 23, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal Agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period, covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

SUMMARY OF NOTICE: This notice sets forth a list of EIS's filed with EPA during the week of February 9, 1981 to February 13, 1981. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in the notice. Commenting entities on draft EIS's are listed for final EIS's. All additional information relating to EIS's such as time extensions or reductions of prescribed review periods, withdrawals, retractions, corrections or supplemental reports is also noticed under the appropriate agency.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

Dated: February 17, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250, (202) 447-3965.

Soil Conservation Service

Draft

MIDDLE FORK OF ANDERSON RIVER WATERSHED: Crawford, Perry Counties, Ind., February 10: Proposed is the awarding of financial assistance for flood protection measures within the Middle Fork of Anderson River Watershed in Crawford and Perry Counties, Indiana. The measures to be completed include: (1) 10.3 miles of channel excavation; (2) 2.3 miles of clearing, snagging and shoal removal; (3) 2.9 miles of debris and shoal removal; (4) 2 single purpose floodwater retarding structures; and (5) approximately 16,548 acres of accelerated land treatment. Ten alternatives are considered. The cooperating agency is the State of Indiana. (EIS Order No. 810114).

SANS BOIS WATERSHED FLOOD PROTECTION: Pittsburg, Latimer, and Haskell Counties, Okla., February 12: Proposed is the awarding of financial assistance for the planning and implementation of a flood protection plan for the Sans Bois Creek Watershed in Pittsburg, Latimer and Haskell Counties, Oklahoma. The plan would involve conservation land treatment, 12 floodwater retarding structures and 5,600 feet of flood dike. In addition to no action, six alternatives are considered. The cooperating agencies are the State of Oklahoma and the Forest Service. (EIS Order No. 810118).

U.S. Army Corps of Engineers

Contact: Mr. Richard Makinen, Office of The Chief of Engineers, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

Draft

CLARKS HILL LAKE, OPERATION AND MAINTENANCE: Georgia, South Carolina, February 9: Proposed is the continued operation and maintenance of the Clarks Hill Lake contiguous to several counties in Georgia and South Carolina. Current activities consist of reservoir regulation; flood control hydroelectric power generation; management of land resources and facilities; management of leases, easements and other outgrants; and project management and maintenance activities. Several alternatives are considered. (Savannah District) (EIS Order No. 810113).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Eugene Wojcik, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2157.

Draft

ST. CROIX FALLS AND TAYLORS FALLS WWT SYSTEM: Polk and Chisago Counties, Minn., February 12: Proposed is an improved system to treat wastewater for the cities of St. Croix Falls, Polk County, Wisconsin and Taylors Falls, Chisago County, Minnesota. The alternatives considered are: (1) no action, (2) upgrading/expanding the existing WWTP at St. Croix Falls, (3) land disposal systems for St. Croix Falls and Taylors Falls, (4) compact activated sludge system for Taylors Falls, (5) rotating biological contractor system for Taylors Falls, (6) stabilization pond system for Taylors Falls, (7) regional conventional WWTP near St. Croix Falls, (8) regional stabilization pond system near Taylors Falls, and (9) regional land disposal system near Taylors Falls. (EIS Order No. 810120.)

Final

REHABILITATION OF WASTEWATER FACILITIES, STREATOR: LaSalle and Livingston Counties, Ill., February 12: Proposed is the rehabilitation of wastewater treatment facilities located in the city of Streator, LaSalle and Livingston Counties, Illinois.The three major interceptor sewers in the combined sewer system would be replaced. The treatment plant would be upgraded to include nitrification and chlorination. The effluent discharged would meet the requirements of a Pfeffer exemption. Combined sewer flows in excess of the plants capacity would receive primary treatment and chlorination prior to discharge into the Vermilion River. Comments made by: USDA, HEW, DOI, DOT, State agencies, business. (EIS Order No. 810121.)

Draft

Contact: Ms. Lisa Corbin, Region 10, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, (206) 442-1285.

SPOKANE WASTEWATER MANAGEMENT PLAN, 201 GRANT: Spokane County, Wash., February 9: Proposed is the issuance of a grant for the construction of the North Spokane interceptor in Spokane County, Washington. The interceptor would collect and transport water from the North Spokane area to the Spokane City plant. A flow/equalization basin would be provided. Several alternatives are considered. (910/9-81-079.) (EIS Order #810109.)

Federal Energy Regulatory Commission

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Room 3000, S-22, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8228.

Final

PURPA-INDUCED GEOTHERMAL DEVELOPMENT: Regulatory, February 11: Proposed is induced geothermal development through granting of exemptions from the Public Utility Regulatory Policies Act of 1978. These revised rules are expected to stimulate the development of more than 1200 MW of capacity for electrical generation from geothermal facilities by 1995. Purpa-induced development is anticipated in the near term for California, Nevada and Idaho and may occur in other Western States. Comments made by: EPA, DOD, DOE, NRC, State agencies. (EIS Order No. 810117.)

Note.—At the time the above final EIS (No. 810117) was printed and distributed by FERC it was intended to be a final supplement to a previously filed EIS entitled "Small Power Production/Cogeneration Facilities." However, FERC has determined this final EIS addresses a separate Federal action and does not supplement the previously filed EIS.

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6300.

Final

MENOKEN GOLF COURSE SUBDIVISION MORTGAGE INSURANCE: Montrose County, Colo., February 10: Proposed is the issuance of mortgage insurance for the Menoken Golf Course Subdivision located in Montrose County, Colorado. The development encompasses 562.82 acres and would contain approximately 1,430 dwelling units. The units would consist of single, detached and attached units. Also included in the subdivision would be a golf course, commercial area, firehouse site, school site, and open space. (HUD-R08-EIS-81-1F.) Comments made by: DOT, USDA, DOI, COE, HHS, State agencies, businesses. (EIS Order No. 810112.)

Section 104(H)

The following is a community development block grant statement prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

CITY OF DE PERE REHABILITATION, CDBG: Brown County, Wis., February 10: Proposed is the awarding of a CDB grant to the city of De Pere, Brown County, Wisconsin. The grant would be used for the construction of a 900-foot segment of storm sewer, placement of fill over the sewer, and development of park facilities on the fill. The project site is located on De Pere's west side in a steep ravine occupied by a small stream, Penore Creek. The alternatives consider: (1) no action, (2) stream channelization, (3) flow diversion, and (4) ravine/wetlands park development. Comments made by: EPA, State and local agencies, individuals and businesses. (EIS Order No. 810111.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Bureau of Land Management

Final

NORTH IDAHO TIMBER MANAGEMENT: Several counties in Idaho, February 10: Proposed is a timber management plan for northern Idaho. The area encompasses approximately 14,000,000 acres and covers several counties. Approximately 3.6 million cubic feet of timber is to be harvested from 80,489 acres of land available for timber production. The alternatives consider: (1) non-commodity emphasis, (2) commodity emphasis, (3) overmature accelerated harvest, (4) transfer of State lieu lands, and (5) no action. (INT-FEIS-81-6.) Comments made by: DOI, USDA, COE, DOE, EPA, State, groups, individuals and businesses. (EIS Order No. 810110.)

National Park Service

Draft

BLUE RIDGE PARKWAY, TRANSMISSION RIGHT-OF-WAY: Several counties in Virginia, February 12: Proposed is the issuance of a right-of-way permit for the construction of a 765 kV electric transmission line across the Blue Ridge Parkway within several counties of Virginia. The permit would grant a right-of-way 1,800 feet long and 200 feet wide at milepost 159.9 on the Parkway. In addition to no action, the alternatives consider granting a permit for right-of-way at milepost 167.3 or 164.1. (DES-81-7.) (EIS Order No. 810119.)

Water and Power Resources Services

Draft Supplement

BRANTLEY DAM ALIGNMENT (DS-1): Eddy County, N. Mex., February 10: This statement supplements a final EIS, No. 725263, filed 9-14-72. Proposed is a new alignment for Brantley Dam in Eddy County, New Mexico. This new alignment has been determined to be more geologically favorable than the original alignment for the purposes of eliminating hazards due to possible failure of the McMillan and Avalon Dams. The no action alternative is considered. (DES-81-6). (EIS Order No. 810115.)

EXTENSION: The review period for the above EIS has been extended until April 11, 1981. (No. 810115.)

Fish and Wildlife Service

EXTENSION: Disposition/administration of culebra-culebrita, PR, published **Federal Register** December 24, 1981-review period has been extended from February 23, 1981 to March 25, 1981. (No. 800975.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environment and Safety, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

Federal Highway Administration

Draft

MI-53 RECONSTRUCTION, WASHINGTON TO IMLAY CITY: Macomb and Lapeer Counties, Mich., February 10: Proposed is the reconstruction of MI-53 from 27 Mile Road in Washington, Macomb County to Bower Road in Imlay City, Lapeer County, Michigan. The facility would be reconstructed as a limted-access freeway extending for 22 miles. The alternatives consider: (1) no action, (2) low capital improvements, (3) major reconstruction or upgrading of the existing facility, (4) alternate modes of transportation, and (5) construction of a limited access facility on a new location. The cooperating agency is the State of Michigan. (FHWA-MI-EIS-81-01-D.) (EIS Order No. 810116.)

US 277 GAP CLOSURE, STAMFORD: Jones and Haskell Counties, Tex., February 9: Proposed is the construction of an expressway-type highway to close the gap between existing portions of US 277 southwest and north of the city of Stamford in Jones and Haskell Counties, Tex. The length of the highway is approximately 3 miles and would be constructed as a four lane divided highway with a median and paved shoulders. Two interchanges would also be constructed at the junction of US 277 and TX-6 and at the point where the present

route crosses McHarg Street. The alternatives consider: (1) no action, (2) construction of the highway further west of the city. The cooperating agency is the State of Texas. (FHWA–TEX–EIS–81–01–D.) (EIS ORDER No. 810108.)

[FR Doc. 81-5860 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-37-M

[A9 FRL 1758-6]

Determination of PSD Applicability for Peabody Coal Company

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that, on December 11, 1980, EPA made a determination, that based on information supplied by Peabody Coal Co., the modifications to their Kayenta, Arizona coal mining operation will require pre-construction review pursuant to the provisions of 40 CFR 52.21 (Prevention of Significant Deterioration of Air Quality). The proposed project is the construction of new coal handling facilities at Peabody's Kayenta, Arizona coal mining operations.

DATE: The PSD applicability determination is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Cecilia Dougherty (415) 556–3450.

Dated: February 10, 1981.

Carl C. Kohnert, Jr.

Acting Director, Enforcement Division, Region IX.

[FR Doc. 81-5771 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-38-M

[SA-FRL-1758-5]

Science Advisory Board; Clean Air Scientific Advisory Committee; Open Meeting

Under Public Law 92–463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB). The meeting will be held March 10–11, 1981, starting at 9:15 am in the Plaza Room, Holiday Inn, 1489 Jefferson Davis Highway, Arlington, Virginia 22202.

The agenda for the meeting includes a status report on the sulfur oxides/particulate matter criteria document and a committee discussion of a draft CASAC report entitled "Findings, Recommendations, and Comments on the Standards Development and Scientific Review Process for National Ambient Air Quality Standards."

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Terry F. Yosie, Science Advisory Board Staff Officer (202) 755–0263 by close of business, March 3, 1981.

J Frances Allen,

Acting Staff Director, Science Advisory Board.

Feburary 13, 1981.

[FR Doc. 81-5738 Filed 2-19-81; 8:45 am]

BILLING CODE 6560-34-M

FEDERAL HOME LOAN BANK BOARD

First Financial Federal Savings and Loan Association, Bellaire, Texas; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)(A) (1976)), The Federal Home Loan Bank Board appointed George Weirich as conservator of First Financial Federal Savings and Loan Association, Bellaire, Texas, effective as of February 13, 1981.

Dated: February 17, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-5791 Filed 2-19-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 5, 1981
Thursday, March 12, 1981
Thursday, March 19, 1981
Thursday, March 26, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal Agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202–632–9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

February 10, 1981.

[FR Doc. 81-5375 Filed 2-19-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies, Proposed de Novo Nonbank Activities; Correction

The bank holding company listed in this notice has applied, pursuant to

section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 25.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons, a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 11, 1981.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

This notice corrects a previous **Federal Register** document (FR Doc. 81-3949) published at page 10540 of the issue for Tuesday, February 3, 1981. The locations of the offices at which the activities will be conducted were incorrect.

Security Pacific Corporation, Los Angeles, California (financing and credit-related life, accident and health insurance activities; New York). These activities would be conducted from offices of Security Pacific Finance Corp. and SPF Credit Services, Inc. located in Rockville Center, White Plains, Great Neck Plaza, and Brighton, New York, serving the State of New York.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 17, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5780 Filed 2-19-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Natomas Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities and assets of the Estate of Myron F. Fetterolf. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by the Estate of Myron F. Fetterolf. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action by published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-5777 Filed 2-19-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Bernard Dale is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of United States Steel Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-5778 Filed 2-19-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Commission on Alcoholism and Other Alcohol-Related Problems; Meeting Postponed

In **Federal Register** Document 81-4016, appearing on page 10856 in the issue of Wednesday, February 4, 1981, the February 24-25 meeting of the National Commission on Alcoholism and Other Alcohol-Related Problems was announced. This meeting has been postponed and will be rescheduled at a later date.

Dated: February 18, 1981.

Frank T. Hoban,

Director of Administration, National Commission on Alcoholism and Other Alcohol-Related Problems.

[FR Doc. 81-6025 Filed 2-19-81; 10:39 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 80N-0458]

Buffalo Plasma Center Corp.; Revocation of U.S. License No. 786

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the revocation on September 23, 1980, of the establishment license (U.S. License No. 786) and product license issued to Buffalo Plasma Center Corp., 199 Delaware Ave., Buffalo, NY 14202, for the manufacture of Source Plasma (Human). Because of significant deviations from the biologics regulations in the manufacture of this biological product, the manufacturer requested that the licenses be revoked.

EFFECTIVE DATE: The revocation of the establishment and product licenses was effective on September 23, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has revoked the establishment license (U.S. License No. 786) and product license issued to Buffalo Plasma Center Corp., 199 Delaware Ave., Buffalo, NY 14202, for the manufacture of Source Plasma (Human).

Inspections of Buffalo Plasma Center Corporation's two locations at 199 Delaware Ave., Buffalo, NY, from June 24 to July 10, 1980, and at 3104 Bailey Ave., Buffalo, NY, from June 26 to July 17, 1980, revealed numerous deviations from the requirements of Parts 606 and 640 (21 CFR Parts 606 and 640) of the biologics regulations. These deviations were observed at one or both locations and included, but were not limited to:

1. Suitability of donors for Source Plasma (Human) was not always determined by means of a medical history or appropriate tests (21 CFR 640.63);

2. Blood was not always collected, the plasma separated, or the cells returned to donors by aseptic methods (21 CFR 640.64(e));

3. More than the maximum permissible amount of whole blood was collected within a 7-day period (21 CFR 640.65(b)(5));

4. Donor record files lacked a full explanation of donor reactions (21 CFR 640.72(d)); and

5. Prospective new donors were not always given an explanation of the hazards of the plasmapheresis procedure (21 CFR 640.61).

Because these deviations were determined by the agency to constitute a danger to the health of donors, the firm's establishment and product licenses were suspended at both locations on July 11, 1980. Many of these significant deviations were also cited in a previous FDA inspection of the firm conducted on May 16 to 18, 1978.

Following a review of the reports of the June and July 1980 inspections and agency files, which revealed continued and willful violations by the firm, FDA issued a letter informing the firm of the agency's intention to revoke the firm's establishment and product licenses and to publish a notice of opportunity for hearing. Before further regulatory action was taken, the firm requested that its establishment and product licenses be revoked and waived the opportunity for a hearing under § 601.5(a) (21 CFR 601.5(a)). The agency has granted the request.

Accordingly, under § 12.38 (21 CFR 12.38) and section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director, Bureau of Biologics (21 CFR 5.68), U.S. License No. 786 issued to Buffalo Plasma Center Corp. and the product license for the manufacture of Source Plasma (Human) were revoked on September 23, 1980. This notice of revocation is published under § 601.8 (21 CFR 601.8).

Dated: February 13, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5712 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket Nos. 75N-0139, 75N-139F]

Chymolase Tablets; Withdrawal of Approval of Part of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of that part of a new drug application that pertains to Chymolase Tablets (NDA 12-724) because the holder of the new drug application failed to file a written notice stating its intent to participate in a formal evidentiary public hearing. The drug product has been used to control edema and inflammation associated with various disorders.

ADDRESS: Requests for an opinion on the applicability of this notice to a specific drug product should be directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20857.

EFFECTIVE DATE: March 2, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 9955) published in the **Federal Register** of June 25, 1970 (35 FR 10393), following the evaluation of reports received from the National Academy of Sciences-National Research Council Drug Efficacy Study Group, FDA announced its conclusion that the oral proteolytic enzyme drug, Chymolase, was "possibly effective" and "lacked substantial evidence of effectiveness," and that additional evidence was required to establish its effectiveness. In response to this notice, the manufacturer submitted data to establish effectiveness. After reviewing the data, the Director of the Bureau of Drugs, in a notice of opportunity for hearing published in the **Federal Register** on July 24, 1975 (40 FR 30995), concluded that Chymolase lacked substantial evidence of effectiveness for all indications and proposed to withdraw approval of the new drug applications.

In response to the notice of opportunity for hearing, Warren-Teed Pharmaceuticals, Inc. requested a hearing for Chymolase.

In a **Federal Register** notice of December 21, 1979 (44 FR 75718), FDA ordered a formal evidentiary hearing for the drug because there were questions of fact requiring resolution. However, no one filed a notice of participation on behalf of Chymolase.

Therefore, FDA has determined that Warren-Teed's NDA should be withdrawn as it relates to Chymolase because (1) there is a lack of substantial evidence that Chymolase Tablets have the effects they are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling; because (2) there is a lack of substantial evidence that each component of Chymolase Tablets, a combination product, contributes to the total effects claimed; and because (3) Warren-Teed has failed to file a written notice stating its intent to participate in

the hearing which was the subject of the December 21, 1979 notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to the Commissioner (21 CFR 5.1), that part of NDA 12-724 pertaining to Chymolase Enteric-coated Tablets is withdrawn, effective March 2, 1981.

Dated: February 2, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-5711 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80G-0516]

Davidson Chemical Division of W. R. Grace and Co., Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The law firm of Keller and Heckman, on behalf of Davidson Chemical Division of W. R. Grace and Co., has filed a petition proposing affirmation that silica gel for use as a carrier for flavors is generally recognized as safe (GRAS).

DATE: Comments by April 21, 1981.

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

FOR FURTHER INFORMATION CONTACT: Carl B. Johnson, Bureau of Foods (HFA-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 1G0270) has been filed by the law firm of Keller and Heckman, 1150 17th St., NW., Washington, DC 20036, on behalf of the Davidson Chemical Division of W. R. Grace and Co. and placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, proposing affirmation that silica gel for use as a carrier for flavors is GRAS.

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before April 21, 1981 review the petition and/or file comments (four copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 2, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-5557 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0448]

Laser Presentations; Approval of Variance for the LP Series Projectors and the Laser Presentations Room Laser Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance form the performance standard for laser products has been approved by the Bureau of Radiological Health for the Laser Presentations Room Laser Show using the LP Series Projectors manufactured and produced by Laser Presentations. The projector provides laser display to produce a variety of special lighting effects. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective December 15, 1980, and ends December 15, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Laser Presentations, 1392 King Ave., Columbus, OH 43212, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Laser Presentations Room Laser Show using the LP Series Projectors manufactured by Laser Presentations. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warning in the user manual and on the product, and by procedures for Laser Presentations personnel. The product shall bear the Variance Number 80P-0448.

By letter of December 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 15, 1982.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5554 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80M-0509]

Miles Laboratories, Inc., Biostator® Glucose Controlled Insulin Infusion System; Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Biostator® Glucose Controlled Insulin Infusion System (GCIIS) sponsored by Miles Laboratories, Inc., Elkhart, Ind. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 23, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: The sponsor, Miles Laboratories, Inc., Elkhart, IN, submitted an application for premarket approval of the Biostator® GCIIS to FDA on February 4, 1980. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee which recommended approval of the application. On December 4, 1980, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which GDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cometic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA'S decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under §10.33(b) (21 CFR 10.33(b)).

A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 23, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, Md 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above from 9 a.m. to 4 p.m., Monday through Friday.

Dated: January 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–5354 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0011]

Milliken and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that Keller and Heckman, on behalf of Milliken and Co., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying adjuvant for polypropylene articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3541) has been filed by Keller and Heckman, 1150 17th St., Washington, DC 20036, on behalf of the Milliken and Co., Inman, SC 29334, proposing that Part 178 (21 CFR Part 178) of the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying adjuvant for propylene homopolymers and copolymers intended for use as articles on components of articles intended to contact food.

The potential environmental impact statement of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 5, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–5357 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80P–0400]

The Rheem Nederland B.V. Sunfit Sunbed Model 105GU and Sunfit Sunroof Model 105 PU; Approval of Variance

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the first variance from the performance standard for sunlamp products has been approved by the Bureau of Radiological Health for the Sunfit Sunbed Model 105 GU, the Sunfit Sunroof Model 105 PU, and the ultraviolet-A lamps used in these products manufactured by Rheem Nederland B.V. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The variance became effective December 4, 1980, and ends December 4, 1985.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Rheem Nederland B.V., c/o Sunfit U.S.A., Inc., 222 Saint Paul Place, Baltimore, MD 21202, has been granted a variance from § 1040.20(c)(2)(ii) (21 CFR 1040.20(c)(2)(ii)) of the performance standard for sunlamp products, which requires that the maximum timer interval be 10 minutes or less, and § 1040.20(d)(1)(i), (f)(1)(ii), and (f)(2)(ii), which specify the exact wording in a required label warning statement, in the instructions supplied to the user of the sunlamp product, and in the instructions provided to users of an ultraviolet lamp when the lamp does not accompany the

sunlamp product. All other provisions of § 1040.20 remain applicable to the sunlamp product and ultraviolet lamp. The variance permits the manufacturer to introduce into commerce the sunlamp products known as the Sunfit Sunbed Model 105 GU and the Sunfit Sunroof Model 105 PU, separately or in combination with each other, and the ultraviolet-A lamps used in these products.

These sunlamp products have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturers does not result in severe acute skin burns or corneal injury. However, even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk of chemically sensitized lens or cornea damage or of long-term development of lens opacities. Suitable means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the product. The product shall bear the Variance Number 80P-0400.

By letter of December 4, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on December 4, 1985.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-5555 Filed 2-19-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79M-0436]

Soft Lenses, Inc.; Hydrocurve II® (Bufilcon A) Hydrophilic Contact Lenses for Nonaphakic Extended Wear; Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Hydrocurve II® (bufilcon A) hydrophilic contact lenses, for nonaphakic extended wear, sponsored by Soft Lenses, Inc., San Diego, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 23, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER IMFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 7, 1980, Soft Lenses, Inc., San Diego, CA, submitted to FDA a supplemental application for premarket approval of Hydrocurve II® (bufilcon A) hydrophilic contact lenses for nonaphakic extended wear. FDA initially approved an application for premarket approval of this device for daily wear on March 31, 1977, following the agency's determination that the lenses were safe and effective for use as recommended in the submitted labeling. On June 11, 1979, FDA approved a supplemental application for premarket approval of this device for extended wear by aphakic patients (patients who have had the lens of the eye surgically removed) (see 45 FR 2398; January 11, 1980). The current supplemental application requested approval of these lenses for extended wear by persons with nondiseased eyes. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On January 14, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201 (h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket aapproval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Docket Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using inappropriate products, e.g., solutions intended for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)) for

administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 23, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–5355 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0024]

Witco Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Witco Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of white mineral oil as a dust control agent for commodity seeds stored in grain elevators

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DE 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 0A3505) has been filed by Witco Chemical Corp., 277 Park Ave., New York, NY 10017, proposing that § 172.878 *White mineral oil* (21 CFR 172.878) be amended to provide for the safe use of white mineral oil as a dust control agent for commodity seeds stored in grain elevators.

The Commissioner of Food and Drugs has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an enviromental impact statement therefore will not be prepared. The Commissioner's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

Dated: February 6, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–5356 Filed 2–19–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N–80–1058]

Brooks Engineering Co., Manufactured Housing Standards; Hearing

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of hearing in the matter of Brooks Engineering Company, 43–80–MH.

SUMMARY: A hearing pursuant to 24 CFR 3282.152 will commence at 10 a.m. on March 2, 1981 at Universal North Building, Suite 1170, 1875 Connecticut Ave., NW, Washington, D.C. 20009, on the Department of Housing and Urban Development's preliminary determination to disqualify Brooks Engineering Company, 801 Old Spanish Trail—Suite 101, Slidell, Louisiana 70458, as a Design Approval Primary Inspection Agency and Production Inspection Primary Inspection Agency.

FOR FURTHER INFORMATION CONTACT: Honorable Martin J. Linsky, Administrative Law Judge, Universal North Building, Room 1170, 1875 Connecticut Avenue, NW, Washington, D.C.

SUPPLEMENTARY INFORMATION: Brooks Engineering Company,(BEC), was granted provisional acceptance to perform Design Approval Primary Inspection Agency (DAPIA) functions on September 28, 1976. This provisional acceptance was ultimately extended to April 1, 1978. On January 11, 1979, BEC was granted full acceptance to perform DAPIA functions, contingent upon continued adequacy of performance as assessed under 24 CFR 3282.451–.454. On July 9, 1980, the Department's contractor, the National Conference of States on Building Codes and Standards, Inc. (NCSBCS), submitted a DAPIA Performance Review rating BEC "Not Adequate."

Brooks Engineering Company was granted full acceptance to perform Production Inspection Primary Inspection Agency (IPIA) functions on July 6, 1978. BEC's IPIA performance was subsequently rated inadequate in a NCSBCS IPIA Performance Review dated August 8, 1980.

On January 6, 1981, the Department issued two letters notifying BEC that the Secretary has preliminarily determined that BEC should be disqualified as a DAPIA and as an IPIA pursuant to 24 CFR 3282.356. BEC requested a hearing on the matter in a letter dated January 12, 1981.

A hearing will commence at 10 a.m. on March 2, 1981 before the Honorable Martin J. Linsky at the address set forth above. The hearing will be held in accordance with 24 CFR 3282.152(g) and 5 U.S.C. 556.

Interested persons wishing to participate in this proceeding may, after motion and consent by the Administrative Law Judge, submit briefs at the completion of the hearing. A motion seeking consent to file a brief must be filed by February 25, 1981.

Issued at Washington, D.C., February 13, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81–5721 Filed 2–19–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Arizona; Intent To Prepare an Environmental Impact Statement on the Clearing of Phreatophytic Vegetation From the Salt and Gila Rivers, 91st Avenue to Gillespie Dam, Maricopa County, Ariz.

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Public Notice.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an environmental impact statement (EIS) for the clearing of phreatophytic vegetation from the Salt and Gila Rivers, 91st Avenue to Gillespie Dam, Maricopa County, Arizona. This notice is being furnished as required by the National Environmental Policy Act Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments during this scoping process are solicited.

A 30-day comment period is provided. A public meeting was held in Buckeye, Arizona, on July 24, 1980, prior to the preparation of an environmental assessment (EA) report to determine the scope of issues to be addressed and to identify significant issues related to the proposed action.

DATES: Written comment should be received by March 23, 1981.

ADDRESS: All written comments are to be submitted to: Acting Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald M. McKinstry, Biologist, U.S. Fish and Wildlife Service, Ecological Services, 2934 W. Fairmount Avenue, Phoenix, Arizona 85017, Telephone: (602) 241–2493.

SUPPLEMENTARY INFORMATION: Benham, Blair and Affiliates, Inc., is the primary author of this document. The U.S. Fish and Wildlife Service (FWS), Department of the Interior, proposes to issue a permit to the Flood Control District of Maricopa County to clear and maintain a 1000-foot-wide channel in the Salt and Gila Rivers of phreatophytic vegetation from 123rd Avenue to Gillespie Dam, Maricopa County, Arizona. Much of the proposed clearing will be done on lands withdrawn by the FWS under P.L. Order 1015 for use by the Arizona Game and Fish Department in connection with the Gila River Waterfowl Area Project.

Need for the proposed clearing action has resulted from flood damages that have occurred over the last 3 years due to major flooding on the Salt and Gila rivers. The clearing should improve the conveyance capacity of the rivers, thereby reducing flooding.

Three alternative clearing plans have been identified. Two of the plans propose that the channel be cleared along an alignment providing the greatest flood relief based on hydrological characteristics of the channel. These plans differ only in channel width; one being 1000 feet wide, the other 2000 feet wide. The third clearing plan consists of a 1000-foot-wide channel following the same alignment except for some modifications to avoid major wildlife habitat areas. A fourth plan, the no-action alternative, has also been considered. It appears at this time that the clearing of a 1000-foot-wide side channel with modifications to avoid major wildlife habitat areas would be the most acceptable plan to the Service.

The major impact of the proposed action, if implemented, would be the loss of vegetative communities and resultant adverse effects on white-winged doves, mourning doves, and other small game and nongame species.

Following are the most significant issues, listed in descending order of importance, that were identified at the Scoping Meeting held on July 24, 1980:

1. Elimination of delays, short study period, and proceeding with clearing.

2. Public safety, health, emotional stress, and loss of life.

3. Financial stress and loss of property, including livestock.

4. Destruction of wildlife and habitat due to flooding.

5. Transportation problems including destruction of transportation links, increased energy costs, effects on education, loss of work days, and energy use.

These issues were used in the preparation of the EA and will be addressed in the EIS.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), other appropriate Federal regulations, and FWS procedures for compliance with those regulations.

Gordon H. Hanson,

Acting Deputy Regional Director, U.S. Fish and Wildlife Service.

February 9, 1981.

[FR Doc. 81-5724 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes the United States' negotiating positions for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

DATE: A public meeting will be held on Friday, March 13, 1981, from 1:30 to 4:00 p.m. in the main building of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

SUPPLEMENTARY INFORMATION:

Background

In accordance with § 23.35 of the Service's rules providing for public participation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or Convention) (45 FR 83238, December 8, 1980), the Service publishes its negotiating positions for the third regular meeting of the Conference of the Parties to the Convention to be held in New Delhi, India, February 25 through March 8, 1981.

The Service published some proposed negotiating positions in the **Federal Register** of December 8, 1980 (45 FR 80913) and the balance of the proposed negotiating positions in the **Federal Register** of January 29, 1981 (46 FR 9783). The "Background" section of the December notice contains references to five other notices relevant to the development of the United States' negotiating positions.

What follows is a summary of the negotiating positions on the items of the provisional agenda, as amended, a summary of the information and two comments received in response to the notices of December 8, 1980, and

January 29, 1981, and a summary of the bases for the negotiating positions. In the interests of time and economy, where there has been no change in the proposed negotiating position for a particular agenda item, this will be so stated which means that the proposed negotiating position as published in the relevant notice has been adopted as the negotiating position. If additional information and comments for a particular item were received in response to the notices of December 8 and January 29, they will be summarized in the "Information and Comments" element associated with the agenda item. Where none have been received, it will be so stated. If the basis for a proposed negotiating position has changed while the proposed negotiating position has been adopted without change, the new basis for the negotiating position will be stated. Where there has been no change in the basis for a proposed negotiating position, it will be so stated. Where no elements of a particular agenda item have changed, the words "No change" will appear after the number and title of the agenda item.

Negotiating Positions

I. Opening by the Indian Authorities (No change)

II. Welcoming Addresses (No change)

III. Appointment of Credentials Committee (No change)

IV. Adoption of the Agenda and Working Programme (No change)

V. Report of the Credentials Committee (No change)

VI. Adoption of Rules of Procedure (No change)

VII. Admission of Observers (No change)

VIII. Report of Standing Committee (No change)

IX. Report of the Secretariat (No change)

X. Financing of the Secretariat and of the Meetings of the Conference of the Parties

1. Budget (No change)

XI. Relationship with other international agreements and organizations

(1) European Community (EC)

Negotiating Position: The United States should obtain more detailed information before it develops a position on this matter.

Information and Comments: None received.

Basis for Negotiating Position: EC does not need CITES Parties' approval to establish common external controls; it does to accede to CITES. Accession can only take place pursuant to a formal CITES amendment which cannot occur at the New Delhi meeting.

(2) International Plant Protection Convention (IPPC) (No change)

(3) International Whaling Convention (No change)

XII. Committee Reports and Recommendations

1. Technical Expert Committee on Harmonization of Permit Forms and Procedures.

a. TEC Resolution 1. Standardization of Permits and Certificates Issued by Parties (No change)

b. TEC Resolution 2. Acceptance of Comparable Documentation Issued by States Not Party to the Convention (No change)

c. TEC Resolution 3. Annual Reports by Parties (No change)

d. TEC Resolution 4. Trade in African Elephant Ivory (No change)

e. TEC Resolution 5. Trade in Whale Products Negotiating Position (No change)

Information and Comments: Several comments raised the possibility of including in TEC Resolution 5 a recommendation that the Parties take special caution when authorizing trade in small cetaceans.

Basis for Negotiating Position: TEC Resolution 5 covers all cetaceans including small ones. The Service believes that there is no reason at the present time to make a distinction between large and small cetaceans with regard to this resolution.

f. Interpretation of Article VI.2 of the Convention (Federal Republic of Germany)

Negotiating Position: The United States supports a draft resolution recently transmitted by the Secretariat which would require all export activities (including transport, and presentation of the permit on import) to be concluded before the expiration of six months from the date of signing of an export permit.

Information and Comments: The Service requests information and comments. In accordance with § 23.38(a) of the rules for public participation, etc., and due to the lack of time that would be necessary to develop this negotiating position with public participation in accordance with such rules, the Director, by this notice, suspends the applicability of §§ 23.32, 23.33, 23.34 and 23.36 as they relate to this issue and the circumstances associated therewith.

Basis for Negotiating Position: Many, if not most exports are made without the date of export being marked on the permit. On importation, the inspecting officer might not be able to determine whether the export occurred before or after the expiration date of the permit. By requiring importation to be accomplished before the expiration date of the permit, the inspecting official will be assured that exportation occurred under a permit that had not expired.

g. Treatment of Exports of Parts and Derivatives without permit from a Party to another which deems them Readily Recognizable (United Kingdom)

Negotiating Position: The United States opposed the adoption of a draft resolution recently transmitted by the Secretariat recommending that importing Parties requiring that export permits accompany imports of parts and derivatives not considered to be readily recognizable by the exporting Party regard that Party as having a reservation in accordance with Article XXIII of the Convention on parts and derivatives.

Information and Comments: The Service requests information and comments. In accordance with section 23.38 of the rules for public participation, etc., and due to the lack of time that would be necessary to develop this negotiating position in accordance with the rules for public participation, the Director, by this notice, suspends the applicability of sections 23.32, 23.33, 23.34, and 23.36 as they relate to this issue and the circumstances associated therewith.

Basis for Negotiating Position: There is no provision in CITES for treating a Party which has not taken a reservation as if it had. The substance of this draft resolution is another attempt at getting the Parties to recognize minimum lists of parts and derivatives. Such lists serve to weaken CITES controls to the disadvantage of the species.

2. Identification Manual Committee (No change)

3. Nomenclature Committee (No change)

4. Ranching Committee (No change)

XIII. Study and Project Reports

1. Guidelines for the preparation and transport of live animals and plants

Negotiating Position: The proposed negotiating position and basis therefore, set out in the December 8, 1980, notice is hereby adopted. The January 29, 1981, notice indicated that new information had been received by the Service showing that the Secretariat would introduce a resolution recommending that the ". . . Parties take the necessary measures to make compliance mandatory for all transport operations under their jurisdiction * * *". Comment was requested. The Service indicated that the U.S. position in San Jose (1979) on this issue viewed the

guidelines as advisory to Management Authorities. There was not sufficient time for publication of a notice setting forth a proposed position on this new issue as well as a request for, and receipt and consideration of, comments. However, information and comments were received in writing and at a public meeting conducted by the Service on January 26, 1981. Pursuant to section 23.38(a), and due to the lack of time necessary to develop this negotiating position in accordance with the rules for public participation, the Director, by this notice, suspends §§ 23.33, 23.34 and 23.35 in relation to this issue and the circumstances associated therewith. Accordingly, the negotiating position is changed to add the following: The United States supports the adoption of the draft resolution if the "mandatory" language quoted above is deleted and the following language, or words of similar meaning are substituted: "that suitable measures be taken by the Parties to implement these guidelines."

Information and Comments: Most opposed a call for mandatory implementation, giving such reasons as that they covered species not currently controlled by CITES, they would add another layer of regulation in an already complex situation, the language of the guidelines was not suited for adoption into mandatory rules and there was no mechanism for timely revision of the guidelines. Some comments expressed opposition to the guidelines' coverage of rats, mice and cavies bred for laboratory use, because, among other things, they recommend that no pregnant animal, or animal still dependent on its mother, should be transported. These comments pointed out that, if such a recommendation were to be made mandatory, it could have a serious effect on scientific research projects which require international shipment of such animals. One comment supported mandatory implementation and the applicability of the guidelines to all wildlife asserting that many Party countries do not have sufficient transportation rules, and that coverage of all wild species was necessary to accommodate new listings of species.

Basis for Negotiating Position: The United States believes that the guidelines should be implemented according to each Party's needs and that the procedures of Article XIII which authorize international measures where the provisions of the Convention are not being effectively implemented should be used to promote implementation. The United States also believes that the guidelines would have to be substantially revised to provide the precision necessary for implementation as mandatory rules. The United States believes that the guidelines should cover all wild species, not just those currently listed, in order to accommodate new listings of CITES species. The United States also believes that the guidelines can serve a useful purpose in providing a model for the humane care and handling of live animals.

2. Status of subspecies included in the Appendices (No change)

3. Species thought to be extinct included in the Appendices

Negotiating Position: There is some potential value in retaining names of possibly extinct species on an appendix. However, this should not be done if it interferes with trade controls for species that can realistically benefit from CITES.

Information and Comments: (No change)

Basis for Negotiating Position: The United States is concerned that the appendices be practical in order for CITES to succeed.

4. Exemptions under Article VII of the Convention

Negotiating Position: No change except that the United States opposes the adoption of the United Kingdom's draft resolution concerning the meaning of the term trans-shipment in Article VII.1 (Transit exception).

Information and Comments: Several comments favored the adoption of the United Kingdom resolution and called for defining the term uninterrupted transit so as to place narrow time limits on qualifying transitting shipments. Another comment, directed at the exemption for personal effects, proposed restricting eligibility to a limited number of items or a limited weight.

Basis for Negotiating Position: The Service believes that the problem raised by the United Kingdom proposal should be solved by stricter domestic measures. Delays for such reasons of transport, health of specimen, or compliance with other rules in many instances provide economic benefits to some persons in the country of transit. Adoption of the United Kingdom proposal would pose very difficult administrative and enforcement problems for the United States which has a large volume of shipments in transit. No position is being taken with regard to the personal effects exemption. The United States anticipates that due to the scope and complexity of the Article VII exemptions, only a few of the issues will be resolved at New Delhi and that there will be more work on Article VII between the third and fourth regular meetings of the Conference of the Parties.

5. Index of Species mentioned in legislation (No change)

6. Report of the IUCN/SSC Threatened Plants Committee

Negotiating Position: (No change)

Information and Comments: One comment noted that there is serious lack of CITES reporting for plants and that large numbers of wild cacti are being traded as artificially propagated.

Basis for Negotiating Position: (No change)

7. Technical Cooperation, Training and Implementing Legislation

Negotiating Position: No change except that the United States should caution the Parties against the use of the Environmental Law Center's guidelines for legislation implementing CITES as currently drafted.

Information and Comments: Several comments expressed concern that the guidelines contained unwarranted interpretations of CITES.

Basis for Negotiating Position: The guidelines should not make interpretations that have not been recognized by the Parties.

XIV. Interpretation and Implementation of the Convention

1. Analysis of national reports under Article VIII, paragraph 7, of the Convention TEC (Technical Expert Committee)

Negotiating Position: No change except the United States favors a fair and impartial analysis of national reports.

Information and Comments: (No change)

Basis of Negotiating Position: An analysis of national reports could indicate implementation problems in particular countries. The process of analysis and the handling of the results should be accomplished in a manner which does not injure national pride.

2. Effects of Reservations

Negotiating Position: No change except that the United States urges those Parties with reservations on species to collect and report trade statistics with regard to such species in a manner similar to that used for nonreserved species. The United States urges the Parties to renew their efforts to encourage non-Party countries, particularly those trading a significant amount of CITES controlled specimens, to become Parties.

Information and Comments: One comment indicated opposition to any position which would limit trade with non-Parties.

Basis for Negotiating Position: The Secretariat has indicated that statistics on trade in reserved species would be desirable and that several countries

have suggested they might be willing to provide them. A call for the removal of reservations might make reserving countries less receptive to a proposal that they keep and report trade statistics on reserved species. CITES membership has increased by 15 (7 in the last 2.5 months) since San Jose (1979) as compared to the slightly longer period between Berne (1976) and San Jose in which 19 countries became members. The United States believes that membership is increasing at an acceptable rate.

3. Disposal of Appendix I specimens

Negotiating Position: The United States will oppose any proposal which provides for the trade of confiscated Appendix I specimens *or Appendix I specimens otherwise acquired* which are to be used primarily for commercial purposes. The United States supports the development of systems or mechanisms designed to facilitate international exchange of confiscated dead specimens for scientific and law enforcement purposes.

Information and Comments: One comment suggested expanding the scope of the issue beyond confiscated specimens to include government acquisitions by such means as government culling operations, specimens acquired in the defense of life or property or specimens found dead.

Basis of Negotiating Position: The underlined portion of the negotiating position recognizes the need to expand the coverage of this item beyond disposal of confiscated specimens.

4. Parts and Derivatives of animal species listed on Appendix III and plant species listed on Appendix II or III (No change)

5. Regulation of trade in Appendix II wildlife (Australia)

Negotiating Position: The United States opposes the establishment of a committee to advise on management plans for the implementation of Article IV.3 of CITES.

Information and Comments: One comment favored the use of Article XIII procedures which calls on the Secretariat to initiate inquiries where there is an indication that an Appendix I or II species is being adversely affected by trade or that the provisions of CITES are not being effectively implemented. Another viewed the proposal to establish such a committee as stricter regulations. One comment favored the proposal.

Basis for Negotiating Position: The United States believes that outright opposition to the proposal for the establishment of such a committee would be a clearer signal of opposition than amending the committee's charge to study Article IV.3 would be. The United States believes that adequate mechanisms already exist for assuring that trade in Appendix II specimens is not detrimental to the survival of the species.

6. Interpretation of the Convention with regard to the exploitation of wild species (Australia)

Negotiating Position: (No change)

Information and Comments: All comments supported a rational use view of CITES generally asserting that a reduction and ultimate cessation of trade would have harmful effects on wild species.

Basis for Negotiating Position: (No change)

7. Treatment of species included in Appendix I or II in order to control trade in other listed species (U.S.) (No change)

8. Scientific Authority review of applications for importation of Appendix I specimens (U.S.) (No change)

9. Other reports by the Parties (No change)

XV. General Matters of Principle relating to the Appendices

1. Ten-year review of the Appendices (Canada)

Negotiating Position: The United States supports a ten-year review of the appendices, if it is well organized and based on appropriate standards for the listing and delisting of species.

Information and Comments: Several commentors proposed that this agenda item be opposed due to its late circulation to the Parties; but they said that, if it were not struck, they would support a review that followed existing criteria for listing and delisting species.

Basis for Position: No change except that, although the specifics of the Canadian proposal were not known until recently, its general nature and purpose was first made public in the **Federal Register** of November 13, 1980 (45 FR 75006). Since that time, this item has been subject to the procedures for public participation in the development of negotiating positions.

2. Criteria for addition to and deletion from the appendices of species in accordance with Article II.2(b) (Canada)

Negotiating Position: The United States supports the adoption of criteria that adequately address the addition or deletion of species included under provisions of Article II.2(b).

Information and Comments: (No change)

Basis for Negotiating Position: (No change)

3. Reverse listing concept for the Appendices (Australia)

Negotiating Position: (No change)

Information and Comments: All comments opposed reverse listing of the CITES appendices generally on grounds that there was no showing of need and that it would do more harm than good.

Basis for Negotiating Position: No change except that reverse listing would probably translate into the creation of an exceptions mechanism that would be costly, time consuming and the subject of much controversy. The end result would be a return to a system similar to the one found in Article II.

XVI. Consideration of Proposals for amendment of Appendices I and II (No change. This item is not a substantive subject of this notice.)

XVII. Conclusion Meeting

1. Election of new members of the Standing Committee (No change)

2. Determination of time and venue of next regular meeting of the Conference of the Parties (No change)

Announcement of Public Meeting

The Service announces that it will hold a public meeting on Friday, March 13, 1981, from 1:30 to 4:00 p.m. in rooms 7000A and 7000B of the main building of the Department of the Interior, 18th & C Streets, N.W., Washington, D.C., for the purpose of informing the public of the results of the third regular meeting of the Conference of the Parties.

This notice was prepared primarily by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: February 17, 1981.

Ronald E. Lambertson,

Acting Director, Fish and Wildlife Service.

[FR Doc. 81-5858 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: The Florida State Museum, Unversity of Florida, Gainesville, Fl.

The applicant requests a permit to export the skull and post-cranial skeletal elements of an adult manatee (*Trichecus manatus*) to the Museo del Hombre Dominicana, Santa Domingo, Dominicana, for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7606. Interested persons may comment on this application on or before March 23, 1981 by submitting written data, views, or

arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc. 81-5854 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Jardin Zoologico de Puerto Rico, Mayaguez, Puerto Rico and the Marmoset Breeding Farm Riverview, FL—PRT 2-7338

The applicant requests a permit to purchase five (5) captive-bred ring-tailed lemurs (*Lemur catta*) from the Zoological Consortium Corporation, Thurmont, Maryland for enhancement of propagation and survival.

Applicant: Everglades National Park, U.S. National Park Service, Homestead, FL—PRT 2-7585

The applicant requests a permit to export dead eggs of the American crocodile (*Crocodylus actus*) to Dr. Mark, Ferguson, University of Belfast, Northern Ireland for scientific purposes.

Applicant: Dallas Zoo and Aquarium, Dallas, TX—PRT 2-7613

The applicant requests a permit to purchase in interstate commerce three Bactrian camels (*Camelus bactrianus*) from the Knoxville Zoological Park, Knoxville, Tennessee for enhancement of propagation.

Applicant: Charles C. Nugent, Kimbolton, OH—PRT2-7619

The applicant requests a permit to purchase in interstate commerce six captive-bred nene geese (*Branta sandvicensis*) from Kenneth Kalenak, Saginaw, Michigan for enhancement of propagation.

Applicant: Oklahoma City Zoo, Oklahoma City, OK—PRT 2-7617

The applicant requests a permit to import in foreign commerce two captive-bred Indian rhinoceros (*Rhinoceros unicornis*) from the Berlin Zoo, Berlin, West Germany for enhancement of propagation and survival.

Applicant: San Diego Zoological Gardens, San Diego, CA—PRT 2-7644

The applicant requests a permit to import in foreign commerce three captive-bred African wild ass (*Equus asinus*) from the Basel Zoological Garden, Basel, Switzerland for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch Federal Wildlife Permit Office U.S. Fish & Wildlife Service.

[FR Doc. 81-5856 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: James M. LaTorres, P.O. Box 1721, Gibsonton, FL 33543

The applicant requests a permit to export and re-import between the U.S., Canada and Japan, one Asian elephant (*Elephas maximus*) for the purpose of exhibition as defined in 50 CFR 17.3. The elephant was purchased February 20, 1975.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7593. Interested persons may comment on this application on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: February 12, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-5857 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The applicants have applied for permits for various activities with Endangered Species:

Applicant: Missouri Cooperative Wildlife Research Unit, U.S. Fish & Wildlife Service, University of Missouri, Columbia, Missouri; PRT 2-4108. The applicant requests an amendment to Endangered Species Permit PRT 2-4108 to authorize capture for banding and color marking 80 Hawaiian hawks (*Buteo solitarius*) and to harness and monitor six birds with back-mounted radio transmitters for scientific purposes.

Applicant: Dr. Phillip Zwank, Louisiana Cooperative Wildlife Research Unit, Louisiana State University, Baton Rouge, Louisiana; PRT 2-7526. The applicant requests a permit to release, radio-tag, and monitor captive-bred Mississippi sandhill cranes (*Grus canadensis pulla*) on the Mississippi Sandhill Crane National Wildlife Refuge, Mississippi for scientific purposes and enhancement of survival.

Applicant: North Central Forest Experiment Station, U.S. Forest Service, University of Missouri, Columbia, Missouri; PRT 2-7545. The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) for banding, color-marking, and radio-telemetry purposes, and to conduct a bioenergetics study on captive eagles from the Raptor Rehabilitation Center, University of Minnesota, for scientific research.

Applicant: National Fishery Research Laboratory, U.S. Fish & Wildlife Service, LaCross, Wisconsin; PRT 2-7546. The applicant requests a permit to take (capture) Higgins eye mussel (*Lampsilis higginsi*) from Pools 7, 8, 10 and 14 of the Upper Mississippi River to conduct a survey on the distribution and life history of the species and to maintain live mussels at the LaCross Lab on a temporary basis for scientific purposes.

Applicant: Washington Park Zoo, Portland, Oregon; PRT 2-7572. The applicant requests a permit to purchase in interstate commerce one 16-year-old Asian elephant (*Elephas maximus*) from Kenneth Berry, Woodland, Washington for enhancement of propagation and survival.

Applicant: Milwaukee County Zoo, Milwaukee, Wisconsin; PRT 2-7561. The applicant requests a permit to export one captive-bred jaguar (*Panthera onca*) to the Societe Zoologique de Granby, Quebec, Canada for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before March 23, 1981 by submitting written data, views, or arguments to the Director at the above address.

Dated: February 17, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish & Wildlife Service.

[FR Doc. 81-5855 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Texas; Request for Public Comment on Maximum Economic Recovery and Fair Market Value

AGENCY: U.S. Geological Survey, Interior.

The U.S. Geological Survey has identified one tract as a candidate for a possible lease sale in Bastrop County, Texas. The tract is that currently under consideration by the Camp Swift EIS Core Team, and is the subject of an ongoing environmental analysis. A description of this tract is contained in the Table. More complete geologic data on this tract is available in the economic recovery potential analysis prepared for this tract. This report is available for public inspection at the Office of the South Central Region Conservation Manager, Conservation Division, U.S. Geological Survey, Room 815, 505 Marquette, N.W., Albuquerque, New Mexico 87102. Additional data on this tract is available from the Draft Environmental Impact Statement (DEIS). Copies of the DEIS are available from Carol A. MacDonald, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501.

The U.S. Geological Survey will accept public comment on the maximum economic recovery attainable for the tract listed in the Table. The comments should focus on the following considerations:

1. The mining methods or methods which would achieve maximum economic recovery, including specifications of seams to be mined on the tract;

2. The total recoverable reserves on each of the tracts taking into account item (1) above; and

3. Alternative mining methods on each of the tracts.

In addition, the public is invited to submit to the U.S. Geological Survey written comments that will be used in estimating fair market value for coal resources in the listed tracts. Comments should address specific factors related to fair market value, including, but not limited, to the following:

1. The quality and quantity of the coal resources;

2. Which of the tracts, if any, should be evaluated as part of a larger mining unit (those tracts which do not in themselves form a logical mining unit);

3. The configuration of the larger mining unit of which the tract may be a part;

4. The price that the mined coal would bring in the marketplace;

5. The cost of producing the coal;

6. The most desirable timing and rate of production;

7. Depreciation and other accounting considerations;

8. The minimum rate of return that would be desired by a coal company in the absence of inflation (real rate of return); and

9. The value of the surface estate if privately held.

Documented information on recent lease transactions for coal properties in the area should also be submitted at this time. This information should include location of the property, terms of the transactions, and any major conditions specified in the contract. The data should not be limited to transactions involving private property; assignments of Federal leases should also be included. Information submitted will be evaluated on its own merits. Commenters are encouraged, however, to supply technical justification to support their assertions.

If information submitted is considered to be proprietary, the information should be so labeled as such in the first page of the written comment. The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the South Central Region Conservation Manager, Conservation Division, U.S. Geological Survey, Box 26124, Albuquerque, New Mexico 87125. Comments should be received no later than March 23, 1981.

This request for comment should not be interpreted as a firm commitment by the Federal Government to lease the tract listed in the Table. A decision to lease the tract will be made not less than 30 days following publication of a final environmental impact statement (EIS) for the Camp Swift area. This sequence of steps is in accordance with the procedures specified in the 43 CFR series Federal coal management regulations. This final EIS is now under preparation by the Bureau of Land Management, New Mexico State Office. The final EIS is scheduled to be published April 17, 1981.

Departmental policy calls for release of all nonproprietary data which is used as input in the discounted cash flow evaluation model. Under this policy, this economic and geologic information would be released for public comment and review several months prior to the lease sale. However, because of the accelerated time schedule for the sale in the Camp Swift area, these data will be released with the notices of the lease sale. The sale notices will therefore include these data as well as the minimum acceptable bid.

James W. Sutherland,

Conservation Manager, South Central Region.

Tract name, State, county, and legal description	Acreage	Preliminary coal reserve estimate (millions of tons)	Probable type of mine	As received Btu per pound	Sulfur content (percent)	Ash content (percent)
Camp Swift, Texas: Bastrop County, Army Corps of Engineers real estate tract nos.: D151, D171, A21, A22, A31, D131, A27, D133, D137, D140, D141, D145, D146, D146-A, D147, D152, D153, D165, D166, G104, G193, G314, G315, G316, G317, G318, G319, G320, G321, G322, G323, G324, G325, G326, G327, G328, G329, G330, G331, G332, G350, and D145.	6,600	90	Surface	6,330	1	17

[FR Doc. 81-5781 Filed 2-19-81 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[AA-24612]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94–204 (89 Stat. 11345, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369, 1370) authorized the Secretary of the Interior to identify and reseve within two years after intitial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On February 14, 1979, Interim Conveyance No. 158 was issued to Cook Inlet Region, Inc., for approximately 6,059.82 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 1 S., R. 13 W.,
Sec. 1, SE¼NE¼, SE¼, SE¼SW¼, Lot 4;
Sec. 2, S½NE¼, W½SE¼, NE¼NE¼SE¼, W½SE¼SE¼, W½NE¼SE¼, Lots 1 and 2;
Sec. 7, Lot 3;
Sec. 11, NE¼NW¼, N½SW¼, N½SE¼;
Sec. 12, W½E½, SW¼, E½NW¼, S½NW¼NW¼, SW¼NW¼, NE¼NW¼NW¼;
Sec. 15, NE¼, E½NW¼, E½W½NW¼; N½SE¼;
Sec. 20, E½SW¼;
Sec. 29, SW¼, NW¼SE¼, W½NE¼, S½NW¼, NE¼NW¼;
Sec. 30, SE¼;
Sec. 32, S½NE¼, NE¼NE¼, SE¼, E½SW¼;
Sec. 33, all;
Sec. 34, W½NE¼, NW¼, NW¼SW¼.
Containing approximately 3,550.59 acres.

T. 1 S., R. 14 W.,
Sec. 25, SW¼, NW¼NW¼;
Sec. 12, Lot 1;
Sec. 35, E½NE¼.
Containing approximately 313.24 acres.

T. 2 S., R. 14 W.,
Sec. 1, N½SE¼;
Sec. 13, E½, E½W½.
Containing approximately 560.00 acres.

T. 3 S., R. 14 W.,
Sec. 19, E½SW¼, W½SE¼.
Containing approximately 160.00 acres.

T. 4 S., R. 15 W.,
Sec. 22, Lot 3.
Containing approximately 33.50 acres.

T. 1 N., R. 12 W.,
Sec. 10, S½SE¼;
Sec. 11, SW¼;
Sec. 15, E½;
Sec. 31, E½W½, Lots 1 through 4;
Sec. 32, E½NE¼, E½SE¼, SW¼NE¼, NW¼SE¼.
Containing approximately 1,119.16 acres.

T. 1 N., R. 13 W.,
Sec. Sec. 13, W½NE¼, SE¼NW¼, Tract C of ASLS 58–38;
Sec. 27, Lots 8, 9, 11 through 18;
Containing approximately 290.72 acres.

T. 2 N., R. 12 W.,
Sec. 29, Lot 4.
Containing approximately 32.61 acres.
Aggregating approximately 6,059.82 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above described lands with no Sec. 17(b) easements reserved. The revised conveyance document will remain subject to all other rights, terms, conditions, and covenants contained in Interim Conveyance No. 158.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until March 23, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirement for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-5787 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Canyon Management Framework Plan Amendment; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of a proposed amendment to the Canyon Management Framework Plan (MFP) and invitation for public participation.

DATE: A public meeting will be held at the Jerome County Courthouse, Jerome, Idaho, between 7 and 9 p.m., on March 16, 1981. Written or oral comments may be submitted at the public meeting, or letters may be mailed to the Shoshone District BLM Office no later than close of business on March 31, 1981.

ADDRESS: Comments should be sent to: BLM District Manager, Shoshone District Office, P.O. Box 2B, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: Jack Durham, Bennett Hills Resource Area Manager, Bureau of Land Management, Shoshone District Office, P.O. Box 2B, Shoshone, ID 83352. Telephone: (208) 886–2208 or FTS 554–6576.

SUPPLEMENTARY INFORMATION: A proposal has been made to exchange public land near Jerome, Idaho, and in the Bell Rapids area southwest of Bliss, Idaho, for land northeast of King Hill, Idaho, on Clover Creek. Legal descriptions are as follows:

Public Land

T. 9 S., R. 17 East, Boise Meridian, Section 19, Lots 2,8,9, SE¼NW¼;
T. 6 S., R. 11 East, Boise Meridian, Section 25, SW¼, N½SE¼, SW¼SE¼;
T. 6 S., R. 12 East, Boise Meridian, Section 30, SE¼NW¼;
T. 8 S., R. 18 East, Boise Meridian, Section 30, Lots 1,2, NE¼NW¼.

Private Land

T. 5 S., R. 11 East, Boise Meridian, a parcel of land containing ±547 acres along Clover Creek described by metes and bounds and contained within Sections 1, 2, 11, and 12.

A complete description is available for review at the Shoshone District Office, Shoshone, Idaho.

An environmental assessment has been completed and additional public input is needed to determine beneficial and/or adverse impacts of the proposed exchange.

Dated: February 13, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-5700 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Cassia Resource Management Plan and Environmental Impact Statement for Public Lands; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Notice of Intent to prepare Resource Management Plan and Environmental Impact Statement for public lands in Cassia County, Idaho.

SUMMARY: Information published in 46 FR 11370 (Friday, February 6, 1981) was in error on two counts:

1. The telephone contact for further information is corrected to read "(208–678–5514);"

2. The deadline for receiving written comments should be "March 22, 1981."

K. Lynn Bennett,

Acting Burley District Manager.

February 11, 1981.

[FR Doc. 81-5698 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Intent To Amend a Management Framework Plan

February 12, 1981.

The Department of the Interior, Bureau of Land Management (BLM), Socorro District, New Mexico is studying the Arroyo del Tajo Pictograph Site for potential deisgnation as an Area of Critical Environmental Concern (ACEC).

The study involves amending the Stallion management framework plan, including environmental analysis as an integral part of the planning process. The public is invited to participate.

Geographic Area: Arroyo del Tajo Pictograph Site is located east of Socorro in an area of rugged granitic ridges and steep-walled arroyos characterized by natural sink holes called "tinajas." The study area encompasses approximately 1280 acres of BLM-administered surface and mineral estate in central Soccorro County.

Anticipated Issues: The Arroyo Tajo Pictograph Site is the only known pictograph location related to the Piro Indian culture, which dissolved after the Pueblo Revolt of 1680. The site is being considered for nomination to the National Register of Historic Places. The box canyon above the site is highly scenic. Management of the study area as an Area of Critical Environmental Concern would probably require withdrawal from mineral entry of 200 acres, and limitation of off-road vehicles to designated vehicle routes on 1280 acres. Grazing use would not be affected.

Planning Process Steps and Dates

Public notice of intent, February 1981
Description of proposed plan amendment and alternatives, February 1981
Environmental analysis, February 1981
Selection of a preferred alternative, March 1981
Decision and public notice, March 1981
Public protest period, April 1981
Implementation, May 1981

Interdisciplinary Team: The study and amendment will be developed by an interdisciplinary team under the supervision of the Socorro District Manager. Individuals working on the effort will be a team leader, an outdoor recreation specialist, an archaeologist and a wildlife biologist. Additional technical support will be provided by Jornada Resource Area and District staff specialists as needed.

Public Involvement and Formal Notices: Public involvement is encouraged in this planning effort, and input from the public and other agencies is requested. Comments submitted in writing during the planning process will be reviewed and considered for incorporation into the plan. An individual may protest approval of a final plan amendment only if he has addressed those specific items in writing during the planning process. The environmental analysis and summary management plan will be mailed directly to interested parties and those immediately affected. The availability for formal comment of the plan amendment will be announced in the **Federal Register** and the local media before approval and implementation.

Records pertaining to public comment, analysis and conclusions reached by the District Manager and staff throughout the planning and environmental analysis process will also be maintained and will be available for inspection on request.

Additional Information: For information about this plan amendment in the Socorro District, contact one of the following individuals:

Robert D. Cordell, Jornada Resource Area Manager, or
James E. Rasmussen, Environmental Coordinator
U.S. Bureau of Land Management, 198 Neel Avenue, NW., P.O. Box 1219, Socorro, New Mexico 87801
Telephone: (505) 835–0412 FTS 476–1280

Charles W. Luscher,

State Director.

[FR Doc. 81-5727 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Resource Management Planning; Initiation of Planning Activity in the Garnet Resource Area, Butte District, Montana

In accordance with 43 CFR 1601.3 (g), notice is hereby given of resource planning activity now underway.

1. Description of the Proposed Planning Action

The proposed planning action is preparation of the Garnet Resource Management Plan (RMP). This plan will carry out the requirements of the Federal Land Policy and Management Act of 1976. The RMP (including an accompanying Environmental Impact Statement) will provide the basis for future resource allocations and uses, and it will define and guide subsequent management decisions within the Garnet Resource Area. The plan is scheduled for completion by September 30, 1985.

2. Identification of the Geographic Area to be Planned

The Garnet Resource Area is generally located along the west slope of the Rocky Mountains and covers all or portions of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Granite, and Ravalli Counties in Montana. The entire area falls within the upper Columbia River drainage.

3. The General Types of Issues Anticipated

The completed plan will document allocations of the various resources present, including (but not limited to) vegetation allocations to domestic livestock, watershed, and wildlife. The plan will also address other topics such as off-road vehicle management, wilderness study areas, wildlife habitat requirements, designation of common utility corridors, oil and gas exploration and development, timber management practices, land ownership adjustments, and the use of fire and herbicides as resource management tools.

4. Alternatives to be Considered

Several complete, reasonable resource management alternatives will be developed for the Garnet Resource Area. One alternative will consist of no action, which means continuation of present levels or systems of resource management and use. The other alternatives will provide a range of choices from those favoring resource protection to those favoring resource production. The total array of alternatives will reflect the variety of opinions, issues, and guidance applicable to the Garnet Resource Area.

5. The Disciplines to be Represented on the Interdisciplinary RMP/EIS Team

Wildlife biology; soil, water, and air sciences; geology and minerals; engineering; range management; archaeology; outdoor recreation; wilderness; lands and realty; forestry; economics; and social science.

6. Opportunities for Public Participation

Members of the public, other Federal agencies, State and local governments, and Indian tribes are hereby invited to express their concerns and needs, and to identify desired opportunities for resource use, development, and protection in the Garnet Resource Area. All such comments and suggestions will be considered along with existing BLM information regarding resource conditions, trends, problems, and needs in determining significant issues to be addressed by the Garnet RMP. The general types of issues anticipated are listed in paragraph 3 above.

The deadline for comments is April 4, 1981. Persons desiring additional information or wishing to make a statement are urged to attend one of the following open houses:

Town	Date	Time	Location
Drummond, MT.	Wednesday, Feb. 25, 1981.	3 p.m.-9 p.m.	Community Hall.
Missoula, MT.	Thursday, Feb. 26, 1981.	do	Montana Power Company Auditorium.
Philipsburg, MT.	Tuesday, March 3, 1981.	do	Flint Creek Bank Meeting Room.
Ovando, MT.	Thursday, March 5, 1981.	do	Ovando School Gymnasium.

Additional opportunities for public participation will be made available during later steps in the RMP process, including the inventory phase; development of planning criteria; the formulation of alternatives; and review of the draft RMP. During the inventory stage, public participation will take place on an individual basis between interested parties and the Bureau of Land Management. As the planning process moves forward, the public will be asked to become more formally involved through workshops, open houses, and public meetings or hearings. Public notices of meetings and comment periods will be published in the **Federal Register** and/or in local newspapers, newsletters, or by other appropriate means, including letters to all persons who have requested that their names be included on the Garnet RMP mailing list.

The Butte District Multiple Use Advisory Council and the Butte District Grazing Advisory Board will be consulted during plan preparation. Local planning agencies and State and other Federal resource management agencies will also be consulted during the RMP process to assure maximum coordination of their plans and objectives with the Garnet RMP.

7. For Additional Information Contact

Jack A. McIntosh, Butte District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702 (406) 723-6561, ext. 2416

Darrell C. Sall, Garnet Area Manager, Bureau of Land Management, P.O. Box 4427, Missoula, Montana 59806 (406) 329-3686

8. Location of Documents

Planning and EIS documents generally will be available for public review at the Butte District Office, 106 North Parkmont (Industrial Park), Butte, Montana, and at the Garnet Resource Area Office, 515 Kensington, Missoula, Montana.

Dated: February 11, 1981.

Jack A. McIntosh,

District Manager.

[FR Doc. 81-5728 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Ely District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Ely District Advisory Council will conduct its fourth meeting on Wednesday, March 18, 1981. The meeting will convene at 10:00 a.m. in the Conference Room of the Ely District BLM Office, Pioche Highway, Ely, Nevada. The following events and topics will be included on the agenda for March 18, 1981:

(1) Minutes of previous meeting.

(2) Identification of Egan Resource Area Problems and Issues.

(3) Formulation of working committees.

(4) Discussion of the Draft MX EIS.

(5) Field trip to view the Amselco Road (weather permitting, public must furnish own transportation).

The meeting is open to the public. Written comments may be filed with the District Manager for the Council's consideration, and oral statements will be heard between 3:00 p.m. and 3:30 p.m., March 18, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the meetings will be available for public inspection at the District Office within 30 days following the meeting.

DATE: March 18, 1981, 10:00 a.m.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Rynas (Planning Coordinator), 702-289-4865.

Dated February 10, 1981.

G. Duncan MacDonald IV,

Acting District Manager.

[FR Doc. 81-5726 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

National Outer Continental Shelf Advisory Board, Pacific States Regional Technical Working Group Committee; Notice and Agenda for Meeting; Correction

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf Office.

ACTION: Correction regarding meeting notice in FR Doc. 81-4174 published at page 11049 of the issue for Thursday, 5 February 1981.

The meeting dates, time and location noted in paragraph two of the above mentioned notice have been changed as follows: The Pacific States Regional Technical Working Group Committee will meet during the period 8:30 am to 4:00 pm, 27 March 1981 at the Federal Building, Room 8041, 300 North Los Angeles Street, Los Angeles, California.

The agenda noted in paragraph three of the original notice is expanded to include the following topics: (a) Tract Selection for Sale 73; (b) Southern California Commercial Fishing Concerns; (c) Vessel Traffic and OCS Activities; (d) Transportation Management Planning; (e) Sale 53 Schedule and Status; and (f) Regional Environmental Studies Program.

Dated: February 12, 1981.

William E. Grant,

Manager, Pacific Outer Continental Shelf Office.

[FR Doc. 81-5725 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Thursday, March 26, 1981.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579. The purpose of the meeting will be as follows: (1) to inform the Board of the progress being made on the Ellis-Pahsimeroi planning efforts; (2) to provide the Board with an update on the Challis AMPs; (3) to discuss the range betterment funds for 1981; and (4) to discuss the 12½% Advisory Board funds.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by March 19, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: February 10, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-5637 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-4367 WR, CA-7080 WR, CA-7391 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

February 13, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the following withdrawals for Public Water Reserves on the following lands:

Mount Diablo Meridian, California

1. Public Water Reserve No. 107, Interpretation, CA-4367 WR.
T. 6 S., R. 37 E.,
Sec. 24, NE¼NW¼.
The area described contains 40 acres in Inyo County, California.

2. Public Water Reserve No. 107, Interpretation, CA-7080 WR.
T. 21 S., R. 45 E.,
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, NE¼, SW¼NW¼, unpatented portion of the N½SW¼.
The area described aggregates approximately 355 acres in Inyo County, California.

San Bernardino Meridian, California

3. Public Water Reserve No. 107, Interpretation, CA-7391 WR.
T. 8 S., R. 4 E.,
Sec. 20, SE¼SW¼, NW¼SE¼.
The area described aggregates 80 acres in Riverside County, California.

Public Water Reserve No. 107 was created by Executive Order dated April 17, 1926. The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general use and benefit.

No change in segregative effect of the withdrawals or the use of the land is proposed.

On or before March 23, 1981, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 92825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5731 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-7078 WR]

California; Proposed Continuation of Withdrawal and Opporunity for Public Hearing

February 13, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the withdrawal of the Hot Springs Reserve on the following lands:

Mount Diablo Meridian, California

T. 13 S., R. 39 E.,
Sec. 18, SE¼NE¼, SW¼SE¼.

The area described aggregates 80 acres in Inyo County, California.

This withdrawal was created by Executive Order 5389 of July 7, 1930, as amended, which segregates the land from settlement, non-metalliferous mineral location, sale or entry in order to preserve for general public use and benefit the unreserved public lands containing a hot spring or a spring the waters of which possesses curative properties.

No change in segregative effect of the withdrawal or the use of the land is proposed.

On or before March 23, 1981, all persons who wish to submit comments suggestions or objections in connection with the proposed withdrawal cotinuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal cotinuations. All interested persons who desire to be heard on the proposed cotinuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determine that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached in the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communication in conection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-5732 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Avisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PST) on Saturday, April 4, 1981, at the West Marin School in Point Reyes Station, California. This meeting will be in lieu of the previously announced March 21, 1981 meeting.

The Advisory Commission was established by Public Law 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda item for this meeting will be staff briefings and update on the planning and operational matters of the Point Reyes National Seashore.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556–2920.

Minutes of the meeting will be available for public inspection by May 5, 1981, in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: February 12, 1981.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 81-5767 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-70-M

Pictured Rocks National Lakeshore, Mich.; Availability of Finding of No Significant Impact; Assessment of Alternatives, General Management Plan; and Draft General Management Plan

Notice is hereby given of the availability of a Finding of No Significant Impact for the Assessment of Alternatives, General Management Plan, Pictured Rocks National Lakeshore, which the National Park Service has prepared in accordance with 40 CFR 1509.13 in the implementation of the National Environmental Policy Act of 1970, as amended, 42 U.S.C. 4321 et seq. Since the proposed action is one which normally requires an environmental impact statement, in compliance with 40 CFR 1501.4 (e)(2) and 1506.6 this Finding of No Significant Impact is hereby made available for public review until March 23, 1981.

Notice is further given of the availability of the draft General Management Plan for Pictured Rocks National Lakeshore, which is also placed on public review until March 31, 1981.

Copies of the Finding of No Significant Impact and the draft General Management Plan are available for review and comment and may be obtained from or inspected at the following:

Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49802.

Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Written comments will be accepted by the Superintendent, Pictured Rocks National Lakeshore, at the above address until March 23, 1981.

Dated: January 29, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-5768 Filed 2-19-81; 8:45 am]

BILLING CODE 4310-70-M

Rock Creek Park Bicycle Trail Study; Availability of Study and Notice of Public Meetings

The National Park Service cordially invites the public to attend a public meeting on the Bicycle Trail Study for Rock Creek Park, Washington, D.C. This study was prepared to direct future management and use of a limited area within the park, stretching from the Maryland line to Piney Branch Parkway along Beach Drive.

Possible alternatives to the trail system discussed within the study range from no change of present use, to development of a trail paralleling Rock Creek, to permanent closure of certain sections of Beach Drive.

Three public hearings on this study will be held at the Rock Creek Park Nature Center. The times and dates are 8:00 p.m. March 11; 10:00 a.m. March 14; and 8:00 p.m. March 16. The Nature Center is located in the park at 5200 Glover Road N.W. Persons wishing to

make an oral presentation are asked to contact Bernard Teeple at 426–6832 no later than March 1, 1981.

Written comments on the study are invited and will be accepted until April 17, 1981. Copies of the study are available for public inspection at Rock Creek Park Headquarters and a detailed summary of the study is available by contacting the park at 426–6832 or by writing to Superintendent, Rock Creek Park, 5000 Glover Road, NW., Washington, D.C. 20015.

Dated: February 11, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81–5769 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–70–M

Willow Beach Wash, Lake Mead National Recreation Area; Waiver of National Park Service Procedures for Floodplain Management and Wetland Protection

On May 28, 1980, the National Park Service published its Floodplain Management and Wetland Protection Procedures **Federal Register**, Volume 45, Number 104 pages 35916–35922). Section 7.C.2. of these procedures requires that when studies reveal that existing structures are subject to flash flood hazard and thus unsafe for human occupancy or shelter, action shall be taken to vacate the structures. A recent National Park Service flood hazard study has determined that various existing structures and facilities in Willow Beach Wash, Lake Mead National Recreation Area, are located within the flash flood hazard area. This information has been widely disseminated to the public whose input was requested and received. The National Park Service is presently preparing a plan and environmental impact statement to determine long-term resolution of this situation. It also has analyzed interim action alternatives to protect lives and property. Based upon this analysis, public input and certain mitigative measures, the National Park Service has decided to waive its prohibition of use and occupancy of the flash flood hazard area at Willow Beach Wash until an appropriate solution can be achieved.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 81–5766 Filed 2–19–81; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Volume 13]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81–4381, appearing at page 11377 in the issue of Friday, February 6, 1981, column 3, paragraph 2, in the application of Eagle Motor Lines, Inc., the docket No. "MC71365" should read "MC73165".

BILLING CODE 1505–1–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Name and address of parent corporation: Aqua Glass Corporation, Industrial Park, Box 412, Adamsville, TN 38310.

2. Name and address of wholly owned subsidiary: Tombigbee Transport Corporation, Industrial Park, Box 412, Adamsville, TN 38310.

1. Parent corporation and address of principal office: Buckhorn Inc., 3275 Alum Creek Drive, Columbus, Ohio 43207.

2. Wholly owned subsidiaries which will participate in the operations and State of incorporation:

a. Applied Distribution Systems, Inc., 3275 Alum Creek Drive, Columbus, OH 43207.
b. Applied Distribution Systems Corp., 3275 Alum Creek Drive, Columbus, OH 43207.
c. Applied Distribution Systems Company, 3275 Alum Creek Drive, Columbus, OH 43207.
d. NesTier Corporation, 10605 Chester Rd., Cincinnati, OH 45215.

1. The parent corporation is the Cincinnati Builders Supply Co., 7130 Dillward St., Cincinnati, OH 45216.

2. The wholly owned subsidiary is S.F.I., Inc., 7130 Dillward Street, Cincinnati, Ohio 45216.

1. Parent Corporation and address of principal office: Patrick Industries, Inc., 1800 South 14th Street, P.O. Box 638, Elkhart, IN 46515.

2. Wholly owned subsidiary which will participate in the operations, and State of incorporation: ILC Products Company, Inc., 1819 14th Street, P.O. Box 338, Elkhart, IN 46515.

State of Delaware

1. Parent corporation and address of principal office: Sterling Colorado Beef Company, Post Office Box 1728, Sterling, Colorado 80751.

2. Wholly owned subsidiaries which will participate in the operations and State(s) of incorporation:

(i) Circle C Beef Company, A Colorado Corporation.
(ii) Circle C Transportation Co., A Colorado Corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–5749 Filed 2–19–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 5]

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

MC 74416 (Sub-16) (M1F) (notice of filing of petition to modify a certificate), filed July 3, 1980. Petitioner: LESTER M. PRANGE, INC., P.O. Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Petitioner holds motor *common carrier*

authority in certificate MC 74416 Sub-16, issued March 5, 1979, authorizing transportation, over irregular routes, of *concrete products*, from Eddystone, PA, to points in CT, DE, MD, NY, NJ, OH, VA, WV, and DC. By the instant petition, petitioner seeks to add Wilmington, DE, as an additional origin point.

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 217 (Sub-24F) (republication), filed March 29, 1979, published in the **Federal Register** issue of September 11, 1979, and republished this issue. Applicant: POINT TRANSFER, INC., 5075 Naverre Rd S.E., P.O. Box 1441, Station C, Canton, OH 44708. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided October 31, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *iron and steel articles;* and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel articles, (a) between points in Bucks and Cambria Counties, PA, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia; (b) between points in Cuyahoga, Lorain, Mahoning, Stark, and Trumbull Counties, OH, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; (c) between points in Allegheny and Westmoreland Counties, PA, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia; (d) between points in Cook and Will Counties, IL, on the one hand, and, on the other, points in Indiana, Kentucky, Lower Peninsula of Michigan, Ohio, Pennsylvania, and West Virginia; and (e) between points in Lake County, IN, on the one hand, and, on the other, points in Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

MC 11207 (Sub-382F) (republication), filed November 26, 1976, published in the **Federal Register** issue of December 23, 1976, and republished this issue. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. A Decision of the entire Commission, decided January 29, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *general commodities* (except those of unusual value, comodities in bulk, household goods as defined by the Commission, classes A and B explosives, frozen foods, and commodities which because of size or weight require the use of special equipment), between The Yellow Creek Port Terminal and Industrial area, located in Tishomingo and Alcorn Counties, MS, on the one hand, and, on the other, points in Arkansas.

Note.—Applicant notes that this authority can be tacked with regular-route authority which it holds to provide service between Atlanta, GA, and Birmingham, AL, and the area surrounding those two cities, on the one hand, and, on the other, points in Arkansas, but that it does not intend to tack to provide this service. The purpose of this republication is to give notice of the tacking possibilities.

MC 11207 (Sub-494F) (republication), filed June 12, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. A Decision of the Commission, Review Board 1, Acting as an Appellate Division, decided September 12, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *building materials* (except commodities in bulk), between the facilities of The Celotex Corporation, at (a) Birmingham, AL; (b) Camden, AR; (c) Chester, WV; (d) Chicago and Peoria, IL; (e) Elizabethtown, KY; (f) Goldsboro, NC; (g) Houston and San Antonio, TX; (h) Lockland, OH; (i) Memphis, TN; (j) Perth Amboy and Linden, NJ; (k) Philadelphia, PA; and (l) Wilmington, IL, on the one hand, and, on the other, those points in the United States in and east of Michigan, Illinois, Missouri, Oklahoma, and Texas.

MC 13726 (Sub-9F) (republication), filed June 11, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: WILSON TRUCKING, INC., 12th St. Rd. S.E., P.O. Box 1, Linton, IN 47441. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., 5 East Market Street, Indianapolis, IN 46204. A Decision of the Commission, Review Board 1, Acting as an Appellate Division, decided October 9, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Clay, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Knox, Marion, Martin, Morgan, Owen, Perry, Pike, Putnam, Spencer, Sullivan, Vanderburgh, Vigo, and Warwick Counties, IN; and Louisville, KY; and Lawrenceville, IL.

MC 42487 (Sub-926F) (republication), filed June 11, 1979, published in the **Federal Register** issue of February 26, 1980, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. A Decision of the Commission, Review Board 4, Acting as an Appellate Division, decided October 10, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *regular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Borg Textile Corporation, at Delavan, WI, as an off-route point in connection with carrier's

presently authorized regular-route operations.

MC 86247 (Sub-26F) (republication), filed August 23, 1979, published in the **Federal Register** issue of March 6, 1980, and republished this issue. Applicant: I.C.L. INTERNATIONAL CARRIERS, LTD., 1333 College Avenue, Windsor, Ontario, Canada. Representative: Joseph P. Allen, 7701 West Jefferson, Detroit, MI 48209. A Decision of the Commission, Review Board 2, acting as an Appellate Division, decided September 18, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in foreign commerce, only over *irregular routes*, transporting *dry commodities*, in bulk, in dump vehicles, and *scrap metal*, between ports of entry on the international boundary line between the United States and Canada, at Detroit and Port Huron, MI, on the one hand, and on the other, points in the Lower Peninsula of Michigan.

MC 95876 (Sub-254F) (republication), filed October 11, 1978, published in the **Federal Register** issue of December 28, 1978, and republished this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue No., St. Cloud, MN 56301. Representative: Robert C. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. A decision of the entire Commission, decided October 29, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *lumber, lumber products, millwork, and waferboard*, from points in Harding, Butte, Lawrence, Meade, Fall River, Pennington, and Custer Counties, SD, to points in Iowa, Indiana, Illinois, Kentucky, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

MC 99427 (Sub-44F) (republication), filed June 28, 1979, published in the **Federal Register** issue of March 18, 1980, and republished this issue. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. A decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 13, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *petroleum products*; and (2) *sulphuric acid*, in bulk, from Los Angeles, CA, to points in Arizona.

MC 109478 (Sub-157F) (1st republication), filed July 1, 1980, published in the **Federal Register** issue of August 12, 1980, and republished this issue. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. An Order of the Commission, Division 1, decided December 29, 1980, and served January 8, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of (1) *paper and paper products, and materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, and those requiring special equipment), between Erie and Lock Haven, PA, and Oswego, NY, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Masschusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk, and those requiring special equipment), from points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, South Carolina, South Dakota, and Tennessee, to Erie and Lock Haven, PA, and Oswego, NY, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 110988 (Sub-429F) (1st republication), filed June 16, 1980, published in the **Federal Register** issue of August 25, 1980 and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas, Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 110988 (Sub-429F) (1st republication), filed June 16, 1980, published in the **Federal Register** issue of August 25, 1980 and republished this issue. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A decision of the Commission, Review Board 4, decided December 3, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting chemicals (1) from points in Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oregon, Texas, Utah, and Wisconsin, and (2) from points in Illinois and Wisconsin to points in Connecticut, Maryland, and Massachusetts, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 117557 (Sub-24F), (republication), filed June 5, 1979, published in the **Federal Reister** issue of March 25, 1980, and republished this issue. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, IA 52506. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. A Decision of the Commission, Office of Hearings, Acting as an Appellate Division, decided November 20, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over *irregular routes*, transporting (1) *such machinery and equipment* as are used in construction, road building and mining activities; and (2) *parts, attachments and accessories* for the commodities described in (1) above, between the facilities of Iowa Manufacturing Company, at Cedar Rapids, IA, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (3) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture, sale and distribution of the commodities in (1) and (2) above, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming to the facilities of Iowa Manufacturing Company, at Cedar Rapids, IA.

MC 119176 (Sub-27F), (republication), filed July 12, 1979, published in the **Federal Reister** issue of March 6, 1980, and republished this issue. Applicant: THE SQUAW TRANSIT COMPANY, 6211 S. 49th West Avenue, Tulsa, OK 74107. Representative: Clayte Binton, 1108 Continental Life Bldg., Forth Worth, TX 76102. A Decision of the Commission, Review Board 3, Acting as an Appellate Division, decided October 17, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *overhead crane systems*, from Tulsa, OK, and points in Montgomery County, TX, to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction.

MC 119777 (Sub-415F) (republication), filed September 26, 1979, published in the **Federal Register** issue of March 14, 1980, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42421. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. A Decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 5, 1980 and finds that the present future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting (1) *cooling equipment and materials, equipment and supplies* (except commodities in bulk) for cooling equipment; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture or distribution of the commodities named in (1) above, between points in the United States (except Alaska and Hawaii), restricted in (1) above, to the transportation of traffic originating at the facilities of The Marley Cooling Tower Company or its suppliers, and restricted in (2) above, to the transportation of traffic destined to the facilities in (2) above, to the transportation of traffic destined to the facilities of The Marley Cooling Tower Company.

MC 121082 (Sub-19) (republication), filed August 11, 1980, published in the **Federal Register** issue of August 26, 1980, and republished this issue. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkell, Detroit, MI 48238. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201 A, Troy, MI 48084. A Decision of the Commission, *Review Board No. 1*, decided November 20, 1980, served December 4, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, and Pennsylvania, on the one hand, and on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, California, West Virginia, Maryland, Kentucky, Illinois, Indiana, Ohio, Michigan, and the District of Columbia, restricted to the transportation of packages or articles not exceeding 100 pounds in weight moving in shipments not exceeding 500 pounds in weight, from one consignor at one location to one consignee at one location in a single day, moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102 of the Interstate Commerce Act; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirments of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate the authority actually granted. Original publication omitted New Hampshire from the "base" area territorial description.

MC 136786 (Sub-193F) (republication), filed December 13, 1979, published in the **Federal Register** issue of May 1, 1980, and republished this issue. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd—Ste 411, Edina, MN 55435. A Decision of the Commission, Review Board 2, Acting as an Appellate Division, decided November 25, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *wine and spirits*, (1) from San Jose and South San Francisco, CA, to points in Illinois, Kansas, Minnesota, Missouri, Ohio, and Wisconsin; and (2) from points in California, to Minneapolis, MN.

MC 138157 (Sub-196F) (republication), filed October 23, 1979, published in the FR issue of March 14, 1980, and republished this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412. Representative: Patrick E. Quinn (same address as applicant). A Decision of the Commission, Office of Hearings, Acting as an Appellate Division, decided January 5, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *such merchandise* as is sold and distributed by retail drug stores (except commodities in bulk), between Atlanta, GA, Bedford Park and Chicago, IL, Dallas, TX, Los Angeles, CA, Portland, OR, and Denver, CO, on the one hand, and, on the other, points in Georgia, Illinois, Michigan, Missouri, New Mexico, New Jersey, New York, North Carolina, Ohio, Pennslyvania, and Texas, under continuing contract(s) with Value-Rite Pharmacies, Inc., of West Orange, CA.

MC 143812 (Sub-12) (republication) filed May 7, 1979, published in the FR issue September 7, 1979, and republished, this issue: Applicant: VAN DIEST TRUCKING, INC., 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. A decision of the Commission, *Review Board No. 2*, decided July 2, 1980, and served July 21, 1980, finds that the present and future public convenience and necessity require operations by

applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle transporting *grape juice concentrate and grape brandy*, in bulk, from the facilities of Vie-Del Company at or near Fresno and Kingsburg, CA, to Peoria, IL, Baltimore, MD, Detroit and Paw Paw, MI, Niagara Falls, NY, Cincinnati, Geneva, and Orrville, OH, Memphis, TN, Glendale, WI, and points in Washington; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden applicant's authority.

MC 145482 (Sub-1) (republication), filed March 19, 1979, published in the FR issue of July 11, 1979, and republished this issue. Applicant: INNER CIRCLE QONEXIONS, INC., 245 Park Avenue, Belford, NJ 07718. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046. A Decision of the Commission, *Division 1*, decided September 22, 1980, served October 23, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *passengers and their baggage*, in the same vehicle with passengers, and *unaccompanied baggage*, in charter operations, beginning and ending at New York, NY, Boston, MA Los Angeles and San Francisco, CA, Nashville, TN, Dallas, TX, New Orleans, LA, Atlanta, GA, Miami, FL, Chicago, IL, Las Vegas, NV, Atlantic City, NJ, and the District of Columbia, and extending to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the passenger limitation; the equipment restriction and to delete the language in " one-way and round-trip".

MC 145978 (Sub-7F) (1st republication), filed February 27, 1980, published in the **Federal Register** issue of May 9, 1980 and republished this issue. Applicant:
R & S TRUCKING, INC., 1101 West Russell, Suite 102, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. A decision of the Commission, By Nolin J. Bilodeau, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting (1)(a) Industrial and contractor's equipment and material handling equipment and (b) parts, accessories and supplies for the commodities in (1)(a) above, between points in SD, on the one hand, and, on the other, points in the United States (except AK and HI); (2) heating equipment and supplies from points in the United States (except AK and HI) to points in SD; (3) lumber and lumber mill products (a) from points in OR, WA, ID, MT, WY, AR, TX, and LA to points in SD, ND, and MN, (b) from points in OR, WA, MT, ID, and CA to those points in IA on, north and west of a line beginning at the Missouri River and extending along U.S. Highway 20 to junction U.S. Highway 169 and then along U.S. Highway 169 to the Iowa-Minnesota state line, (c) from points in CA to points in SD and MN, and (d) from Sioux Falls, SD to points in IA, MN, and ND, restricted in (3) (a), (b), (c), and (d) to the transportation of shipments originating at or destined to the facilities of House of Plywood, Inc., and FORCO Division of Allied Midwest Merchandising, Inc., or those of their customers, suppliers, or warehouses; and (4) fencing and fencing supplies, between Sioux Falls, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 145978 (Sub-7F) (1st republication), filed February 27, 1980, published in the **Federal Register** issue of May 9, 1980 and republished this issue. Applicant:
R & S TRUCKING, INC., 1101 West Russell, Suite 102, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. A decision of the Commission, by Nolin J. Bilodeau, Administrative Law Judge, decided December 8, 1980, and served December 18, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting (1)(a) Industrial and contractor's equipment and material handling equipment and (b) parts, accessories and supplies for the commodities in (1)(a) above, between points in SD, on the one hand, and, on the other, points in the United States (except AK and HI); (2) heating equipment and supplies from points in the United States (except AK and HI) to points in SD; (3) lumber and lumber mill products (a) from points in OR, WA, ID, MT, WY, AR, TX, and LA to points in SD, ND, and MN, (b) from points in OR, WA, MT, ID, and CA to those points in IA on, north and west of a line beginning at the Missouri River and extending along U.S. Highway 20 to junction U.S. Highway 169 and then along U.S. Highway 169 to the Iowa-Minnesota state line, (c) from points in CA to points in SD and MN, and (d) from Sioux Falls, SD to points in IA, MN, and ND, restricted in (3) (a), (b), (c), and (d) to the transportation of shipments originating at or destined to the facilities of House of Plywood, Inc., and FORCO Division of Allied Midwest Merchandising, Inc., or those of their customers, suppliers, or warehouses; and (4) fencing and fencing supplies, between Sioux Falls, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 148317 (Sub-2F), (republication), filed November 20, 1979, published in the FR issue of March 14, 1980, and republished this issue. Applicant: MICHAEL K. SR & SHIRLEY A. HURLEY, d.b.a. HURLEY TRUCKING, 403 Juliene Way, Moscow, ID 83843. Representative: Winfred B. Moorer, 403 So. Jackson, Box 8489, Moscow, ID 83843. A Decision of the Commission, Review Board 3, Acting as an Appellate Division, decided November 14, 1980 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over *irregular routes*, transporting *roofing and fencing materials*, from points in Idaho, to points in Colorado and Utah; Portland, OR; Seattle, WA; and Cheyenne, WY.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section

206(a)(6)] of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket T-1190, filed February 3, 1981. Applicant: N & I EXPRESS, INC., R. D. 1, Box 148, Cobleskill, NY 12043. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany and Rensselaer. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-2494, filed February 10, 1981. Applicant: DICK'S AUTO EXPRESS, INC., 6990 Northern Blvd., East Syracuse, NY 13057. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulation of the State of New York: Between all points in a territory consisting of Cayuga, Chenango, Madison, Monroe, Onondaga, Ontario, Seneca and Wayne Counties, New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-3811, February 3, 1981. Applicant: K.C.S. EXPRESS CO., INC., West Cedar Street, Poughkeepsie, NY. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-5088, February 3, 1981. Applicant: UTICA-OSWEGO MOTOR EXPRESS, INC., 1100 Broad Street, Utica, NY 13501. Representative: Joseph N. Gorea, Jr., 1100 Broad Street, Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Fulton, Herkimer, Madison, Montgomery, Oneida, Onondaga, Oswego, Rensselaer and Schenectady and the Town of Halfmoon (Saratoga County). Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5748 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 21]

Restriction Removals; Decision-Notice

Decided: February 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 903 (Sub-39)X, filed Febraury 3, 1981. Applicant: FALWELL FAST FREIGHT, INC., P.O. Drawer 11409, Lynchburg, VA 24506. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St., NW, Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub-Nos. 20, 24, 28, 31, 32, 36, and 38 certificates. In its lead and Sub-Nos. 24, 28, and 36, applicant seeks to broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)". In addition, it seeks to remove restrictions against service at intermediate points on its described regular routes between Lynchburg, VA and New York, NY, and to eliminate a restriction limiting shipments service at intermediate and off route points to pick-up on southbound movements and delivery on north-bound movements in its lead; and between Roanoke and Lynchburg, VA, in Sub-No. 36. In the irregular route portion of its lead certificate, it seeks to broaden the commodity descriptions and to expand its territorial authority as follows: (1) remove all exceptions from its general commodities authority (except classes A and B explosives); replace Altavista, VA with Campbell County, VA, and expand its one-way authority to radial authority between NC, PA, and NY, and, points in Lynchburg, VA, and Campbell County, VA; (2) broaden signs and materials and used or rejected signs to "such commodities as are used in or dealt in by manufacturers of signs"; and expand its one-way authority to radial authority between Lynchburg, VA, and points in the New York, NY, Commercial Zone,

NJ, DE, MD, York County, PA, and that part of PA east of the Susquehanna River; (3) greenstone, vermont marble, granite, and plumbing supplies to "building materials", and expand its one-way authority to radial authority between Lynchburg, VA, and points in MD, NY, PA, GA, NC, SC, TN, VA, and DC; (4) new furniture and paper products, to "furniture and fixtures" and "pulp, paper, and related products", and expand its one-way authority to radial authority between Lynchburg, VA, and, Campbell County, VA, and points in WV, TN, MD, DE, NJ, and DC; (5) malt beverages and empty malt beverage containers and sugar to "food and related products", and expand its one-way authority to radial authority between Baltimore, Allegany County, MD, and Newark, NJ, and points in Lynchburg, Roanoke, and Bedford, VA, and Campbell County, VA; (6) stoves and candy, to "metal products" and "food and related products"; and expand its one-way authority to radial authority between TN, and points in Lynchburg, VA, and Campbell County, VA; (7) cast iron pipe and fittings to "metal products", and expand its one-way authority to radial authority between Radford, VA, and, points in NC, SC, TN, MD, DE, WV, PA, NJ, and DC, and those in the New York, NY commercial zone; (8) new furniture to "furniture and fixtures", and expand its one-way authority to radial authority between Surry and Guilford Counties, NC, and, Danville, VA, and Lynchburg, VA; (9) paper labels to "pulp, paper, and related products"; and to expand its one-way authority to radial authority between Bedford, VA, and, points in MD; and (10) petroleum products, in bulk, in tank vehicles to "commodities in bulk", and expand its one-way authority to radial authority between Richmond, VA, and, points in Greenbrier County, WV. In Sub-No. 20, it seeks to broaden the commodity description from cedar chests to "furniture and fixtures"; replace Altavista, VA, with county-wide authority in Campbell County, VA; and expand its one-way authority to radial authority between Campbell County, VA, and, points in AL, CT, FL, GA, MA, RI, and SC; it also seeks to broaden the commodity description boots and shoes to "leather and leather products"; replace Lynchburg, with Suffolk County, VA, and, to expand its one-way authority to radial authority between Boston, MA, and points in Suffolk County, VA. In Sub-No. 31, it seeks to broaden the commodity description from petroleum and petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles to "commodities in bulk" and to expand its one-way authority to radial authority between York County, VA, and, points in DE, MD, NC, WV, and DC. In Sub-No. 32, it seeks to broaden the commodity description from asphalt and asphalt products, in bulk, in tank vehicles, to "commodities in bulk"; replace Greensboro, with Guilford County, NC; and to expand its one-way authority to radial authority between Guilford and points in VA, WV, KY, and TN. In Sub-No. 38, it seeks to broaden the commodity description petroleum products (except petrochemicals, asphalt, fuel oils, and nitrogen fertilizer solutions), in bulk, in tank vehicles, to "commodities in bulk"; remove the facilities restriction at Wilmington, NC; broaden Wilmington to New Hanover County, NC; broaden Farmville to Prince Edward County, Forest to Bedford County, Lynchburg to Lynchburg County, Moneta to Cumberland County, and South Boston to South Boston County, VA; and to expand its one-way authority to radial authority between New Hanover County, NC, and the named VA Counties.

MC 10173 (Sub-20)X, filed February 2, 1981. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, TN 37040. Representative: Val Sanford, P.O. Box 2757, Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 10, 12 and 15 certificates, to (1) broaden its commodity description from general commodities (with exceptions) to general commodities (except classes A and B explosives), (2) authorize service at all intermediate points on its regular routes (a) between Clarksville, TN, and Louisville, KY, (b) Guthrie, and Louisville, KY, and (c) Dover and Memphis, TN, and (3) remove interchange restrictions and restrictions limiting service to transportation of traffic originating at the named origins and destined to named destinations on the above regular route authorities.

MC 25869 (Sub-180)X, filed February 5, 1981. Applicant: C.O.D.E., INC., 4800 N. Colorado Blvd., Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions from its Sub-Nos. 122 and 169F certificates which authorize the transportation of candy and confectioneries from named facilities in Carol Steam and Chicago, IL to points in NE, AR, CO, IA, KS, MO, NM, and TX, to (1) broaden its commodity descriptions to "food and related products", (2) remove the facilities restrictions, and (3) obtain radial authority between the points named above.

MC 72420 (Sub-10)X, filed February 2, 1981. Applicant: THE ACE MOTOR TRANSPORT COMPANY, 3103 Tiffin Ave., Sandusky, OH 44870. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, and 8 certificates. In its lead certificate, part (a) and Sub-Nos. 2, 5, and 8, applicant seeks to broaden its commodity description from "general commodities (with the usual exceptions)" to "general commodities (except classes A and B explosives)". In addition, in its lead certificate, part (a), it seeks to serve all intermediate points, on its described regular-route between Sandusky, OH, and Detroit, MI; and, in part (b) it seeks to broaden its commodity description from "strawboard, corrugated paper, and corrugated paper products" to "such commodities as are dealt in or used by manufacturers or distributors of paper and paper products; authorize service at all intermediate points on its described regular route between Cleveland, OH, and Detroit, MI; and in its irregular route portion of the certificate broaden the commodity description from "chemicals used in the manufacture of paper," to "such commodities as are dealt in or used by manufacturers or distributors of paper and paper products; and replace Wyandotte, MI, with Wayne County, MI. In Sub-No. 3, it seeks to (1) broaden the commodity description from (a) iron castings and steel castings, (b) "empty containers," (c) "rejected shipments," (d) "metal containers, wood containers and containers of wood and steel combined," to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel and iron and steel products and containers; broaden Ironton, OH, to county-wide authority in Lawrence County, OH; remove the named facilities at a described point in Sterling Township, MI; broaden Sterling Township, MI, to Macomb County, MI; and merge (a) through (d) above and expand its one-way authority to radial authority authorizing service between Detroit and Macomb County, MI, and points in Lawrence County, OH; and (2) broaden the commodity description from malt beverages and empty malt beverage containers to "such commodities as are dealt in or used by manufacturers or distributors of malt beverages"; broaden Ironton, OH, to county-wide authority in Lawrence County, OH; and to expand its one-way authority to radial authority between Milwaukee, WI, and, points in Lawrence County, OH. In Sub-No. 7, it

seeks to broaden the commodity description from automobile parts and assemblies and materials used in the manufacture of automobiles to "such commodities as are dealt in or used by manufacturers of automobiles"; remove a restriction limiting service to the transportation of shipments originating at the facilities of a named shipper at Sandusky, OH; remove the restriction limiting the service to the transportation of traffic having an immediately prior or subsequent movement by air; and remove the limitation to service at the Willow Run Airport in Ypsilanti, MI to allow service at Ypsilanti as an off-route point in connection with the carrier's authorized regular route operations. In Sub-No. 2, it seeks to remove the plantsite limitation to allow service at Romulus Township, MI, as an off-route point.

MC 95876 (Sub-379) X, filed February 6, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby, Suite 307, 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub-No. 140 certificate to (1) broaden the commodity description from general commodities (with the usual exception and except automobiles, trucks and buses) to "general commodities (except Classes A and B explosives)", (2) remove the restriction limiting transportation to traffic in containers or in trailers having an immediately prior or subsequent movement by water, or by water-rail, or by air, and (3) remove the territorial restrictions against service to and from AK and HI, on its nationwide grants.

MC 96727 (Sub-3) X, filed February 3, 1981. Applicant: R.V.J., INC., 576 Elm Street, Leominster, MA 01453. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from rubber and plastic pellets and granules, in bulk, to "commodities in bulk", (2) remove the "except in dump vehicles" restriction, (3) replace authority to serve Leominster, Ayer, and Gardner, MA, with county-wide authority in Worcester and Middlesex Counties, MA, and (4) remove the restriction against the transportation of shipments from the facilities of Bordens, Inc., at Leominster, MA.

MC 100597 (Sub-9) X, filed February 3, 1981. Applicant: FAIRFIELD TRUCKING, INC., P.O. Box 272, Hamburg, AR 71646. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. Applicant seeks removal of restrictions to (1) broaden the commodity authority from lumber, roofing, laph and brick in the lead certificate; and from particle-board and lumber products in Sub-No. 8F to "building materials"; (2) broaden the territorial descriptions to authorize county or parish-wide authority; and, (3) change from oneway to radial authority: between Clark, Saline, Dallas, Garland, Hot Springs, Jefferson, Grant and Pulaski Counties, AR (Arkadelphia, Benton, Carthage, Hot Springs, Lonsdale, Malvern, Manning, Pine Bluff, Sheridan and Woodson, AR), and points in MO on and south of U.S. Hwy 66, and OK on and east of U.S. Hwy 81, in the lead; and (a) between Union and Winn Parishes, LA (Lillie and Winnfield, LA), and AR, OK and TX, and (b) between Union County, AR (Huttig, AR), and OK and TX, in Sub-8F.

MC 105007 (Sub-73)X, filed February 3, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-32, 35, 37, 39F, 40F, 43F, 50F, 51F, 57F, 59F, 71F certificates and in its authority under certificate MC 128497 (Sub-4) which was acquired through MC-F-13389, in which issuance of a certificate is pending. It seeks in each of its certificates to (1) broaden the commodity description from various specified foodstuffs, such as meats, and foodstuffs to "food and related products"; (2) eliminate the facilities restrictions in Sub-32, 35, 37, 39F, 40F, 43F, 50F, 51F, 59F, 71F, and MC 128497 (Sub-4), and authorize county-wide authority to Wapello County, IA, in place of Ottumwa, IA (Sub-32 and 59F); Freeborn County, MN, in place of Albert Lea, MN (Sub-35, 39F, and 43F); Eau Claire County, WI, in place of Eau Claire, WI (Sub-37); Freeborn County, MN, Linn, Polk, and Cherokee Counties, IA, and Warren County, IL, in place of Albert Lea, MN, Cedar Rapids, Des Moines, and Cherokee, IA, and Monmouth, IL (Sub-50)F; Emment County, IA and Minnehaha County, SD, in place of Estherville, IA and Sioux Falls, SD (Sub-51)F; Carroll, Macon, and Saline Counties, MO, in place of Carrollton, Macon, and Marshall, MO (Sub-57F); Freeborn County, MN and Linn County, IA in place of Albert Lea, MN, and Cedar Rapids, IA (Sub-71F) and MC 128497 (Sub-4); (3) remove the "originating at" restriction in Sub-51F, and the "originating at and/or destined to" restrictions in Sub-32, 35, 39F, 40F, 43F, 50F, 57F, 59F, and 71F; and (4) expand its one-way authority to radial authority in each of its certificates.

MC 111956 (Sub-58)X, filed February 10, 1981. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-55F certificate to broaden the commodity description from general commodities (with the usual exceptions), to "general commodities (except Classes A and B explosives)", and remove the restrictions against service at intermediate points on both its described regular-routes between Bedford and Philadelphia, PA.

MC 113855 (Sub-519)X, filed February 4, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-90 and 148 certificates, to (1) expand the commodity descriptions from agricultural implements and machinery, soil and beach cleaners, farm tractors and attachments to "machinery"; (2) remove the restriction against the transportation of size and weight commodities in Sub-90; and, (3) change the territorial description from one-way to radial service "between points in CA, and the United States".

MC 117344 (Sub-288)X, filed February 3, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-26, 60, 61, 65, 67, 82, 85, 90, 141, 178, 189, 199, 207 and 211 certificates to (1) broaden the commodity description from paints, varnishes, fertilizer, dry chemicals, lacquers, and various other items in bulk, to "commodities in bulk" in all referenced Sub-Nos., (2) authorize radial service in lieu of existing one-way authority in all referenced Sub-Nos. which authorize service from Cincinnati, OH, to points in numerous named States, and (3) eliminate the "in tank vehicle" restriction in Sub-26, 60, 61, 65, 67, 82, 85, 178, 207 and 211.

MC 127579 (Sub-39)X, filed February 2, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as above). Applicant seeks to remove restrictions in its lead certificate and Sub-4, 5, 7, 8, 10, 12, 15, 16, 17, 19, 20, 22, 23, 31, 32, 35, to (1) broaden the

commodity description from (a) paper, paper products, pulpboard, and particleboard, wrapping paper, woodpulp board, woodpulp, and scrap, groundwood paper to "pulp, paper and related products" in its lead and Sub-7, 15, 16, 20 and 35; (b) from catalogues, fliers, and books to "printed matter" in Sub-Nos. 10 and 19; (c) from glass containers, and clay, to "clay, concrete, glass or stone products" in Sub-17, 32, and 12, (d) from confectionery, foodstuffs, bananas, chocolate, and agricultural commodities to "food and related products" in lead and Sub-22 and 23; (e) from such commodities as are dealt in or used by grocery and food business houses to "such commodities as are dealt in by retail grocery stores" in lead and Sub-31; (f) from general commodities (with exceptions) to "general commodities (except Classes A and B explosives) in Sub-4 and 8; (g) from lubricating oils and greases, asphalt and asphalt products to "petroleum, natural gas, and their products" in lead; (h) from paint to "chemicals and related products" in lead; (i) from toothpicks, clothes pins, matches, cork, cork crowns, to "lumber and wood products" in lead; (j) from tin caps and nails and decorated tin plate to "metal products" in lead; (k) from bottling machinery to "machinery" in lead, (l) from new furniture to "furniture and fixtures" in lead; (m) from unmanufactured tobacco to "tobacco products" in lead, and (n) from, asbestos siding, asphalt, and asphalt roofing, roofing and roofing materials to "building materials" in lead; (2) replace radial for existing one-way authority in lead and Sub-5, 7, 10, 15, 16, 17, 20, 22, 23, and 32 which authorize operations primarily from Virginia and Maryland points to points in numerous eastern States; (3) remove equipment, in bulk, in tank restrictions in Sub-5, 10, 22, 32, and 23; (4) replace plantsite restrictions with county-wide or city-wide authority: Baltimore, MD, in Sub-5; Franklin, VA, in Sub-7; Hanover County for Ashland, VA, and Montgomery County for E. Greenville, PA, in Sub-10; King William County for West Point, VA, in Sub-15; Richmond, VA in Sub-16; Middlesex and Hudson Counties for Carteret and Jersey City, NJ, in Sub-17; Baltimore, MD, and Philadephia, PA, in Sub-20 Monmouth County for Cliffwood, NJ, and Williamsburg, Newport News and Suffolk, VA, in Sub-12; Cumberland County for Hampden Township, PA, in Sub-31; Hanover County for Ashland, VA, in Sub-35; Warren County for Hackettstown, NJ and Chicago, IL, in Sub-22; Bradley County for Cleveland, TN, in Sub-23; and (5) allow service to all intermediate points along a described regular route in lead and Sub-8.

MC 133591 (Sub-133)X, filed February 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to modify its Sub-84 certificate which authorizes the transportation of such commodities as are dealt in by wholesale, retail and food business houses (except in bulk, in tank vehicles), from named facilities at St. Louis, MO, to named points in TX, CA, and OR, by (1) deleting the in bulk, in tank vehicles exception in the commodity description, (2) changing one-way to radial authority, and (3) by eliminating an originating and destined to restriction.

MC 133703 (Sub-10)X, filed February 5, 1981. Applicant: WCS, INC., 770 North Springdale Road, Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its lead and Sub-4, 7, and 8 permits; to (1) broaden the commodity description from cheese products, natural and unprocessed cheese, smoked meat products, pickles, sauerkraut, frozen fruits, vegetables, meats, canned vegetables, and various other food related items to "food and related products" in all referenced authority; and (2) allow service between points in the U.S. under continuing contract(s) with named shippers.

MC 133975 (Sub-12)X, filed February 5, 1981. Applicant: FLAMINGO TRANSPORTATION, INC., P.O. Box 670777, Miami, FL 33167. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd Street, Miami, FL 33166. Applicant seeks to remove restrictions in its lead and Sub-6, 9, and 10 certificates to remove restrictions limiting shipments of general commodities between Florida points to those moving on bills of lading of freight forwarders or which require immediately prior or subsequent handling by freight forwarders in all reference authority.

MC 135419 (Sub-5)X, filed February 3, 1981. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72901. Representative: William D. Hendrix (same as applicant). Applicant seeks to remove restrictions in its lead certificate by (1) removing all exceptions in its general commodity authority except "classes A and B explosives," and, (2) eliminating the restriction limiting service to the transportation of shipments in containers or in trailers having an immediately prior or subsequent movement by water, on radial movements between Houston, TX, New Orleans, LA, and Mobile, AL, and points in named states.

MC 135640 (Sub-15)X, filed February 9, 1981. Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same as above). Applicant seeks to remove restrictions in its MC 142548 Sub-2 and 9F permits to (1) broaden the commodity description from tires, tire parts, inner tubes, inner tube parts, equipment, materials and supplies, to "rubber and plastic products" in Sub-2; (2) remove an in bulk restriction in Sub-2 and 9F; (3) allow service between points in the U.S., under continuing contract(s) with a named shipper in Sub-2 and 9F.

MC 141641 (Sub-15)X, filed February 5, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Applicant seeks to remove restrictions from its Permit MC 136168 (Sub-6) which authorizes the transportation of boots, shoes and materials, equipment and supplies (except in bulk) under contract(s) with a named shipper, and its Certificate MC 141641 (Sub-3 and 5) which authorize the transportation of such commodities as are dealt in by retail department stores (except foodstuffs) from and to points in specified Eastern States, restricted to facilities not precisely located. Applicant seeks to (1) change the commodity description in its Sub-6 permit to "such commodities as are dealt in or used by manufacturers and distributors of footwear"; and authorize non-radial authority "between points in the US" under continuing contract(s) with a named shipper, in its Sub-6 permit; (2) eliminate the exception of food-stuffs from its commodity description in its Sub-3 and 5 certificates; (3) obtain radial authority in place of its one-way authority in Sub-3 and 5; (4) eliminate the restriction "against the transportation of rugs, carpets, carpeting and tuffed textile products, from Dalton and Calhoun, GA" in Sub-5.

MC 142772 (Sub-9)X, filed February 5, 1981. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, WI 54729. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-9 certificate to expand its one-way authority to radial authority authorizing service between the facilities of Potlatch Corporation in

Minnesota, and points in the U.S. in and west of MI, PA, OH, KY, TN, and AL, and remove a restriction limiting service to shipments originating at the facilities of Potlatch Corporation.

MC 144688 (Sub-49)X, filed January 30, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Blvd., Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks in its Sub-32F certificate (1) to change the commodity description from "containers and materials equipment and supplies therefore, (except in bulk)" to "such commodities as are dealt in or used by manufacturers and distributors of containers"; (2) to substitute counties for named facilities at named points as follows: DeKalb County for Lithonia, GA, Miami County for Pigua, OH, Cleveland County for Shelby, NC, Escambia County for Brewton, AL, Sumter County for Wildwood, FL, and Nassau County for Fernandina Beach, FL; (3) to replace one-way with radial authority; and (4) to remove an originating at and destined to restriction.

MC 144715 (Sub-16)X, filed February 4, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-1F, 2F, 3F, 4F, 8F, 9F, 10F, 11F, and 12F certificates to broaden the commodity descriptions from "air cleaners, fuel and oil filters, air cleaner cartridges, and oil filter cartridges" to "transportation equipment" in Sub-1F, 3F, and 10F; from "malt beverages" in Sub-8F and "meat, in boxes" in Sub-9F to "food and related products"; from "cotton and synthetic sewing thread" in Sub-11F and "synthetic twine and cord" in Sub-12F to "textile mill products". In addition, it seeks to eliminate the facilities restrictions in Sub-1F and 3F and authorize county-wide authority in Sub-1F, 3F and 10F, in place of Dillion, SC, and Gastonia, NC, and expand its one-way authority to radial authority authorizing service between Dillion County, SC and Gaston County, NC, and, points in the United States; in Sub-2F, authorize county-wide authority in place of Florence, KY, Metuchen, NJ, and Statesville, NC, and expand its one-way authority to radial authority authorizing service between Boone County, KY, Middlesex County, NJ, and Iredell County, NC, and, points in the United States in and west of NM, CO, WY, and MT; in Sub-4F, eliminate the facilities restriction at Lockport, LA, Mt. Airy and Southern Pines, NC, and Altoona, PA, authorize county-wide authority, and expand its one-way authority to radial authority authorizing service between Lafourche Parish, LA, and, points in Surry and Moore Counties, NC, and Blair County, PA; in Sub-8F, authorize county-wide authority in place of Wilkesboro, NC, and expand its one-way authority to radial authority authorizing service between Williamsburg, VA, and Jacksonville, FL, and, points in Wilkes County, NC; in Sub-9F, expand its one-way authority to radial authority; in Sub-11F, authorize county-wide authority in place of Mt. Holly, NC, and expand its one-way authority to radial authority authorizing service between Gaston County, NC, and, points in Dallas and El Paso, TX and Los Angeles, CA; in Sub-12F, authorize county-wide authority in place of Mt. Airy, NC, and expand its one-way authority to radial authority authorizing service between Surry County, NC, and, points in the United States. Applicant also seeks to eliminate restrictions against service to AK and HI Sub-10F, 2F, and 12F.

MC 144844 (Sub-13)X, filed January 30, 1981. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to modify its authority (1) by deleting "except in bulk" from such commodities as are dealt in by (a) manufacturers of nails in Sub-2F and (b) metal processors in Sub-4F; (2) by substituting "metal products" for iron and steel articles in Sub-5F, 6F and 8F; (3) by removing facilities designations at St. Charles, MO, in Sub-2F and Chicago, IL, in Sub-5F; (4) by replacing named facilities at (a) Birmingham with Jefferson County, AL, (b) Pocachontas with Randolph County, AR, (c) Dexter with Stoddard County, MO, and (d) Stroud with Lincoln County, OK, in Sub-4F, Elk Grove Village with Cook County, IL, in Sub-6F, and Chicago Heights with Cook County, IL; (5) by removing originating at or destined to restrictions in Sub-2F, 4F, 5F, 6F, and 8F; and (6) by replacing one-way with radial authority between the points in (3) and (4) above, Oklahoma City, OK, and 7 States.

MC 144882 (Sub-2)X, filed February 2, 1981. Applicant: STATEWIDE DISTRIBUTION SERVICES, INC., 4270 Maywood Avenue, Vernon, CA 90058. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Applicant seeks to remove restrictions in its lead permit to broaden the territorial description to between points in United States under contract(s) with named shipper.

MC 145120 (Sub-8)X, filed February 5, 1981. Applicant: HOLMDEL TRUCKING CORP., 18 Hackensack Avenue, South Kearney, NJ 07032. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-1F permit to broaden the commodity from chemicals, metals, oils, catalyst dust, machinery parts, filtration tanks, and filtration tank parts (except commodities in bulk) to "chemicals and related products, metal and metal products, and machinery" and broaden the territorial authority to "between points in the U.S." under continuing contract(s) with a named shipper.

MC 146167 (Sub-3)X, filed February 4, 1981. Applicant: ALL-FREIGHT EXPRESS, INC., 7200 South Ferdinand Ave., Bridgeview, IL 60455. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-2F permits to (1) broaden its commodity description (a) from iron, steel, copper and brass articles, structural steel, and paints, and aluminum products, to "metal products", and "chemicals and related products", in the lead certificate, and (b) from molten aluminum, to "metal products" in Sub-2F, (2) replace its one-way authority with radial authority between points in the United States, in both certificates, under continuing contract(s) with a named shipper in Sub-2F, (3) to eliminate the restriction (a) against transportation to or from the facilities of the Ceco Corporation, or for its account in the lead certificate.

MC 146293 (Sub-74)X, filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., NE., Atlanta, GA 30236. Applicant seeks to remove restrictions in its Sub-2F, 5F, 33F, 42F, 43F, 48F, 59F, 61F, 62F, and 63F certificates to (1) remove "in bulk" restrictions in Subs-5F and 62F; (2) change one-way to radial authority in Sub-61F, between Savannah, GA and points in 11 States, in Sub-42F between named points in WI and points in 5 States, in Sub-43F between Mobile, AL and points in 8 States and DC, in Sub-33F between Union County, PA and points in 6 States, and in Sub-2F between Los Angeles County, CA and points in NJ and Princeton, KY and between Princeton, KY and points in the eastern part of the U.S.; (3) replace (a) Memphis with Shelby Co., TN in Sub-63F, (b) St. Marys with Camden Co., GA and Hazelwood with St. Louis Co., MO in Sub-62F, (c) Jay with Franklin Co., ME

in Sub-48F, (d) Milton with Union Co., PA in Sub-33F, (e) Jefferson City with Jefferson Co., and Greenville with Greene Co., TN in Sub-5F, (f) Princeton with Caldwell Co., KY in Sub-2F (g) Green Bay with Brown Co., Fond Du Lac with Fond Du Lac Co., Marinette with Marinette Co., and Oconto Falls with Oconto Co., WI in Sub-42F; and (4) eliminate the originating at and destined to restrictions in Sub-48F, 59F, 43F, 5F, and 2F.

MC 146422 (Sub-7)X, filed February 3, 1981. Applicant: DELBERT F. JOHNSTON, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Subs 3F and 6F permits by (a) broadening the commodity description in Sub 3F from brick and building materials and refractories to "building materials, machinery and clay, concrete, glass or stone products", and in Sub 6F from steel pipe to "metal products"; and (b) broadening its territorial scope in Sub 3F and 6F to between points in the U.S. under continuing contract(s) with named shippers.

MC 146590 (Sub-8)X, filed February 9, 1981. Applicant: JOSEPH R. PROSTKO, 1300 Island Avenue, McKees Rocks, PA 15136. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its Sub-No. 5F permit by broadening the territorial description to "between points in the United States", under a continuing contract(s) with a named shipper.

MC 147242 (Sub-11)X, filed February 2, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Avenue, New York, NY 10016. Applicant seeks removal of restrictions in its Sub Nos. 1F, 3F, 5F, 6F and 9F permits to (1) broaden the territorial description from specified states to authorize service "between points in the U.S.," under continuing contracts with individually named shippers, and (2) broaden the commodity descriptions (a) from drugs, chemicals (except coal tar), insecticides, toilet preparations, acids, dyestuffs, deodorants, disinfectants, herbicides, photographic paper, and film to "chemicals and related products," and, (b) in Sub-Nos. 3F and 5F, from animal feed supplements and sugar cane to "food and related products."

MC 150434 (Sub-2)X, filed February 10, 1981. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) authorize radial authority in lieu of existing one-way authority between CA and points in the U.S. in and east of MI, IN, MO, AR and LA (except FL, GA, SC, NC, VA, AL); and (3) eliminate a restriction limiting service to the transportation of traffic having a prior movement by water.

[FR Doc. 81-5747 Filed 2-19-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP2-017]

Motor Carrier; Permanent Authority Decisions

Decided: February 12, 1981.

The following applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to

conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 2. Members Chandler, Eaton and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 140243 (Sub-9), filed October 3, 1979. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *masonry supplies* from Bethany, CT to points in FL, GA, SC, and NC.

[FR Doc. 81-5741 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficent interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be suject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where sevice is for a named shipper "under contract".

Volume No. OP2-015

Decided: February 11, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 151513, filed January 26, 1981. Applicant: JIM NICHOLS d.b.a. JIM'S FURNITURE EXPRESS, 7718 N. Robinson (Space 18A), Oklahoma City, OK 73116. Representative: G. Timothy Armstrong, 200 N. Choctaw (P.O. Box 1124), El Reno, OK 73036, 405-262-1322. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153843, filed January 19, 1981. Applicant: THE PILLSBURY COMPANY, 608 Second Ave. South, Minneapolis, MN 55402. Representative: Eugene J. Mielke, (same address as applicant), (612) 330-4407. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153852, filed January 19, 1981. Applicant: SEQUOIA TRANSPORTATION SALES, INC., P.O. Box 985, Rochester, MI 48063. Representative: John Horiszny, 1058 Arden Lane, Birmingham, MI 48009, (313) 646-3470. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153853, filed January 26, 1981. Applicant: EARL LARRY, d.b.a., EARL LARRY's TRUCKING, 5460 Pomona Blvd., Los Angeles, CA 90022. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 98858, (213) 589-6073. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP2–016

Decided: February 11, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 141932 (Sub-43), filed January 22, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150163 (Sub-5), filed January 26, 1981. Applicant: HORWITH TRUCKS, INC., R.D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP5–47

Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 78728 (Sub-6), filed January 19, 1981. Applicant: EVERETT EXPRESS, INC. Highway 258, North, Tarboro, NC 27886. Representative: John H. Everett, P.O. Box 6274, Chesapeake, VA 23323. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 116519 (Sub-91), filed January 27, 1981. Applicant: FREDERICK TRANSPORT LIMITED, a Corporation, R.R. No. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142909 (Sub-14), filed January 19, 1981. Applicant: TIMBER TRUCKING, INC., 35 South 500 West, Salt Lake City, UT 84101. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. To operate, in interstate or foreign commerce, as a broker of *general commodities* (except household goods), between points in the U.S.

MC 153589, filed January 12, 1981. Applicant: KENWOOD L. HELFRICH, 900 Mickley Rd., Box LT3, Whitehall, Pa. 18052. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153778, filed January 27, 1981. Applicant: TRANSPORT, TRAFFIC & SALES CORP., 325 East 201st St., New York, NY 10458. Representative: J. A. Conners (same address as applicant). To operate, in interstate or foreign commerce, as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5742 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, **Federal Register** at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349.* These rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: December 23, 1980.

By the Commission, Review No. 5 Board member Krock, Taylor, and Williams. In MC-F-14519, Board member Taylor dissents. He finds no public benefit resulting from one party controlling two carriers which may at least in part, provide the same service.

Note.—Do to administrative error MC-F-14519 and MC-F-14513 didn't appear in January 7, 1981 FR.

MC-F-14513, filed November 25, 1980. Applicant: BURNS-PORTLAND EXPRESS, INC. (Burns-Portland) (P.O. Box 11915, Spokane, WA 99211)—purchase (portion)—System 99 (8201 Edgewater Drive, Oakland, CA 94621). Representative: John G. McLaughlin, Jerry R. Woods, Suite 1600, One Main Place, 101 SW Main Street, Portland, OR 97204. Burns-Portland seeks authority to purchase a portion of the interstate operating rights of System 99 contained in System 99 certificate MC 98327 (Sub-

10), which authorizes the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), over regular routes, between Bend, OR and Crane, OR, serving all intermediate points. From Bend over U.S. Highway 20 to Burns, OR, then over OR Highway 78 to Crane, and return over the same route, the rights to be sold by System 99 duplicate, in part, the rights to be retained by System 99 in MC 98327 (Sub-10) to provide service over U.S. Highway 20 between Bend, OR and Burns, OR in connection with its authorized operations under MC 98327 (Sub-10 and 22) between Portland, OR and Boise, ID. Donald A. Miles seeks control of the operating rights through the purchase. Buyer is affiliated with Crocker Truck Lines, Inc., which holds authority in MC 141441. Impediment: An impediment to the approval of this transaction exists due to the sale and retention of duplicating rights.

Note.—Application for temporary authority has been filed.

MC-F-14519F, filed December 1, 1980. ARKANSAS BEST CORPORATION (ABC) (1000 South 21st Street, P.O. Box 48, Fort Smith, AR 72902)—continuance in control—TRANS-STATES LINES, INC. (TSL) 2604 Industrial Park Road, Van Buren, AR 72956). Representatives: Thomas Harper and Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. ABC, a non-carrier with its stock publicly held and widely distributed, seeks authority to continue in common control and management of TSL upon the institution by TSL of operations, in interstate or foreign commerce, as a motor common carrier. ABC holds no authority from this Commission. However, it controls through stock ownership, Arkansas Best Freight System, Inc. (ABF), a motor carrier operating pursuant to authority issued in MC 29910 and sub-numbers thereunder, and Container Carrier Corporation (CCC), a motor common carrier operating pursuant to authority issued in MC 135419 and sub-numbers there under. ABF has also been awarded authority pursuant to MC-F-12110 and MC-F-13608. TSL has been granted authority to operate as a motor common carrier in MC 149026 (Sub-Nos. 5, 7, 8, 9, and 10), as follows: (1)(a) *new furniture*, from Fort Smith, AR, to points in the United States (except AK and HI), (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (a) above (except commodities in bulk), from points in the United States (except AK and HI), to Fort Smith, AR, and (c) *rough lumber*, from points in the United States (except AK and HI), to Russellville, AR; (2) *such commodities* as are dealt in by producers and distributors of alcoholic beverages (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), on the one hand, and, on the other, Little Rock, AR; (3) *office furniture, office supplies, tool boxes, cases, and metal articles*, between Fort Smith, AR, on the one hand, and, on the other, points in the United States (except AK and HI); (4) *insulation materials and supplies* used in the manufacture of appliances (except in bulk), from Kansas City, MO, and Newark, OH, to the facilities of Whirlpool Corporation, at Fort Smith, AR; and (5)(a) *new furniture*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), between West Plains, MO, on the one hand, and, on the other, points in the United States (except AK and HI). Condition: Arkansas Best Corporation, as a non-carrier holding company, shall continue to be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Arkansas Best Corporation need only file such special reports as the Commission may from time to time require. Arkansas Best Corporation is not made subject to the accounting requirements of 49 U.S.C. 11142. Condition: Authorization and approval of this transaction is conditioned to provide that to the extent that Trans-States Lines, Inc.'s operating rights duplicate those of Arkansas-Best Freight System, Inc., and Container Carrier Corporation, they may not thereafter be severed from common ownership by sale or otherwise.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5745 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those

where service is for a named shipper "under contract".

Volume No. OP3-164

Decided: February 10, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 4484 (Sub-20), filed December 8, 1980. Applicant: CROWN TRANSPORT, INC., R.D. No. 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the U.S. Government, between points in the U.S.

MC 153654, filed December 23, 1980. Applicant: F. H. FENDERSON INC., Bangor International Airport, P.O. Box 614, Bangor, ME 04401. Representative: Robert T. Fenderson (same address as applicant). As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153755, filed January 22, 1981. Applicant: LYLE FISCHER, d.b.a. FISCHER DISTRIBUTING, 775 Kansas Southeast, Huron, SD 57350. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil codnditioners,* by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 153795 filed January 21, 1981. Applicant: BERNARD R. and MARGARET J. HEIRONYMOUS, d.b.a. B & M TRANSFER, P.O. Box 1, Geneva, NE 68361. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Volume No. OP4-22

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 153956 filed January 30, 1981. Applicant: SAM-SON DISTRIBUTION CENTER, INC., 290 Larkin St., Buffalo, NY 14210. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 14202. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4-23

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 136446 (Sub-13), filed February 3, 1981. Applicant: PRINCETON MESSENGER SERVICE, INC., P.O. Box 2042, Princeton, NJ 08540. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 153846, filed January 26, 1981. Applicant: UNIVERSAL BROKERAGE CO., a corporation, 3820 University, W. Des Moines, IA 50265. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5861 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. 14-OP4]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance applciation *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board, Number 3, Parker, Fortier and Hill.

Agatha L. Mergenovich,

Secretary.

MC-F-14546F, filed December 30, 1980. SPECIAL CARRIERS, INC.

(SPECIAL) (1500 Walnut Street, 19th Floor South, Philadelphia, PA 19102)—Continuance in control—PIONEER TRUCKING, INC. (PIONEER) (1105 N. Market Street, Wilmington, DE 19801). Representative: Roland Rice, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209; and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, PA 19102.

Special seeks authority to continue in control of Pioneer upon the institution by Pioneer of operations, in interstate or foreign commerce, as a motor contract carrier. I U International Corporation, the sole stockholder of Special, seeks authority to acquire control of said rights and property through the transaction. Special is a newly formed corporation and holds no interstate operating rights. I U International Corporation is a publicly held non-carrier corporation that controls IU Transportation Services, Inc., a holding company controlling Ryder Truck Lines, Inc. (MC 2900) and Pacific Intermountain Express Co. (MC 730). Ryder Truck Lines, Inc., also controls Ryder Truck Lines, LTD, which has applied for authority to purchase operating authority from Reliable Transport (U.S.) Ltd., in MC-F-14429. Ryder Truck Lines, Inc., also controls Ryder Forwarding, Inc., a property broker (MC-130636).

[FR Doc. 81-5740 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. 15-OP4]

Motor Carriers; Decision-Notice

Decided: February 13, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance application are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Parker, Fortier, and Hill.

Agatha L. Mergenovich,

Secretary.

MC 151707 (Sub-1F), filed December 17, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Fl., Wilmington, DE 19801. Representative: Dennis J. Kupchik (same address as applicant). Transporting *general commodities,* between points in the U.S., under continuing contract(s) with Top Value Enterprises, Inc. of Dayton, OH.

Note.—This application is directly related to MC-F-14546F, published in this same Federal Register issue.

[FR Doc. 81-5739 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 22]

Restriction Removals; Decision-Notice

Decided: February 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 29910 (Sub-322)X, filed February 2, 1981. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh St., Forth Smith, AR 72901. Representative: Joseph K. Reber (same as applicant). Applicant holds regular-route general commodity authority in its lead and Sub-58, 61, 63, 69, 75, 77, 86, 99, 110, 142, and 169 certificates, and authorities acquired in Finance Dockets MC-F-12956, MC-F-13156, MC-F-13233, MC-F-13396, MC-F-13833F, and MC-F-13608. It seeks to remove restrictions which specify some intermediate points or no intermediate point service to authorize service at all intermediate

points over a network of regular-routes in 35 States in and east of WI, IA, KS, OK, and TX (except FL, ME, and NH) and CA, CO, AZ, NE, NV, and NM. It also seeks to remove all exceptions in its general commodities authority, "except classes A and B explosives", for those authorities which presently contain exception. In its general commodities authority which authorizes the transportation of explosives, applicant seeks to have the commodity description read "general commodities".

MC 36448 (Sub-10)X, filed February 3, 1981. Applicant: MURFREESBORO FREIGHT LINE CO., P.O. Box 1113, Murfreesboro, TN 37130. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-7F regular-route certificate by (1) removing all exceptions in its general commodity authority except "classes A and B explosives", (2) eliminating the restrictions against the handling of traffic originating at, destined to, or interchanged at Nashville on service at Atlanta, GA, and at Atlanta, GA and Nashville, TN on service at Louisville, KY, (3) removing the "joinder only" restriction for Murfreesboro, TN on a route between Murfreesboro and Louisville, and, (4) removing the restrictions on intermediate point service, to authorize service at all intermediate points between Louisville, KY, and Atlanta, GA.

MC 112801 (Sub-259)X, filed February 2, 1981. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. The applicant seeks to remove restrictions in its Sub-24, 224F, 225F, 234F, 235F, 242F, and 248F certificates to (1) broaden the commodity descriptions to "chemicals and related products," from: anhydrous ammonia, in bulk, in tank vehicles, and dry urea, in bulk, in Sub-24; liquid chemicals, in bulk, in tank vehicles, in Sub-224F and 248F; and chemicals, in bulk, in tank vehicles, in Sub-225F, 242F, 234F, and 235F, (2) replace authority to serve named plantsites with authority to serve the county or city: Jefferson Parish, LA, for a facility at Avondale, LA, in Sub-24; Iberville Parish, LA, for a facility at Plaquemine, LA in Sub-224F; Brazoria County, TX, for a facility in Brazoria County, TX, in Sub-225F; Calcasieu Parish, LA, for a facility at or near Lake Charles, LA, in Sub-234F; Jefferson County, TX, for a facility in Jefferson County, TX, in Sub-235F; Harris County, TX, for a facility in Harris County, TX in Sub-242F; and Brazoria and Galveston Counties, TX, and Houston, TX, for a facility at or near Chocolate Bayou, Texas City, and Houston, TX, (3) broaden the territorial description from one-way authority to radial authority between: Jefferson Parish, LA and MS, LA, AR, TN, and KY, in Sub-24; Iberville and Calcasieu Parishes, LA, and Brazoria, Jefferson and Harris Counties, TX, and points in the United States in Sub-224F, 234F, 225F, 235F, and 242F; and Galveston County, TX and Houston, TX, and points in United States in and east of LA, AR, MO, IA, and MN, in Sub-248F, and (4) remove the restriction against the transportation of shipments to AK and HI in Sub-224F, 234F, 225F, 235F, and 242F.

MC 116544 (Sub-238)X, filed February 4, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, 1703 Embarcardero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Applicant seeks removal of restrictions in its Sub-162, 183, 184 certificates, which authorize regular- and irregular-route transportation of "commodities moving in mechanically refrigerated equipment" (with various exceptions), to (1) expand the commodity authority to "general commodities, except classes A and B explosives", and (2) remove all restrictions in its regular-route authority which specify precise intermediate point service or no intermediate point service, to authorize service at all intermediate points on a network of regular routes in 29 States.

MC 121044 (Sub-7)X, filed February 3, 1981. Applicant: ACTION EXPRESS, INC., P.O. Box 722, Boise, ID 83701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions from its Sub-4 and 5 certificates which authorize the transportation of general commodities with certain exceptions between (a) specified ID Counties in Sub-4, and (b) Nyssa, OR and points in that part of OR within 50 miles of Nyssa, on the one hand, and, on the other, points in Owyhee, Canyon, and Payette Counties, ID, and between points in those parts of OR and ID within 3 miles of Nyssa in Sub-5. Both subs are restricted against the transportation of packages or articles weighing more than 100 pounds each, or weighing 200 pounds in the aggregate on one bill of lading from one consignor to one consignee on any one day. Applicant seeks to (1) change its commodity description to "general commodities, except classes A and B explosives", (2) eliminate the weight restrictions in both subs, and (3) authorize county-wide authority to Malheur County, OR in place of Nyssa, OR and points in OR within 50 miles thereof.

MC 127745 (Sub-8)X, filed February 4, 1981. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, 5000 S. Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant seeks to remove restrictions in its Subs 1, 5, and 6 certificates to (1) in Sub 1 remove all exceptions from its general commodity authority except classes A and B explosives, allow service at all intermediate points along its regular route between Omaha, NE and Sioux City, IA, and remove the restrictions against traffic moving radially to, from, or through Omaha and Sioux City; (2) in Sub 6, broaden the commodity from farm machinery, implements and equipment, and materials, supplies, and equipment to "machinery", broaden the territory from Onawa and Smithland, IA to authorize radial service between Monona and Woodbury Counties, IA and 12 midwestern States; and in Sub 5, broaden the commodity from chemicals and fertilizers (except commodities in bulk) to "chemicals and related products", remove the facilities limitations in Woodbury County, IA, and Dakota County, NE, and replace its one-way authority with radial authority between the 2 counties and points in 12 midwestern States.

MC 127900 (Sub-5)X, filed February 4, 1981. Applicant: GROOME TRANSPORTATION, INC., Byrd International Airport, P.O. Box A-23, Richmond, VA 23231. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. Applicant seeks to remove restrictions from its lead certificate and Subs 1 and 4F which authorize the transportation of general commodities (with certain exceptions), having an immediately prior or subsequent movement by air, between named airports in VA, PA, NY and MD, on the one hand, and, on the other, named airports in VA and MD and 35 specified counties in VA. Applicant seeks to (1) change the commodity description in the lead and both subs to "general commodities (except classes A and B explosives)"; (2) remove restrictions which limit service to the transportation of traffic having a prior or subsequent movement by air in each certificate; (3) replace authority to serve named airports with authority to serve the city or county: Richmond, VA, for Byrd Airport or Richard E. Byrd Airport; Norfolk, VA, for Municipal Airport or

Norfolk Municipal Airport; Newport News, VA, for Patrick Henry Airport in the lead and Sub 1; Fairfax County, VA, for Dulles Airport or Dulles International Airport; Washington, DC, for National Airport or Washington National Airport; Baltimore, MD, for Friendship Airport or Baltimore-Washington National Airport in the lead and Sub 4F; Philadelphia, PA, for Philadelphia International Airport in Subs 1 and 4F; and New York, NY, for John F. Kennedy International Airport in Sub 4F.

MC 129827 (Sub-4)X, filed February 6, 1981. Applicant: BLAIR MOTOR SERVICE, INC., 1531 East 14th St., St. Louis, MO 63106. Representative: B. W. Latourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its Sub 3F certificate to (1) broaden the commodity description from shoes, shoe findings, and shoe factory supplies to "leather and leather products," and (2) delete the facilities limitation at Fredricktown, MO, Trenton and Memphis, TN, and St. Louis, MO.

MC 135438 (Sub-2)X, filed February 5, 1981. Applicant: SHELDON OIL COMPANY, 426 Main St. (P.O. Box 278), Suisun, CA 94585. Representative: Marvin Handler, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead certificate by (1) broadening the commodity description from residual fuel oils used in paving operations, asphalt, road oils, and road asphalt emulsions, in bulk, in tank vehicles to "commodities in bulk", (2) replacing its one-way territorial authority with radial authority between points in Contra Costa, Alameda, Sacramento, and Solano Counties, CA, and points in Washoe, Storey, Carson City, Douglas, Lyon, Mineral, Churchill, Pershing, Humboldt and Lander Counties, NV.

MC 138543 (Sub-5)X, filed February 5, 1981. Applicant: GARY A. SCANNAVINO, d.b.a. CHEROKEE FREIGHT LINES, 5463 Cherokee Rd., Stockton, CA 95205. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Applicant seeks to remove the facilities limitations in its Sub-No. 1F permit and authorize service "between points in the U.S." under continuing contract(s) with a named shipper.

MC 141852 (Sub-5)X, filed February 5, 1981. Applicant: BILLY BARNETT & JOE D. BARNETT, d.b.a. BARNETT BROS., 442 Pemberton Dr., Pearl, MS 32908. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F permits, to (1) broaden the commodity descriptions to "machinery" from covered copper wire and fluorescent lamp ballasts and materials, equipment, and supplies (except in bulk), used in the manufacture of copper wire and fluorescent lamp ballasts in Sub-No. 2F, and covered copper wire and fluorescent lamp ballasts and materials, equipment, and supplies (except in bulk), used in the manufacture of the commodities above, in Sub-No. 4F, and (2) broaden the territorial descriptions in both Subs to between points in the United States under contract(s) with named shippers.

MC 142508 (Sub-165)X, filed February 5, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 68F certificate to broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; expand Burlington and St. Albans, VT, to the county-wide authority of Chittenden and Franklin Counties, VT; and expand its one-way authority to radial authority authorizing service between MA and Chittenden and Franklin Counties, VT, and, points in 13 states, and remove the "originating at and destined to" restriction.

MC 145359 (Sub-32)X, filed February 6, 1981. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its permits in No. MC 141773 (Sub-Nos. 3, 5, and 9F) by (a) broadening its commodity descriptions from iron and steel articles in Sub 3, and part (2) of Sub 5 to "metal products"; for aircraft machine gun links, and 20-millimeter projectile metal parts in part (1) of Sub 5 to "ordnance and accessories", and from materials used in the manufacture and distribution of chain saws, chain saw parts, and accessories for chain saws, in Sub 9F to "machinery"and "metal products"; and (b) removing the restriction "in vehicles equipped with mechanical refrigeration" in part (2) of Sub 5; and (c) replacing its one-way authorities in the above three permits with radial authority between points in the U.S. under a continuing contract(s) with named shippers.

MC 146293 (Sub-76)X, filed February 5, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettlebaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd. NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to remove the restriction "except commodities in bulk and foodstuffs" from the commodity description "such commodities, as are dealt in by hardware stores and department stores"; expand its one-way authority to radial authority authorizing service between Los Angeles and Orange Counties, CA, and, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX (except NC, SC, FL, and GA); and eliminate the restriction limiting the transportation to traffic having a prior movement by air or water.

MC 146703 (Sub-26)X, filed February 4, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos.1F, 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, 13F and 14F to (1) broaden commodity descriptions to: "pulp, paper and related products" from paper and paper products, in Subs Nos. 4F and 5F; "such commodities as are dealt in or used by manufacturers and distributors of medical supplies" from medical supplies in Sub-No. 6F; "metal products; pulp, paper and related products" from aluminum and aluminum products (except aluminum beverage cans and ends), boxes, plastic and plastic articles, paper and paper articles in Sub-No. 7F; "chemicals and related products; pulp, paper and related products" from paints, lacquers, adhesives, cartons and paint materials and compounds in Sub-Nos. 8F and 9F; "machinery; metal products" from ball bearings, pillow blocks, and steel balls in Sub-No. 10F; "metal products" from aluminum plate and aluminum sheet, in coils in Sub-No. 13F; and "clay, concrete, glass or stone products; machinery" from glassware, glass-ceramic ware, laminated glassware, and electrical appliances and parts and accessories in Sub-No. 14F, (2) remove "except commodities in bulk" restriction in Sub-Nos. 4F, 7F and 8F and the "in tank vehicles" restriction in Sub-No. 7F. Applicant also seeks to (1) replace counties and cities for specified plantsites and cities: Hampshire County, MA, for Easthampton, MA in Sub-Nos. 1F and 2F; Cook County, IL and Geary County, KS, for a facility at Hodgkins, IL and Junction City, KS in Sub-No. 3F; Litchfield County, CT, for North Canaan, Ct in Sub-No. 6F; Rockingham County, VA, and Richmond, VA for a facility at Grottoes, VA and Richmond, VA; Erie County, NY, for Buffalo and Cheektowaqa, NY and Chester County, PA, for Kimberton, PA, in Sub-No. 9F;

Montgomery, York and Blair Counties, PA for Kulpsville, Hanover, and Altoona, Pa, Steuben County, NY, for Harnell, NY, and Stark County, OH for Massillon, OH, in Sub-No. 10F; Gloucester County, NJ, for Clayton, NJ, in Sub-No.13F; Franklin and Washington Counties, PA, for a facility at Greencastle and Charleroi, PA; and Franklin, VA, for a facility at Franklin, VA. (3) remove the restriction limiting transportation to traffic originating at the named origins in Sub-Nos. 5F, 7F, and 14F, (4) remove the restriction limiting transportation to traffic destined to the indicated destinations in Sub-No. 3F, and (5) broaden the territorial descriptions from one-way authority to radial authority in the above subs.

MC 149549 (Sub-1)X, filed February 5, 1981. Applicant: HAROLD G. CLINE, INC., Harding Highway & Dupont Road, Penns Grove, NJ 08069. Representative: M. Bruce Morgan, 100 Roesler Road, Suite 200, Glen Burnie, MD 21061. Applicant seeks to remove restrictions in its No. MC-59668 (Sub-No. 7) permit to broaden the commodity description from solidified carbon dioxide to "chemicals and related products" and broaden the territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81-5746 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier of Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP2-014

Decided: February 11, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 263 (Sub-236), filed January 30, 1981. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Representative: Wayne S. Green (same address as applicant), 208-232-8831. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, LA, MN, MT, ND, NM, NV, OR, SD, TX, UT, WA, and WY.

MC 80652 (Sub-30), filed January 27, 1981. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, 202-347-3987. Transporting (1) *machinery*, (2) *building materials*, (3) *lumber and wood products*, (4) *metal products*, (5) *clay, concrete, glass or stone products*, and (6) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in CT, DE, MA, RI, NY, NJ, PA, MD, OH, KY, NC, MI, IL, IN, VA, WV, and DC, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 114123 (Sub-52), filed January 21, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *food and related products*, and *printed matter*, between points in the U.S., under continuing contract(s) with the Hershey Creamery Company of Harrisburg, PA.

MC 120153 (Sub-5), filed January 21, 1981. Applicant: ROUNTREE TRANSPORT, INC., 3580 S.W. 46th Ave., Ft. Lauderdale, FL 33314. Representative: Norman J. Bolinger, 3100 University Blvd. So., Jacksonville, FL 32216. (1) *Metal products*, (2) *machinery*, (3) *building materials*, (4) *clay concrete products, glass or stone products*, and (5) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, NC, SC, TN, and VA.

MC 123383 (Sub-96), filed January 29, 1981. Applicant: BOYLE BROTHERS, INC., R.D. 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, 212-466-0220. Transporting (1) *pulp, paper and related products*, between points in Suffolk County, MA, on the one hand, and, on the other, points in Bergen, Hudson, Passaic, Essex, Union, and Middlesex Counties, NJ, Nassau and Suffolk Counties, NY, and New York, NY, and (2) *waste or scrap materials not identified by industry producing*, between points in PA, NJ, NY, DE, and MD, on the one hand, and, on the other, points in Hampden and Suffolk Counties, MA.

MC 129413 (Sub-11), filed January 21, 1981. Applicant: SIOUXLAND EXPRESS, INC., P.O. Box 353, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fertilizers, feed

ingredients, and agricultural chemicals, between points in the U.S.

MC 135152 (Sub-48), filed January 23, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rte. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, OH 45202, 513–241–4037. Transporting *pulp, paper and related products,* and *textiles,* between points in Aiken County, SC, Tulare County, CA, and Nodaway County, MO, on the one hand, and, on the other, points in the U.S.

MC 142452 (Sub-6), filed January 27, 1981. Applicant: RIMAR TRANSPORT, INC., 850 Curie Rd., North Brunswick, NJ 08902. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001, 202–628–9243. Transporting (1) *metal products,* (2) *machinery,* and (3) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in Union, Hudson, and Middlesex Counties, NJ and Nassau County, NY, and New York, NY, on the one hand, and, on the other, points in the U.S.

MC 144622 (Sub-202), filed January 30, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, 817–282–8344. Transporting *such commodities* as are dealt in by discount, variety, or food business houses, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, and WI.

MC 144682 (Sub-48F) (Correction), filed November 21, 1980, published in the **Federal Register** issue of December 23, 1980, and republished, as corrected, this issue. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *paper and paper products,* (2) *chemicals* (except in bulk), and (3) *plastic film, plastic articles, and plastic portable toilets,* between points in the U.S.

Note.—The purpose of this republication is to correct the commodity description by adding part (2), inadvertently omitted from the previous publication.

MC 145202 (Sub-6), filed January 26, 1981. Applicant: K-LINES, LTD., 805 32nd Ave., Council Bluffs, IA 51501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with (a) Prime Meat Processors, Inc., and (b) Coast Packing Co. of Omaha, Inc., both of Omaha, NE, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United A–G Stores Cooperative, Inc., of Omaha, NE.

MC 146703 (Sub-25), filed January 26, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW, Washington, DC 20006, 202–223–8270. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, ID, MT, NV, NM, OR, UT, WA, and WY, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI.

MC 146782 (Sub-39), filed January 27, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, 615–244–2926. Transporting (1) *forest products,* and (2) *lumber and wood products,* between points in Escambia County, FL, Winston County, MS, and Madison and Monroe Counties, TN, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147712 (Sub-13), filed January 21, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *rubber and plastic products,* between points in TX and LA, on the one hand, and, on the other, points in IL, IN, MI, WI, PA, and OH.

MC 151653 (Sub-4), filed January 28, 1981. Applicant: GLOSSON ENTERPRISES, INC., Rte. 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW, Washington, DC 20005, 202–347–9332. Transporting *furniture and fixtures,* between points in NC, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 153793 filed January 23, 1981. Applicant: SUPERIOR CHARTER AND TOURS, INC., 1711 North 56th St., Superior, WI 54880. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW, Washington, DC 20004, 202–737–1030. Transporting *passengers and their baggage,* in charter and special operations beginning and ending at points in Douglas County, WI and extending to points in the U.S.

MC 153892 filed January 21, 1981. Applicant: MASMELA BUS LINES, 4254 So. Thistle St., Seattle, WA 98118. Representative: Steve A. Masmela (same address as applicant). Transporting *passenger and their baggage,* in special operations, between Seattle, WA, on the one hand, and, on the other, Lake Tahoe, Las Vegas and Reno, NV.

MC 147712 (Sub-12) (Correction) filed January 2, 1981, published in the **Federal Register,** issue of February 5, 1981, and republished, as corrected, this issue: Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same as applicant). The purpose of this republication is to correct the docket number, which was published February 5, 1981 as MC–147723 Sub 12. The remainder of the application remains as previously published.

Volume No. OP2–018

Decided: February 12, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 41432 (Sub-174), filed January 12, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, TX 75207. Representative: Wayland Little (same address as applicant) (214) 638–2280. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and junction TN Hwy 88 and U.S. Hwy 79: from Memphis over U.S. Hwy 51 to junction TN Hwy 88, then over TN Hwy 88 to junction U.S. Hwy 79, and return over the same route, (2) between Memphis and Nashville, TN: from Memphis over U.S. Hwy 70 to junction U.S. Hwy 70A, then over U.S. Hwy 70A to junction U.S. Hwy 70, then over U.S. Hwy 70 to Nashville and return over the same route, (3) between Brownsville and Huntingdon, TN, over U.S. Hwy 70, (4) between Nashville and Knoxville, TN, over Interstate Hwy 40, (5) between Nashville and Chattanooga, TN, over U.S. Hwy 41, (6) between Memphis and Chattanooga, TN: from Memphis over U.S. Hwy 72 to junction U.S. Hwy 72A, then over U.S. Hwy 72A to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Chattanooga and return over the same route, (7) between Chattanooga and Knoxville, TN, over U.S. Hwy 11, (8) between Knoxville and Maryville, TN: from Knoxville over U.S. Hwy 129 to junction TN Hwy 73, then over TN Hwy 73 to jucntion U.S. Hwy 411, then over U.S. Hwy 411 to Maryville and return

over the same route, (9) between Knoxville, TN and Bristol, VA, (a) over U.S. Hwy 11W, and (b) over U.S. Hwy 11E, (10) between Knoxville and Greeneville, TN: from Knoxville over U.S. Hwy 70 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Greeneville and return over the same route, (11) between Johnson City, TN and junction U.S. Hwys 23 and 19, over U.S. Hwy 23, (12) between Johnson City TN and junction U.S. Hwys 421 and 70: from Johnson City over U.S Hwy 321 to junction U.S. Hwy 421, then over U.S. Hwy 421 to junction U.S. Hwy 70 and return over the same route, (13) between Newport, TN and junction Interstate Hwy 40 and U.S. Hwy 23: from Newport over TN Hwy 32 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 23 and return over the same route, (14) between Chattanooga, TN and Atlanta, GA, over U.S. Hwy 41, (15) between Chattanooga, TN and Birmingham, AL, over U.S. Hwy 11, (16) between junction U.S. Hwys 70A and 45W, and, junction U.S. Hwys 45 and 70: from jucntion U.S. Hwys 70A and 45W over U.S. Hwy 45W to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 70 and return over the same route, (17) between junction U.S. Hwys 70A and 45E, and, junction U.S. Hwys 45E and 45, over U.S. Hwy 45E, (18) between junction U.S. Hwys 11W and 25E, and, junction U.S. Hwys 25E and 70, over U.S. Hwy 25E, (19) between Nashville, TN and Indianapolis, IN: from Nashville over U.S. Hwy 31W to Louisville, KY, then over U.S. Hwy 31 to Indianapolis and return over the same route, (20) between Knoxville, TN and Cincinnati, OH: from Knoxville over U.S. Hwy 25W to junction U.S. Hwy 25, then over U.S. Hwy 25 to Cincinnati and return over the same route, (21) between Nashville, TN and Birmingham, AL, over U.S. Hwy 31, (22) between Nashville, TN and St. Louis, MO: from Nashville over U.S. Hwy 41A to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 70, then over Interstate Hwy 70 to St. Louis and return over the same route, (23) between Bristol, VA and Washington, PA: from Bristol over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Washington and return over the same route, and (24) between Bristol, VA and Washington, DC: from Bristol over U.S. Hwy 11 to junction U.S. Hwy 211, then over U.S. Hwy 211 to Washington and return over the same route, serving all intermediate points in connection with routes (1) through (24) above.

Note.—Applicant states it intends to tack with existing authority.

MC 78842 (Sub-5), filed January 22, 1981. Applicant: DALEY & WANZER, INC., 821 Nantasket Ave., Hull, MA 02045. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 463–6044. Transporting *furniture and fixtures* and *miscellaneous products of manufacturing*, between points in the U.S., under continuing contract(s) with (a) Direct Office Furniture, of Dorchester, MA, (b) Levine Chapels, of Brookline, MA, and (c) Dedham Antique Shop, of Dedham, MA, and (d) Fisher Woodcraft, of Framingham, MA.

MC 89693 (Sub-46), filed January 22, 1981. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 N. Division St. Suite 209, Spokane, WA 98208. Representative: Roger J. Mathews, 1206 E. Lytle, Pasco, WA 99301. Transporting *dry commodities*, in bags or in bulk, between points in WA, OR and ID.

MC 124692 (Sub-358), filed January 22, 1981. Applicant: SAMMONS TRUCKING, P. O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *clay, concrete, glass or stone products*, between (a) points in Guadalupe and Harris Counties, TX, (b) Orange County, CA, and (c) Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 124813 (Sub-233), filed January 23, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with AIFP Trading Group, Inc., and its subsidiaries, of Portland, OR.

MC 136363 (Sub-25), filed January 23, 1981. Applicant: J & P PROPERTIES, INC., P. O. Box 1146, Apopka, FL 32703. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Ave., Orlando, FL 32801, (305) 425–2213. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note. Issuance of this certificate is subject to prior or coincidental cancellation at applicant's request, of all outstanding certificates in MC–136363.

MC 1142672 (Sub-161), filed January 23, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *metal products* between points in Noble County, OK, on the one hand, and, on the other, points in IL, LA, NJ and TN.

MC 144622 (Sub-199), filed January 22, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021, (817) 282–8344. Transporting *general commodities* between points in Erie and Westmoreland Counties, PA, Barnstable County, MA and Mahoning County, OH, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 144643 (Sub-13), filed January 22, 1981. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Ave., Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. Transporting *food and related products*, and *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company of Chicago, IL.

MC 145072 (Sub-50), filed January 21, 1981. Applicant: M. S. CARRIERS, INC., 1797 Florida St., Memphis, TN 38109. Representative: Michael S. Starnes(same address as applicant) 901–774–2940. Transporting *machinery*, between the facilities of Consumer Electronics Group, GTE Products Corporation, at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, MO, IA, KS, OK, and TX.

MC 150883 (Sub-5), filed January 23, 1981. Applicant: PDR TRUCKING INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW, Washington, DC 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gimbel Brothers, Inc., of Pittsburgh, PA.

MC 151653 (Sub-5), filed January 28, 1981. Applicant: GLOSSON ENTERPRISES, INC., Rte 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *building materials and such commodities* as are dealt in by home improvement and hardware stores, between points in NC, on the one hand, and, on the other, points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 152153 (Sub-1), filed January 22, 1981. Applicant: MOREAUX BROTHERS TRUCKING, INC., P.O. Box 362, China, TX 77613. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 6666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting *petroleum, natural gas and their products* (1) between points in Jefferson County, TX, on the one hand, and, on the other, points in LA, and (2) between points in Montgomery and Jefferson Counties, TX, on the one hand, and, on the other, points in Harris and Galveston Counties, TX and Calcasieu Parish, LA.

Volume No. 163

Decided: February 10, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 6964 (Sub-5), filed January 21, 1981. Applicant: MID WEST MOTOR SERVICE COMPANY OF INDIANA, INC., 219 Maple St., Joliet, IL 60432. Representative: Derald Whiteford (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, OH, PA, NY, NJ, CT, RI, MD, MA, KY, TN, GA, FL, AR, TX, OH, MO, NE, KS, MN, WI, NM, AZ, CA, OR, WA, IA, AL, LA and MI.

MC 107515 (Sub-1411), filed January 21, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. Transporting *rubber and plastic products*, between points in the U.S.

MC 111274 (Sub-65), filed January 22, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). Transporting *such commodities* as are dealt in or used by a manufacturer of animal feed, between points in the U.S., under continuing contract(s) with Allied Mills, Inc., of Bartonville, IL.

MC 116325 (Sub-89), filed January 21, 1981. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: (same as above). Transporting *food and related products*, between points in Dallas, Johnson, Parker, and Tarrant Counties, TX, on the one hand, and, on the other, points in MO.

MC 121594 (Sub-2), filed January 22, 1981. Applicant: A. M. TRANSFER & CRANE SERVICE, INC., 239 N.W. 26th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53 St., Miami, FL 33166. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in Dade and Broward Counties, FL. Condition: Issuance of a certificate is subject to prior or coincidental cancellation, at applicant's request, of its Certificate of Registration in MC 121594.

MC 135185 (Sub-54), filed January 21, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy 31 North, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Gillette Company, of Boston, MA.

Note.—Issuance of a permit is conditioned upon prior or coincidental cancellation at applicant's written request of MC 135165 (Sub-4, 16, and 28).

MC 135364 (Sub-46), filed January 21, 1981. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. #3, Moscow, PA 18444. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Harper & Row Publishers, Inc., of Dunmore, PA.

MC 140294 (Sub-23), filed January 21, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Hagerstown and Baltimore, MD, from Hagerstown over MD Hwy 60 to Leitersburg, then over unnumbered highways and PA Hwy 316 to Rouzerville, PA, then over PA Hwy 16 to the PA–MD State line, then over MD Hwy 32 to Westminster, MD, and then over U.S. Hwy 140 to Baltimore, and return over the same route, serving all intermediate points. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in MC 140294 (Sub-17), at applicant's written request.

MC 144115 (Sub-11), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144115 (Sub-12), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *food and related products*, between the facilities of Bunge Edible Oil Corporation, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146215 (Sub-2), filed January 21, 1981. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Sheldon Forwarding Company of Holyoke, MA, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight Forwarders, Inc., of Holyoke, MA.

MC 148245 (Sub-2), filed January 19, 1981. Applicant: HENRY ANDERSEN OF TEXAS, INC., Route 287, Stratford, TX 79084. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth Street, NW., Washington, DC 20005. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 148355 (Sub-2), filed January 22, 1981. Applicant: A–1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *hazardous materials*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada. Condition: The certificate to be issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 152104 (Sub-1), filed December 22, 1980. Applicant: HOME RUN, INC., 1299 Lavelle Dr., Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers or installers of buildings, between Wampum, Eight-Four, and Coraopolis.

PA, Chardon, Jamestown, and Cincinnati, OH, Jefferson and Gainesville, GA, Brandywine, MD, Houston and Dallas, TX, Fredericksburg, VA, Victor, NY, Indianapolis, IN, and points in FL, NJ, and Butler County, OH, on the one hand, and, on the other, points in the U.S.

MC 152905 (Sub-1), filed January 22, 1981. Applicant: DWAN'S MOVING & STORAGE CO., INC., 207 Hawthorne Ave., St. Joseph, MI 49085. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *household goods*, between points in IL, IN, KY, OH, PA, MN, MI, and WI.

Volume No. OP3-165

Decided: February 10, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 22195 (Sub-186), filed January 19, 1981. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Ave., Sioux Falls, SD 57117. Representative: F. Fred Fischer, Box 946, Sioux Falls, SD 57117. Transporting *commodities in bulk*, between points in CO, IL, IA, KS, MN, MO, MT, NE, ND, SD, WI, and WY. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of carrier's existing certificate in No. MC-22195 and related subs, at applicant's written request.

MC 107295 (Sub-1012), filed January 21, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duance Zehr (same address as applicant). Transporting *building materials*, between points in Kent and Ottawa Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 116915 (Sub-136), filed January 21, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between New Orleans, LA, on the one hand, and, on the other, points in the U.S.

MC 130154, filed January 26, 1981. Applicant: ESTHER A. FREAL, d.b.a. Senior Tourister Tours, 366 Forest St., Hamden, CT 06518. Representative: Esther A. Freal (same address as applicant). As a *broker*, at Hamden, CT, in arranging for the transportation of *passengers and their baggage* in special or charter operations, beginning and ending at points in New Haven, Fairfield, and Middlesex Counties, CT, on the one hand, and, on the other, points in the U.S.

MC 135895 (Sub-123), filed January 26, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *such commodities* as are dealt in or used by department and variety stores, between points in the U.S.

MC 138635 (Sub-126), filed January 21, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives), between points in NC and SC, on the one hand, and, on the other, points in the U.S.

MC 138704 (Sub-7), filed December 18, 1980, previously published in the **Federal Register** issue of January 9, 1981. Applicant: GARY L. DUNPHY, Embden, ME 04958. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. Transporting *pulp, paper or allied products*, and *waste or scrap materials* not identified by industry producing, between points in the U.S., under continuing contract(s) with Giove Company, Inc., of Jamaica, NY.

MC 140315 (Sub-12), filed January 21, 1981. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, WY 82401. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *food and related products*, (2) *agricultural limestone and fertilizer*, and (3) *feeds and feed ingredients*, between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA.

MC 140484 (Sub-85), filed January 21, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in Palm Beach and Hillsborough Counties, FL, on the one hand, and, on the other, points in Collier, Hendry, and Lee Counties, FL.

MC 144115 (Sub-11), filed January 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th St., NW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147415 (Sub-6), filed January 23, 1981. Applicant: SKY CORPORATION, P.O. Box 838, Bismarck, ND 58502. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting *metal products*, between Portland, OR, on the one hand, and, on the other, points in the U.S.

MC 148274 (Sub-2), filed January 27, 1981. Applicant: M & S TRANSPORT, INC., 140 Broadway, Hawthorne, NY 10532. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *such commodities* as are dealt in or used by distributors of automotive parts and accessories, between points in the U.S., under continuing contract(s) with General Motors Warehousing and Distribution Division, General Motors Corporation, of Flint, MI.

MC 153544 (Sub-1), filed January 22, 1981. Applicant: MONARCH CARRIERS, INCORPORATED, Rovar Industrial Park, P.O. Box 1329, Kearney, NE 68847. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *grain bins* and *buildings*, between points in the U.S. under continuing contract(s) with Monarch Industries, Inc., of Kearney, NE.

MC 153774, filed January 21, 1981. Applicant: S & C TRANSPORTATION, INC., 2301 B Washington Ave., P.O. Box 1268, Conway, AR 72032. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *food and related products*, between points in TN, AR, OH, KY, GA, IL, IN, MO, TX, and WV.

Volume No. OP4-008

Decided: February 9, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Liberman not participating.)

FF-537, filed January 21, 1981. Applicant: FLORIDA FREIGHT FORWARDERS, INC., 616 Fields Ave., Jacksonville, FL 32202. Representative: O. C. Beakes, Esq., 836 Riverside Ave., Jacksonville, FL 32204. As a *freight forwarder*, in connection with the transportation of *general commodities*, (a) between points in Duval County, FL, on the one hand, and, on the other, points in Orange, Hillsborough, Pinellas, Palm Beach, Broward, Polk, and Dade Counties, FL, and (b) between points in Orange, Polk, Hillsborough, and Pinellas Counties, FL, on the one hand, and, on the other, points in Palm Beach, Broward and Dade Counties, FL.

MC 42487 (Sub-1022), filed January 19, 1981. Applicant: CONSOLIDATED

FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Great Salt Lake Minerals & Chemicals Corporation of Ogden, UT.

MC 95876 (Sub-378), filed January 23, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No., St. Cloud, MN 56301. Representative: William L. Libby, Suite 307, Edina, MN 55424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chandler Corporation of Boise, ID.

MC 111967 (Sub-11), filed January 22, 1981. Applicant: CADDELL TRANSIT CORPORATION, P.O. Box 146, Lawton, OK 73502. Representative: Wilburn L. Williamson, Suite 615, East, The Oil Center, 2601 Northeast Expressway, Oklahoma City, OK 73112. Transporting *petroleum, natural gas and their products*, between points in Caddo and Custer Counties, OK, on the one hand, and, on the other, points in AR, KS, MO, NM, OK, and TX.

MC 124117 (Sub-47), filed January 22, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, a Partnership, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *pulp, paper and related products*, (a) between points in KY, OH, and TN, on the one hand, and, on the other, points in Tippecanoe County, IN, (b) between points in AL, SC, and TN, on the one hand, and, on the other, points in Duval County, FL, and Polk County, GA, and (c) between points in Madison County, IL, on the one hand, and, on the other, points in KY and TN.

MC 133377 (Sub-15), filed January 23, 1981. Applicant: COMMERICAL SERVICES, INC., 114 Memorial Rd., Storm Lake, IA 50588. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses*, between points in Buena Vista County, IA, on the one hand, and, on the other, points in MN and NE.

Volume No. OP4–16

Decided: February 11, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 91306 (Sub-35), filed January 28, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, D.C. 20005. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points in DE, MD, NY, NJ, PA, MA, CT, RI and DC.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written requests of certificated authority under No. MC–91306 (Subs 10, 11, and 14).

MC 105566 (Sub-241), filed February 3, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 134806 (Sub-71), filed January 21, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *textile products, notions, and holiday decorations*, between points in the U.S., under continuing contract(s) with Wm. E. Wright Co., of Warren, PA, and Molnlycke, Inc., of Fresno, CA.

MC 139356 (Sub-4), filed January 27, 1981. Applicant: MIDLAND TRANSPORTATION, INC., 145 N. Main, East Wenatchee, WA 98801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), between those points in WA in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, WA, on the one hand, and, on the other, Seattle, WA and Portland, OR.

MC 139906 (Sub-140), filed February 2, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by farm and home supply stores, between points in the U.S.

MC 142126 (Sub-11), filed February 3, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Cristy Chemical Corporation, of Worcester, MA.

MC 144386 (Sub-7), filed January 23, 1981. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, JR. AND JAMES M. BLANEY, d.b.a. BLANEY FARMS, R.D. #1, Box 2188, Perryopolis, PA 15473. Representative: William A. Gray, Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *food or kindred products*, between points in Fayette, Greene, Washington, Westmoreland, Allegheny and Centre Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 145026 (Sub-11F), filed December 22, 1980, and noticed the **Federal Register** issue of January 23, 1981, and republished this issue. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in PA, NJ, NY, RI, MA, CT, NH, VT, ME, DE, MD, VA, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This republication is to include CT as a destination point which was previously omitted.

MC 147286 (Sub–5), filed February 2, 1981. Applicant: A & L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *textile mill products*, between points in Chatham County, GA, Charleston and Georgetown Counties, SC, New Hanover County, NC, Independent and Norfolk Counties, VA, Mobile County, AL, Orleans County, LA, and Duval County, FL, on the one hand, and, on the other, those points in GA north of Interstate Hwy 20.

MC 148546 (Sub–1), filed January 21, 1981. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting (1) *chemicals and related products*, and (2) *rubber and plastic products*, between points in the United States, under continuing contract(s) with Lonza, Inc., of Fairlawn, NJ.

MC 148546 (Sub–2), filed January 21, 1981. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Suite 501, Washington, DC

20036. Transporting *general commodities* (except Classes A and B explosives) between points in the U.S., under continuing contract with SCM Corporation of Cleveland, OH.

MC 149026 (Sub-22), filed January 21, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *such commodities* as are dealt in or used by department stores, (1) between points in AL, AR, IL, KS, KY, LA, MS, MO, OK, TN, and TX, and (2) between those points named in (1) above, on the one hand, and, on the other, points in the U.S.

MC 151596 (Sub-4), filed January 30, 1981. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Bruce C. Harrington, Kansas Credit Union Bldg., 1010 Tyler, Suite 1101, Topeka, KS 66612. Transporting *meat, meat products, meat by-products and articles distributed by meat packinghouses*, between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc. of Dakota City, NE.

Volume No. OP4-21

Decided: February 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 41406 (Sub-166), filed January 29, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *metal products*, (2) *machinery*, (3) *building materials*, and (4) *those commodities*, which because of their size or weight require the use of special handling or equipment, between those points in the U.S. in and east of CO, ND, SD, NE, OK, and TX.

MC 67646 (Sub-94), filed January 29, 1981. Applicant: HALL'S MOTOR TRANS T COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same address as applicant). Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Adams, Allen, Elkhart, La Porte, St. Joseph, and Wayne Counties, IN, Berrien, Cass, Lenawee, Monroe, and St. Joseph Counties, MI, Hillsborough, Rockingham, and Strafford Counties, NH, and Ashland, Butler, Clark, Clermont, Crawford, Delaware, Erie, Fairfield, Fayette, Franklin, Greene, Hamilton, Hancock, Huron, Knox, Licking, Lucas, Madison, Marion, Miami, Montgomery, Morrow, Muskingham, Ottawa, Pickaway, Preble, Richland, Ross, Sandusky, Seneca, Union, Warren, Wood, and Wyandot Counties, OH, as intermediate and off-route points in connection with carrier's otherwise regular routes.

Note.—Applicant intends to take this authority with its existing regular route authority.

MC 89716 (Sub-58), filed February 5, 1981. Applicant: DICK JONES TRUCKING, Box 965, Powell, WY 82435. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. Transporting *petroleum, natural gas and their products*, between points in Big Horn, Fremont, Hot Springs, Park and Washakie Counties, WY, on the one hand, and, on the other, points in ID, MT, and UT.

MC 113106 (Sub-103), filed February 3, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut,366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. Transporting *such commodities* as are dealt in and distributed by grocery stores and food business houses, between Baltimore, MD, and points in Frederick and Rockingham Counties, VA, Berkeley County, WV, and Lincoln County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 123916 (Sub-18), filed February 3, 1981. Applicant: GROVE CITY BUS LINES, INC., P.O. Box 31, Grove City, PA 16127. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting (1) *passengers and their baggage*, in round trip charter and special operations, in sight-seeing and pleasure tours, beginning and ending at points in Cuyahoga, Geauga, Lake, Lorain, and Stark Counties, OH, and extending to points in the U.S., and (2) *passengers and their baggage*, in round trip charter and special operations, in sight-seeing and pleasure tours, between points in Cuyahoga, Geauga, Lake, Lorain, and Stark Counties, OH, on the one hand, and, on the other, points in the U.S., restricted to passengers having a prior or subsequent movement by air.

MC 129086 (Sub-32), filed January 30, 1981. Applicant: SPENCER TRUCKING CORP., Rt. 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., Hagerstown, MD 21740. Transporting (1) *clay, concrete, glass or stone products*, (2) *rubber and plastic products*, and (3) *metal products*, between the facilities of Anchor Hocking Corporation and Chattanooga Glass Company, on the one hand, and, on the other, points in the U.S.

MC 130776 (Sub-1), filed January 27, 1981. Applicant: GRAY INTERNATIONAL AIR FORWARDING, INC., 1290 So. Pearl St., Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. As a *broker*, in arranging for the transportation of *household goods*, as defined by the Commission, between points in the U.S.

MC 134467 (Sub-76), filed January 30, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 250 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *food and related products*, between points in Coles County, IL, and Franklin County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144776 (Sub-8), filed February 3, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *rubber and plastic products*, between the facilities of Dolco Packaging Corp., on the one hand, and, on the other, points in the U.S.

MC 150746 (Sub-4), filed February 5, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *containers and container closures*, between points in the U.S., under continuing contract(s) with Continental Glass Company, of Chicago, IL.

MC 152446 (Sub-1), filed January 30, 1981. Applicant: BEE LINE HOT SHOT SERVICE, INC., 6601 So. May, Oklahoma City, OK 73159. Representative: G. L. Phillips, Rm. 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *machinery*, between points in Oklahoma and Woodward Counties, OK, on the one hand, and, on the other, points in AR, CO, KS, NM, LA, and TX.

MC 153566 (Sub-1), filed February 5, 1981. Applicant: BELCHER TRUCKING CO., INC., P.O. Box 160, Brent, AL 35034. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 36209. Transporting *lumber and wood products*, between points in Chilton and Bibb Counties, AL, on the one hand, and, on the other, points in GA, OH, TN, KY, IN, IL, WI, MI, VA, WV, PA, and LA.

MC 153936, filed February 2, 1981. Applicant: MARCUM TRUCKING COMPANY, INC., Box 307, Mt. Gay, WV 25637. Representative: Thomas N. Hanna, One Valley Square, Suite 1290, Charleston, WV 25301. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Refab Company, Inc., of Stollings, WV, Pontiki Coal Corporation, of Lovely, KY, and Island Creek Coal Company, of Paintsville, KY.

FF 126 (Sub-2), filed February 3, 1981. Applicant: KNICKERBOCKER DESPATCH, INC., 16 Central Ave., Tenafly, NJ 07670. Representative: Donald E. Cross, 918 16th St., NW., Washington, DC 20006. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in PA, ME, VT, and NH, on the one hand, and, points in MA, RI, CT, NY, and NJ.

Volume No. OP4–24

Decided: February 13, 1981

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Fortier not participating.)

MC 37896 (Sub-37F), filed January 2, 1981, previously noticed in the **Federal Register** issue of February 3, 1981, and republished this issue.Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1408, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, DC 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Essex Group, Inc., its subsidiaries and affilitates of United Technologies Corporation, of Fort Wayne, IN.

Note.—The purpose of this republication is to correctly state the contracting shipper.

MC 59666 (Sub-5), filed January 28, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *pulp, paper and related products*, (2) *chemicals and related products*, and (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with the Westvaco Corporation, of New York, NY.

MC 117786 (Sub-124), filed February 2, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities* (except classes A and B explosives), between facilities of Mid-America Yarn Mills, Inc., and its suppliers on the one hand, and, on the other, points in the U.S.

MC 139326 (Sub-1), filed January 28, 1981. Applicant: W. A. WAGNER, INC., P.O. Box 27, Garden Prairie, IL 61038. Representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in IL, WI, IN, and IA, on the one hand, and, on the other, points in SD, MN, MO, IN, KY, TN, OH, MI, IL, WI, and IA.

MC 139356 (Sub-3), filed January 28, 1981. Applicant: MIDLAND TRANSPORTATION, INC., 145 N. Main, East Wenatchee, WA 98801. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Transporting *materials, supplies and equipment* as are used by orchard and fruit warehouses and fruit packers, between points in Chelan, Douglas, and Okanogan Counties, WA, on the one hand, and, on the other, points in ID and OR, and those points on the international boundary line between the U.S. and Canada in WA and ID.

MC 145636 (Sub-19), filed January 23, 1981. Applicant: BOB BRINK, INC., 128½ Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. Transporting *general commodities*, between points in Olmsted County, MN, on the one hand, and, on the other, points in the U.S.

MC 146496 (Sub-3), filed January 21, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers, S., 3390 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *General commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gulf Oil Company, of Houston, TX.

MC 146516 (Sub-6F), filed October 11, 1980. Applicant: ALEXANDER TRUCKING CO., INC., 1209 S. Woodland Dr., P.O. Box 6243, Dothan, AL 36302. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *Bananas*, from Gulfport, MS, to points in AR, LA, OK, and TX.

MC 148616 (Sub-4), filed January 23, 1981. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97402. Representative: Gene E. Cook (Same address as applicant). Transporting *construction materials*, between points in the U.S., under continuing contract(s) with Ivy Rents, of Eugene, OR.

MC 149546 (Sub-6), filed January 23, 1981. Applicant: D & T TRUCKING CO., INC., 498 First St., NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 151036 (Sub-2), filed January 28, 1981. Applicant: DECATUR TRANSIT, INC., 161 First Ave., NE., Decature, AL 35602. Representative: Eric G. Hancock (Same address as applicant). Transporting *asphalt and paving materials* in bulk in tank vehicles, between points in Tuscaloosa and Walker Counties, AL, on the one hand, and, on the other, points in Bedford, Cannon, Giles, Grundy, Hamilton, Lawrence, Lewis, Lincoln, Marshall, Maury, Rutherford and Warren Counties, TN.

MC 151706 (Sub-1F), filed October 15, 1980. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, P.O. Box 1567, 324 Exchange Bldg., La Crosse, WI 54601. Transporting (1) *chemicals or allied products, and* (2) *materials equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in OH, IL, and NJ, on the one hand, and, on the other, points in CT, GA, IL, IN, IA, MA, MN, MI, NJ, OH, PA, TN, NY, and WI.

MC 153546 (Sub-1F), filed January 27, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Transporting *rubber and plastic products*, between points in Hancock and Seneca Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 153546 (Sub-2), filed January 27, 1981. Applicant: M & C TRANSPORT, INC., 1708 East Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. Transporting *pulp, paper and related products*, between the facilities of Automatic Data Processing, Inc., on the one hand, and, on the other, points in the U.S.

Volume No. OP5–48

Decided: February 10, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 72069 (Sub-33F), filed January 14, 1981, previously noticed in the **Federal Register** issue (Republication) of February 9, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting *such merchandise* as is dealt in and distributed by food business houses, between points in the U.S., under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ. Purpose of republication is to show applicant as contract carrier.

MC 143188 (Sub-2F), filed December 1, 1980. Applicant: THE G & K HAULING COMPANY, a Corporation, 744 Water St., Toledo, OH 43604. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *fly ash*, from Toledo, OH, to points in IN and those in the Lower Peninsula of MI.

Volume No. OP 5–45

Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 107478 (Sub-84), filed January 22, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *Plumbing goods and fixtures*, between points in Robeson County, NC, Rhea County, TN, Los Angeles County, CA, Carroll, Cook and Kane Counties, IL, and Weber County, UT, on the one hand, and, on the other, points in the U.S.

MC 109449 (Sub-51), filed January 19, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West Sixth St., Winona, MN 55987. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *such commodities* as are dealt in by food business houses, between LaCrosse, WI, on the one hand, and, on the other, points in the U.S.

MC 110288 (Sub-20), filed January 16, 1981. Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *metal products*, (2) *machinery* (3) *those commodities* which because of their size or weight require the use of special handling or equipment (4) *building materials* (5) *Mercer commodities*, (6) *agricultural equipment*, and (7) *contractors' equipment*, between points in OK, KS, CO, NE, MO, AR, IA, IL, WI, and IN.

MC 110288 (Sub-21), filed January 22, 1981. Applicant: HARRY HENERY, INC., 3517 West Washington St., Indianapolis, IN 46214. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204. Transporting (1) *metal products, and (2) machinery*, between points in Wayne County, IN, on the one hand, and, on the other, points in the U.S.

MC 112108 (Sub-6), filed January 19, 1981. Applicant: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, NY 12550. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *passengers and their baggage*, in charter operations, between points in the U.S., under continuing contract(s) with Leprechaun Tours, Inc., of Newburgh, NY.

MC 118159 (Sub-374), filed January 19, 1981. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate St., Charlotte, NC 28208. Representative: Matthew J. Reid, P.O. Box 2298, Green Bay, WI 54306. Transporting *general commodities* (except classes A and B explosives) between the facilities used by American Cynamid Company in the United States, on the one hand, and, on the other, points in the United States.

MC 119639 (Sub-25), filed January 16, 1981. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting (1) *plastic*, and (2) *rubber and plastic products*, between points in CA, ID, OR, and WA.

MC 121818 (Sub-3), filed January 19, 1981. Applicant: REGIONAL STORAGE & TRANSPORT, INC., P.O. Box 817, Greenville, NC 27834. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *general commodities* (except classes A and B explosives), (1) between points in NC, and (2) between points in NC, on the one hand, and, on the other, Charleston, SC, Savannah, GA, and Norfolk, VA.

MC 129189 (Sub-10), filed January 19, 1981. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *salt and salt products*, between points in MI, IN, WI, and IL.

MC 134339 (Sub-1), filed January 22, 1981. Applicant: DUBREUILVILLE ENTERPRISES, Dubreuilville, Ontario, POS IBO Canada. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1) *lumber and wood products*, (2) *building materials*, and (3) *machinery*, between points in the U.S., under continuing contract(s) with Dubreuil Lumber Company Limited and Dubreuil Brothers Limited, both of Dubreuilville, Province of Ontario, Canada.

MC 138308 (Sub-137), filed January 23, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are dealt in or used by department stores, supermarkets, hardware stores, and drug stores, between points in Washoe County, NV, on the one hand, and, on the other, points in CA, CO, OR, WA, and UT.

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Decided: February 6, 1981.

By the Commission, Review Board No. 2, Members Chandler, Easton, and Liberman.

MC 121699 (Sub-12F), filed October 14, 1980. Previously published in FR November 4, 1980. Applicant: VOLUMTEER EXPRESS, INC., 404 Arlington Ave., P.O. Box 100886, Nashville, TN 37210. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. Transporting *general commodities* (except A and B explosives, and household goods, as defined by the Commission), between points in the U.S., restricted to traffic originating at or destined to the facilities of CBS, Inc.

Note.—This republication broadens the commodity description.

MC 129378 (Sub-2), filed January 21, 1981. Applicant: JENNINGS TRUCKING SERVICE, INC., Route, Box 72, Gotebo, OK 73041. Representative: Michael H. Lennox, 8903 N. Western Ave., Oklahoma City, OK 73114. Transporting (1) *lumber and wood products* and, (2) *Mercer commodities*, between points in LA, TX, OK, KS, CO, WY, MT, SD, NM, and UT.

MC 141599 (Sub-11), filed January 23, 1981. Applicant: MOUNTAIN PACIFIC TRANSPORT, LTD., d.b.a. SHADOW LINES, 241 School House Road, Coquitlam, B.C., Canada V3K 4X9. Representative: George R. LaBissoniere, 14 S. Grady Way, Suite 233, Renton, WA 98055. Transporting (1) *Mercer commodities* and (2) *contractors and construction materials, supplies and equipment*, between the ports of entry on the international boundary line between the United States and Canada at points in WA, MT, and ID, on the one hand, and, on the other, points in WA, OR, CA, ID, and MT.

MC 142999 (Sub-29F), filed October 31, 1980. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., P.O.

Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, 1730 M St., NW, Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, Inc., of Bristol, PA.

MC 146808 (Sub-3), filed January 22, 1981. Applicant: D & B TRUCKING, INC., d.b.a. ALCO EXPRESS, 4800 W. Jefferson, Detroit, MI 48209. Representative: James A. Russo (same address as applicant). Transporting *metal products*, between points in IL, IN, OH, and the Lower Peninsula of Michigan.

MC 147259 (Sub-8), filed January 13, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam, South Holland, IL 60473.Transporting *General commodities* (except classes A and B explosives), between points in Cook, DuPage, Kane, Lake, and Will Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, MI.

MC 148119 (Sub-2), filed January 19, 1981. Applicant: T. B. & P. EXPRESS, INC., St. Rte. 67 & Middletown Rd., P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting *containers* between points in the U.S., under continuing contract(s) with Kerr Glass Manufacturing Corporation, of Sand Spring, OK.

MC 149419, filed January 21, 1981. Applicant: FRED F. OSTERBUR, JR. and MARVIN F. OSTERBUR, d.b.a. OSTERBUR TRUCKING, Box 26, Royal, IL 61871. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *ores and minerals and* (2) *clay, concrete, glass or stone products*, between points in Fountain and Newton Counties, IN, on the one hand, and, on the other, points in Vermilion and Champaign Counties, IL.

MC 150419 (Sub-1), filed January 19, 1981. Applicant: LEE TRUCKING, INC., P.O. Box 181, Mooresville, IN 46158. Representative: Karl Eugene Lee, Sr., 3 Stormy Lane, Apt. 5, Mooresville, IN 46158. Transporting *building materials* between points in the U.S. under continuing contract(s) with Cellulose Manufacturing, Inc., of Mooresville, IN.

MC 150628 (Sub-2), filed January 22, 1981. Applicant: IRMA SOMERS d.b.a. BLITZ PACK, 1420 Peachtree St., Apt. 1, Atlanta, GA 30309. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southern Bell Telephone & Telegraph Co., of Atlanta, GA.

MC 153338 (Sub-1), filed January 19, 1981. Applicant: JOBBERS WAREHOUSE CO., INC., 2500 Railroad Ave., Bismarck, ND 58501. Representative: Charles L. Pererson, S.R. No. 1, Box 87, Baldwin, ND 58521. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

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Decided: February 9, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 9859 (Sub-8), filed January 29, 1981. Applicant: KANE TRANSFER CO., a corporation, 4661 Hollins Ferry Road, Baltimore, MD 21227. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S., under continuing contract(s) with The Proctor & Gamble Company of Cincinnati, OH and its subsidiaries.

MC 30508 (Sub-12), filed January 22, 1981. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Rd., Exeter, NH 03833. Representative: Robert L. Cope, 1730 M St., NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Albany, NY, and Greenfield, MA, from Albany over NY Hwy 2 to the NY–MA State line, then over MA Hwy 2 to Greenfield, and return over the same route; (2) between Stamford, CT, and Boston, MA, from Stamford over U.S. Hwy 1 to Boston; (3) between New Haven, CT, and Boston, MA, from New Haven over U.S. Hwy 5 to junction MA Hwy 2, then over MA Hwy 2 to Boston, and return over the same route; (4) between Albany, NY, and Boston, MA, from Albany over U.S. Hwy 20 to Boston; (5) between Hartford, CT, and Boston, MA, from Hartford over Interstate Hwy 86 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, and return over the same route; (6) between Boston, MA, and Lewiston, ME, from Boston over U.S. Hwy 1 to Portland, ME, then over ME Hwy 100 to Lewiston, and return over the same route, serving all intermediate points on routes (1) through (6), serving all points in Warren, Washington, Saratoga, Schenectady, Rensselaer, and Albany Counties, NY, Cumberland, Androscoggin, Oxford, Kennebec, Sagadahoc, Lincoln, Knox, Franklin, and Waldo Counties, ME, and all points in CT and RI, as off-route points in conjunction with applicant's regular-route or irregular route operations.

MC 40978 (Sub-83), filed January 23, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a corporation, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN, and points in Winona County, MN, on the one hand, and, on the other, points in IL, IN, MI, and WI.

MC 97068 (Sub-24), filed January 22, 1981. Applicant: H. S. ANDERSON TRUCKING COMPANY a Corporation, P.O. Box 3656, Port Arthur, TX 77640. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting (1) *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment, and supplies* used in, or in servicing, maintenance and dismantling of pipe lines, including the string and picking up thereof, between points in the U.S.

MC 107478 (Sub-83), filed January 27, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Transporting *lumber and wood products* between points in the U.S.

MC 107818 (Sub-108), filed January 29, 1981. Applicant: GREENSTEIN TRUCKING COMPANY, A Corporation, 280 N.W. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental

cancellation, at applicant's written request, of all existing certificates.

MC 109238 (Sub-25), filed January 23, 1981. Applicant: DeHART MOTOR LINES, INC., P.O. Box 368, Conover, NC 28613. Representative: Terrell C. Clark, P.O. Box 25, Stanleyville, VA 24168. Transporting *general commodities* (except classes A and B explosives), between points in Alexander, Anson, Burke, Caldwell, and Catawba Counties, NC, on the one hand, and, on the other, points in SC.

MC 115669 (Sub-204), filed January 27, 1981. Applicant: DAHLSTER TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). Transporting (1) *fertilizers*, (2) *petroleum products*, and (3) *feed ingredients*, between points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, WI, and WY.

MC 118838 (Sub-72), filed January 27, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *building materials*, between points in CA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, NE, ND, OH, PA, SD, WI, and WY.

MC 119118 (Sub-67F), filed December 5, 1980, previously noticed in **Federal Register** issue of January 13, 1981. Applicant: MC CURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *malt beverages, in containers, and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), (a) between points in Butler County, OH, on the one hand, and, on the other, Alexandria, VA, and points in Westmoreland and Dauphin Counties, PA, Prince Georges County, MD, and Vanderburgh County, IN, (b) between points in Lehigh County, PA, on the one hand, and, on the other, points in Chautauqua County, NY, and (c) between Baltimore, MD, and points in Vanderburgh County, IN, Campbell County, KY, and Saginaw County, MI, on the one hand, and, on the other, Norfolk, VA, and points in Cayuga County, NY.

Note.—This republication shows the correct territorial description.

MC 119399 (Sub-144), filed January 23, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant.) Transporting *such commodities* as are dealt in or used by manufacturers of plastic insulated copper wire, between points in Buncombe County, NC, and Benton County, AR, on the one hand, and, on the other, points in the U.S.

MC 121568 (Sub-77), filed January 21, 1981. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (Same address as applicant.) Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of MT, WY, CO, and NM. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

Note.—Applicant intends to tack with existing authority.

MC 136169 (Sub-5), filed January 23, 1981. Applicant: CHARLES PHILLIPS TRUCKING, INC., P.O. Box 222, Alvarado, TX 76009. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Transporting *commodities in bulk*, between points in Ellis County, TX, on the one hand, and, on the other, points in OK.

MC 138278 (Sub-1), filed January 23, 1981. Applicant: KOCH BUS SERVICE, INC., Waconia, MN 55387. Representative: (Same address as applicant.) Transporting *passengers and their baggage*, in round-trip charter operations beginning and ending at points in Hennepin County, MN, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5862 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 77 (SDM)]

Bangor and Aroostook Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federald Regulations, Part 1121.23, that the Bangor and Aroostook Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 77 (SDM). The Commission on February 11, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 77 (SDM).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5744 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

February 17, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

43900, RO-LO Pacific Line (No. 3), for rail carriers parties to its tariffs ICC ROLU 300, FMC No. 2, and ICC ROLU 301, FMC No. 5, proposes to establish rail/ocean, ocean/rail intermodal rates on commodities in containers between rail terminals on the U.S. Atlantic and Gulf Coast to Interchange ports with origins or destinations at ports in Japan, Korea, Singapore, Hong Kong, and Philippine Islands, effective March 8, 1981. Grounds for relief—water competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5743 Filed 2-19-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Revco D.S., Inc., and Zale Corp.; Proposed Final Judgment, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Northern District of Texas, in *United States of America* v. *Revco D.S., Inc. and Zale Corporation*, Civil No. CA 3-81-0157-H. The Complaint in this case alleged that the acquisition of the assets of the Skillern Drug Division of Zale Corporation by Revco D.S., Inc. ("Revco") may substantially lessen competition or tend to create a monopoly in the retail sale of ethical drugs in the Dallas-Fort Worth, El Paso and Tyler, Texas areas, in violation of section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final

Judgment requires Revco to divest inself of certain drug stores in each of the markets alleged within nine months from the effective date of the Final Judgment, or by January 31, 1982, whichever occurs later. The proposed Final Judgment also provides for the appointment of a trustee who shall have authority to accomplish the divestiture should Revco be unable to complete the divestiture by the prescribed deadline. The proposed Final Judgment further provides for monthly written reports from Revco setting forth the steps taken by it to accomplish the divestiture required by the Final Judgment. Before the required divestiture is accomplished, Revco must maintain the acquired drug stores as going businesses.

Public comment is invited within the statutory 60-day waiting period. Such comments, and responses thereto, will be published in the **Federal Register** and will be filed with the Court. Comments should be directed to Donald C. Klawiter, Chief, Dallas Field Office, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (Telephone (214) 767–8051).

Joseph H. Widmar,

Director of Operations.

In the matter of Northern District of Texas: United States of America, Plaintiff, v. Revco D.S., Inc. and Zale Corporation, Defendants, Civil Action No. 3–81–0157–H. Filed: February 6, 1981, Stipulation.

It is stipulated by and between the undersigned parties, plaintiff, United States of America, and defendants Revco D.S., Inc. and Zale Corporation, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the porposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

3. The Stipulation entered into by the parties on February 2, 1981 is hereby revoked and its provisions are of no further effect.

Dated: February 6, 1981.

For the plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, Donald C. Klawiter, Mary Coleen T. Sewell, Larry R. Patton, *Attorneys Department of Justice, Antitrust Division, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (214) 767–8051.*

For the defendants: Martin Zeiger, *Vice President, General Counsel, Revco D.S., Inc.; Arter & Hadden, 1144 Union Commerce Building, Cleveland, OH 44115, (216) 696–1144;* Walter A. Bates, *Attorney for Revco D.S. Inc.; Arter hadden & Hemmendinger, 1919 Pennsylvania Ave., N.W., Suite 400, Washington, D.C. 20006, (202) 857–0060;* Jerome A. Hochberg, *Attorney for Revco D.S., Inc.; Weil, Gottshall & Manges, 767 Fifth Avenue, New York, NY 10153, (212) 310–8650;* Peter D. Standish, *Attorney for Zale Corporation.*

In the matter of Northern District of Texas: United States of America, Plaintiff, v. Revco D.S., Inc., and Zale Corporation, Defendants, Civil No. CA 3–81–0157–H, Filed: February 6, 1981, Final Judgment.

Plaintiff, United States of America, having filed its Complaint herein on February 2, 1981, and the plaintiff and the defendants, Revco D.S., Inc., and Zale Corporation, by their respective attorneys, having consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act (15 U.S.C. 18).

II

As used in this Final Judgment:

(A) Revco D.S., Inc. (Revco) is a corporation organized and existing under the laws of the State of Michigan with its principal place of business in Twinsburg, Ohio.

(B) Zale Corporation (Zale) is a corporation organized and existing under the laws of the State of Texas with its principal place of business in Dallas, Texas.

(C) "Assets" means those certain drug stores acquired by Revco from Zale and those certain drug stores operated by Revco which are to be divested as identified and in the manner prescribed in Appendix A to this Final Judgment. More specifically, "Assets" means the leasehold estates created by and all rights conveyed under or by virtue of the leases, the fixed assets and the inventories of the drug stores.

(D) "Eligible purchaser" means any entity or entities approved by the plaintiff or, failing such approval, by the Court to acquire any or all of the Assets as defined in Section II(C) herein.

III

Zale is hereby dismissed as a named defendant in this Final Judgment.

IV

The provisions of this Final Judgment applicable to Revco shall also apply to each of its officers, directors, agents, employees, affiliates, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any eligible purchaser which in fact purchases Assets.

V

(A) Revco is ordered and directed within nine months from the effective date of this Final Judgment or by January 31, 1982, whichever occurs later, to divest itself of the Assets.

(B) The divestiture required by this Section V shall be absolute and unconditional to an eligible purchaser or purchasers upon terms and conditions approved by the plaintiff or, failing such approval by the plaintiff, by the Court.

(C) Within 15 days after Revco presents to the plaintiff at the offices of the Antitrust Division in Dallas, Texas, a letter of intent by a prospective purchaser to acquire any of the Assets, and such other information which Revco supplies for evaluating the competitive effects of the transaction, the plaintiff shall indicate its approval or disapproval in writing to Revco at its principal office in Twinsburg, Ohio and to its attorney at his office in Cleveland, Ohio. If plaintiff requires supplementary information concerning the proposed sale, it shall request such information within seven days after receipt of the said letter of intent and must indicate its approval or disapproval in writing within 15 days after receipt of the

supplementary information. Failure to respond within the required time under either circumstance shall be deemed to be approval by the plaintiff. If plaintiff objects to the proposed divestiture, then such divestiture shall not be consummated unless approved by the Court or unless plaintiff notifies Revco in writing that its objection has been withdrawn.

(D) The period set forth in Section V(A) shall be tolled during any period or periods utilized by the plaintiff pursuant to Section V(C) and during the pendency of any proceedings in this Court under this Final Judgment relating to approval of a proposed divestiture.

VI

(A) If Revco is unable to complete the divestiture required by this Final Judgement within the period set forth in Section V hereof, the Court shall, upon application of the plaintiff, appoint a trustee who shall have authority to divest those Assets that Revco has been unable to divest.

(B) The trustee shall have full power and authority to dispose of the Assets, subject to the prior approval of this Court. The Court shall provide the parties with an opportunity for a hearing prior to granting its approval. The trustee shall serve at the cost and expense of Revco, on such terms and conditions as this Court may set, and shall account for all monies derived from the disposal of the Assets and all expenses so incurred. After approval by this Court of the trustee's account, including fees for his services, all remaining monies shall be paid to Revco, and the trust shall be terminated. Each sale by the trustee shall be in accordance with the provisions of this Final Judgment.

VII

Except as hereinafter provided, Revco is prohibited from reacquiring any of the Assets that are sold pursuant to this Final Judgment, including negotiating for a lease after the expiration of the current lease. Revco may reacquire Assets only to reassume its obligations on leaseholds should any buyer default on its lease obligations, or to enforce any bona fide security interest in any or all of the Assets to be divested to secure payment of any unpaid portion of the purchase price or performance of any term of any contract or contracts required by Section V(A) herein. If Revco should reacquire any Assets pursuant to this Section VII within two years, it shall notify the plaintiff within 10 days after and thereafter, in consultation with the plaintiff, use its best efforts to resell the Assets as drug stores. Failing such resale, Revco agrees it shall not operate such Assets as drug stores and shall be relieved of any requirement to further divest such Assets.

VIII

Revco is ordered and directed to file with the plaintiff at the offices of the Antitrust Division in Dallas, Texas within one month after the effective date of this Final Judgment, and every month thereafter, a written report setting forth the steps taken by it to accomplish the divestiture required by this Final Judgment. Such report shall include, but not be limited to, an identification of any person or persons to whom the Assets have been offered, the terms and conditions of each offer to sell, the identification of any person or persons expressing interest in acquiring the Assets, and the terms and conditions of each offer to purchase. Such reports shall be treated as confidential by the plaintiff.

IX

Until the divestiture of the Assets, Revco is ordered and directed to maintain the Assets listed in Appendix A as going businesses. Revco shall provide such financial, business, promotion and management assistance as necessary to maintain the Assets as going businesses.

X

(A) For the purpose of determining or securing compliance with this Final Judgment duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and upon reasonable notice to Revco made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access, during office hours of Revco to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of or under the control of said defendant relating to any of the matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Revco, and without restraint or interference from it, to interview the officers and employees of said defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to its principal office, Revco shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

(C) No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States except in the course of legal proceedings to which the United States in a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for enforcement or dompliance therewith and for punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.

United States District Judge

Dated:

Appendix A

1. In the Dallas-Fort Worth area the Assets to be divested shall consist of the following:

(a) Each drug store listed below:

Skillern's Store 6003, 2703 South Lancaster, Dallas, Texas 75216

Skillern's Store 6007, 4900 Ross Avenue, Dallas, Texas 75206

Skillern's Store 6029, 326 East Main, Grand Prairie, Texas 75050

Skillern's Store 6056, 1343 Camp Wisdom, Dallas, Texas 75237

Skillern's Store 6072, 3065 Josey Lane, Carrollton, Texas 75006

Skillern's Store 6084, 7602 Campbell Road, Dallas, Texas 75248

Revco Store 267, 3401 Mansfield Highway, Fort Worth, Texas 76119

Revco Store 295, 8433 Lake June Road, Dallas, Texas 75217.

(b) One drug store from each of the following groups of drug stores:

(1) Skillern's Store 6020, 975 Irving Boulevard, Irving, Texas 75060

Skillern's Store 6140, 3624 N. Belt Line, Irving, Texas 75062

Revco Store 296, 1019 W. Rochelle (Pandy Town Shopping Center), Irving, Texas 75062

(2) Skillern's Store 6039, 1511 New York Avenue, Arlington, Texas 76010

Revco Store 271, 1600 E. Abrams Street, Arlington, Texas 76010

(3) Skillern's Store 6139, 2424 South Collins, Arlington, Texas 76014

Revco Store 273, 2212 New York Avenue, Arlington, Texas 76010

(4) Skillern's Store 6089, 724 East Pipeline Road, Hurst, Texas 76053
Skillern's Store 6129, 510 I Harwood Village, Bedford, Texas 76021
Revco Store 270, 1307 Brown Trail, Bedford, Texas 76021
(5) Skillern's Store 6049, 2737 West Park Row, Arlington, Texas 76010
Revco Store 265, 1530 Bowen Road, Pantego, Texas 76013
(6) Skillern's Store 6034, 4701 East Lancaster, Fort Worth, Texas 76103
Revco Store 280, 1111 Oakland Boulevard, Fort Worth, Texas 76103
(7) Skillern's Store 6006, 3177 Denton Highway, Haltom City, Texas 76117
Revco Store 263, 4100 Denton Highway, Haltom City, Texas 76117
(8) Skillern's Store 6027, 4401 River Oaks Boulevard, Fort Worth, Texas 76114
Revco Store 298, 2254 Jacksboro Highway, Fort Worth, Texas 76114
(9) Skillern's Store 6009, 504 West Rosedale, Fort Worth, Texas 76104
Revco Store 268, 1729 Eighth Avenue, Fort Worth, Texas 76110
(10) Skillern's Store 6078, 2720 West Seminary Drive, Fort Worth, Texas 76133
Revco Store 264, 5205 McCart, Fort Worth, Texas 76115
(11) Skillern's Store 6060, 3001 Walton, Fort Worth, Texas 76133
Revco Store 285, 3838 Alta Mesa Boulevard, Fort Worth, Texas 76133
(12) Skillern's Store 6008, 4808 Camp Bowie Boulevard, Fort Worth, Texas 76107
Revco Store 269, 4601 Camp Bowie Boulevard, Fort Worth, Texas 76107
(13) Skillern's Store 6066, 8133 Highway 80 West, Fort Worth, Texas 76116
Revco Store 2816, Las Vegas Trail, Fort Worth, Texas 76116
(14) Skillern's Store 6127, 319 South Cedar Ridge, Duncanville, Texas 75116
Revco Store 282, 267 West Camp Wisdom Road, Redbird Village Shopping Center, Duncanville, Texas 75116
(15) Skillern's Store 6050, 1806 Avenue K, Plano, Texas 75074
Skillern's Store 6097, 2109 Parker Road #100, Plano, Texas 75074
Skillern's Store 6109, 3045 West 15th, Plano, Texas 75074
Revco Store 4102, 907 W. Parker Road, Plano, Texas 75023
(16) Revco Store 242, 5006 N. Jupiter Road, Garland, Texas 75042
Revco Store 2815, 1332 S. Plano Road, Richardson, Texas 75081
(17) Skillern's Store 6024, Saturn/Northwest Highway, Garland, Texas 75041
Skillern's Store 6030, 408 Casa Linda Plaza, Dallas, Texas 75218
Skillern's Store 6092, 31006 N. Buchner, Dallas, Texas 75228
Revco Store 291, 4402 Gus Thomass Road, Oates Park Shopping Center, Mesquite, Texas 75150.

2. In the El Paso area, the Assets to be divested shall consist of one of the following:

(a) One drug store from each of the following groups of drug stores to a drug store chain (four or more stores) competitor presently in the El Paso area, other than the leading competitor in that area:

(1) Skillern's Store 6474, 3333–B North Yarborough, El Paso, Texas 79925
Revco Store 690, 10780 North Pebble Hills Blvd., El Paso, Texas 79935
(2) Skillern's Store 6456, 5579 Alameda (Fox Plaza), El Paso, Texas 79905
Revco Store 671, 5516 Alameda, El Paso, Texas 79905.

(b) One from each of the above groups of drug stores and two other drug stores located in the El Paso area to a new entrant into that area:

3. In the Tyler area, the Assets to be divested shall consist of one of the following:

(a) One drug store from the following group of drug stores to a drug store competitor presently in the Tyler area other than the two leading competitors in that area:
Skillern's Store 6098, 813 North Broadway, Tyler, Texas 75701
Revco Store 289, 1103 East Gentry, Tyler, Texas 75702.

(b) One drug store from the above group and one other drug store located in the Tyler area to a new entrant into that area.

Northern District of Texas: United States of America, Plaintiff, v. Revco, D.S., Inc., and Zale Corporation, Defendants, Civil No. CA–3–81–0157–H, Filed: February 6, 1981, Competitive Impact Statement.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (d)–(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

This is a civil action filed by the United States against Revco, D.S., Inc. of Twinsburg, Ohio and Zale Corporation of Dallas, Texas. The complaint, which was filed on February 2, 1981, alleged that the proposed acquisition by Revco of all of the assets of the Skillern Drug Division of Zale Corporation (Skillern's) would violate Section 7 of the Clayton Act because competition between the two companies in the retail sale of ethical or prescription drugs would be eliminated. The case was brought to enjoin Revco from acquiring the Skillern Drug Division of Zale Corporation.

The complaint alleged that the effect of the proposed acquisition of Skillern's by Revco may be substantially to lessen competition and to tend to create a monopoly in the sale of ethical drugs to the general public in three geographic areas in Texas in violation of Section 7 of the Clayton Act. In the Dallas-Fort Worth area Revco and Skillern's, combined, would have approximately 19.8 percent of ethical drug sales. In the El Paso area Revco and Skillern's, combined, would have approximately 23.9 percent of ethical drug sales, and in the Tyler area Revco and Skillern's combined, would have 13.7 percent of such sales.

II

Description of the Alleged Violation

On December 1, 1980, Revco entered into an agreement with Zale Corporation to acquire all of the assets of the Skillern Drug Division of Zale Corporation. Both Revco and Skillern's are engaged in the retail sale of ethical or prescription drugs to the general public.

Revco is a Michigan corporation, maintaining its principal place of business in Twinsburg, Ohio. Revco is the largest retail drug chain in the United States, operating approximately 1276 pharmacies in 24 states. For the fiscal year ending May 31, 1980, Revco had total corporate sales of $1,092,797,000. As of December 11, 1980, Revco operated 58 pharmacies in the State of Texas, including 27 in the Dallas-Fort Worth area, with 1980 ethical drug sales of $5,381,129; five in the El Paso area, with 1980 ethical drug sales of $966,821; and three in the Tyler area, with 1980 ethical drug sales of $257,003.

Zale Corporation is a Texas corporation and maintains its principal place of business in Dallas, Texas. Zale Corporation owns and controls two wholly-owned subsidiaries, Skillern & Sons, Inc. and Skillern & Sons New Mexico, Inc., both Texas corporations, which were operated as the Skillern Drug Division of Zale Corporation. Skillern's is engaged principally in retail drug sales and, as of November 10, 1980, operated 144 pharmacies in the states of Texas and New Mexico with total sales of $148,700,000. Of these stores, Skillern's operated 75 stores in the Dallas-Fort Worth area, with 1980 ethical drug sales of approximately $21,966,200; 15 stores in the El Paso area, with 1980 ethical drug sales of approximately $2,860,000; and 3 stores in the Tyler area, with 1980 ethical drug sales of approximately $721,000.

The line of commerce involved in this transaction is the retail sale of ethical or prescription drugs to the general public. Ethical drugs are those drugs that are restricted to sale only on a physician's, dentist's, or other licensed practitioner's prescription, as provided by federal law and the laws of the State of Texas. The retail outlets from which ethical drugs are sold to the general public are pharmacies. These pharmacies are licensed by the State of Texas and ethical drugs must be dispensed by a pharmacist, also licensed by the State of Texas.

The three geographic markets in which Revco and Skillern's are direct competitors are the Dallas-Fort Worth area, the El Paso area and the Tyler area. The Dallas-Fort Worth area includes Dallas and Tarrant counties and the incorporated cities of Lewisville and Plano in the State of Texas; this area includes the cities of Dallas and Fort Worth. The El Paso area includes the county of El Paso, and the Tyler area includes Smith County, Texas. There are also Skillern's stores in other areas of the State of Texas; however, these three areas are the locations where Revco and Skillern's directly compete against against each other in the retail sale of ethical drugs.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that a Final Judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. That stipulation provides that there has been no admission by any party with respect to any issue of law or fact. This stipulation also rescinds the stipulation of the parties on February 2, 1981 by which the defendants agreed not to consummate the acquisition pending the outcome of settlement negotiations. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon a determination by the Court that it is in the public interest.

Section III of the proposed Final Judgment will dismiss Zale Corporation form the action.

Section IV of the proposed Final Judgment expressly provides that it appies to Revco, its officers, directors, agents, employees, subsidiaries, affiliates, sucessors, and assigns, and to all other persons in active concert or participation with any of them who receive notice of this Final Judment by personal service or otherwise.

Section V of the proposed Final Judgment orders Revco to divest itself of from 28 to 31 drug stores in three geographic areas in Texas. These drug stores are termed Assets in the Final Judgment where "Assets" is defined as certain drug stores acquired by Revco from Skillern's and certain drug stores operated by Revco. In the Dallas-Fort Worth area, the divestiture provisions require Revco to divest itself of each of the drug stores in listed in 1(a) of Appendix A, and one drug store from each grouping of drug stores listed in 1(b) of Appendix A, to another entity. Revco is also ordered to divest itself of one drug store from each of the groupings for El Paso, Texas, as listed in 2(a) of Appendix A, to a company presently operating drug stores in that market, or four drug stores, including one from each of the groupings for El Paso listed in 2(a) of Appendix A, to a new entrant into the market. The proposed Final Judgment orders Revco to divest itself of one drug store from the grouping for Tyler, Texas listed in 3(a) of Appendix A, to a company presently operating drug stores in that market, or two drug stores, one of which is listed in 3(a) of Appendix A, to a new entrant into the market. The drug store groupings to be divested also listed as Appendix A of this Competitive Impact Statement. The Final Judgment further specifies that "Assets" means the leasehold estates created by and all rights conveyed under or by virtue of the leases, the fixed assets and the inventories of each drug store.

Section V further requires that the Divestiture of these drug stores occur within nine months of the date of entry of this Final Judgment, or before January 31, 1982, whichever date is later.

Section V also gives the government the right to object to the proposed sale of each of the groupings of drug stores to be divested. If the government does object, the period for diverstiture will be tolled during the period that it takes the government to evaluate the proposed sale, and make its objection known. If Revco challenges the objection and the Court sustains the objection, the period for diverstiture will be tolled during the pendency of any Court proceedings.

Section VI provides for the Court, upon the government's request, to appoint a trustee, at Revco's expense, to sell each of the groupings of drug stores to be divested which Revco has not divested within the period specified. The trustee has the authority to dispose of each grouping of drug stores, subject to the approval of the Court.

Section VII provides that Revco may not reacquire any of the drug store locations divested pursuant to the Final Judgment, except to enforce a valid security interest in such drug store obtained to insure payment from the purchaser, or to reassume its obligations on leaseholds in the event that the purchaser defaults. Revco must use its best efforts to resell any drug store reaquired in this manner and, in any event, may not operate that location as a drug store.

Section VIII requires Revco to provide the government with a monthly report detailing its efforts to sell the drug stores to be divested.

Section IX orders Revco to maintain each of the drug stores listed in Appendix A as going businesses and to continue normal business operations until each drug store is sold.

Under Section X of the proposed Final Judgment, the Department of Justice would have access, upon reasonable notice, to the records and personnel of Revco in order to determine the defendant's compliance with the provisions of the Final Judgment.

Under Section XI of the proposed Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders to directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of its provisions.

Section XII indicates that the proposed Final Judgment is in the public interest.

IV

Remedies to Private Plaintiffs

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Final Judgment may not be used as *prima* facie evidence in any subsequent private lawsuit which may be brought against the defendants since it is a consent judgment that will be entered before any testimony has been taken.

V

Procedures Available for Modifications of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Donald C. Klawiter, Chief, Dallas Field Office, Department of Justice, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of

Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification of the Final Judgment is necessary.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment requires Revco to divest from 28 to 31 drug stores in three geographic areas in Texas. The divestiture of these drug stores will eliminate the anticompetitive effects of the proposed acquisition of the Skillern Drug Division by Revco in each of the relevant geographic markets where both Revco and Skillern's are substantial competitors in the retail sale of ethical drugs to the general public. Since the relief obtained in the Final Judgment eliminates the anticompetitives effects of the proposed acquisition in each geographic market, it is substantially similar to the relief the Department of Justice could expect to obtain after a trial on the merits. Although most provisions of the proposed judgment were revised and refined in the course of the negotiations, no relief substantially different in kind was considered by the government.

VII

Determinative Document

There are no materials or documents which the government considered determinative in formulating this proposed Final Judgment. Therefore, none are being filed along with this Competitive Impact Statement.

Dated: February 6, 1981.

Mary Coleen T. Sewell,

Larry R. Patton,

Attorneys, Department of Justice.

Appendix A

1. In the Dallas-Fort Worth area the Assets to be divested shall consist of the following:

(a) Each drug store listed below:

Skillern's Store 6003, 2703 South Lancaster, Dallas, Texas 75216
Skillern's Store 6007, 4900 Ross Avenue, Dallas, Texas 75206
Skillern's Store 6029, 326 East Main, Grand Prairie, Texas 75050
Skillern's Store 6056, 1343 Camp Wisdom, Dallas, Texas 75237
Skillern's Store 6072, 3065 Josey Lane, Carrollton, Texas 75006
Skillern's Store 6084, 7602 Campbell Road, Dallas, Texas 75248
Revco Store 267, 3401 Mansfield Highway, Fort Worth, Texas 76119
Revco Store 295, 8433 Lake June Road, Dallas, Texas 75217.

(b) One drug store from each of the following groups of drug stores:

(1) Skillern's Store 6020, 975 Irving Boulevard, Irving, Texas 75060
Skillern's Store 6140, 3624 N. Belt Line, Irving, Texas 75062
Revco Store 296, 1019 W. Rochelle (Pandy Town Shopping Center), Irving, Texas 75062
(2) Skillern's Store 6039, 1511 New York, Arlington, Texas 76010
Revco Store 271, 1600 E. Abrams, Arlington, Texas 76010
(3) Skillern's Store 6139, 2424 South Collins, Arlington, Texas 76014
Revco Store 273, 2212 New York Avenue, Arlington, Texas 76010
(4) Skillern's Store 6089, 724 East Pipeline Road, Hurst, Texas 70536
Skillern's Store 6129, 510 I Harwood Village, Bedford, Texas 76021
Revco Store 270, 1307 Brown Trail, Bedford, Texas 76021
(5) Skillern's Store 6049, 2737 Park Row, Arlington, Texas 76010
Revco Store 265, 1530 Bower Road, Pantego, Texas 76013
(6) Skillern's Store 6034, 4701 East Lancaster, Fort Worth, Texas 76103
Revco Store 280, 1111 Oakland Boulevard, Fort Worth, Texas 76103
(7) Skillern's Store 6006, 3177 Denton Highway, Haltom City, Texas 76117
Revco Store 263, 4100 Denton Highway, Haltom City, Texas 76117
(8) Skillern's Store 6027, 4401 River Oaks, Fort Worth, Texas 76114
Revco Store 298, 2254 Jacksboro Highway, Fort Worth, Texas 76114
(9) Skillern's Store 6009, 504 West Rosedale, Fort Worth, Texas 76104
Revco Store 268, 1729 Eighth Avenue, Fort Worth, Texas 76110
(10) Skillern's Store 6078, 2720 West Seminary, Fort Worth, Texas 76133
Revco Store 264, 5205 McCart, Fort Worth, Texas 76115
(11) Skillern's Store 6060, 3001 Walton, Fort Worth, Texas 76133
Revco Store 285, 3838 Alta Mesa Boulevard, Fort Worth, Texas 76133
(12) Skillern's Store 6008, 4808 Camp Bowie Boulevard, Fort Worth, Texas 76107
Revco Store 269, 4601 Camp Bowie Boulevard, Fort Worth, Texas 76107
(13) Skillern's Store 6066, 8133 Highway 80 West, Fort Worth, Texas 76116
Revco Store 2816, Las Vegas Trail, Fort Worth, Texas 76108
(14) Skillern's Store 6127, 319 South Cedar Ridge, Duncanville, Texas 75116
Revco Store 282, 267 West Camp Wisdom, Redbird Village Shopping Center, Duncanville, Texas 75116
(15) Skillern's Store 6050, 1806 Avenue K, Plano, Texas 75074
Skillern's Store 6097, 2109 Parker Road No. 100, Plano, Texas 75074
Skillern's Store 6109, 3045 West 15th, Plano, Texas 75074
Revco Store 4102, 907 W. Parker Road, Plano, Texas 75074
(16) Revco Store 242, 5006 N. Jupiter Road, Garland, Texas 75042
Revco Store 2815, 1332 S. Plano Road, Richardson, Texas 75081
(17) Skillern's Store 6024, Saturn/Northwest Highway, Garland, Texas 75041
Skillern's Store 6030, 408 Casa Linda Plaza, Dallas, Texas 75218
Skillern's Store 6092, 3106 N. Buchner, Dallas, Texas 75228
Revco Store 291, Oates Park Shopping Center, Mesquite, Texas 75150

2. In the El Paso area, the Assets to be divested shall consist of one of the following:

(a) One drug store from each of the following groups of drug stores to a drug store chain (four or more stores) competitor presently in the El Paso area, other than the leading competitor in that area:

(1) Skillern's Store 6474, 3333-B North Yarborough, El Paso, Texas 79925
Revco Store 690, 10780 North Pebble Hills Blvd., El Paso, Texas 79935
(2) Skillern's Store 6456, 5579 Alameda (Fox Plaza), El Paso, Texas 79905
Revco Store 671, 5516 Alameda, El Paso, Texas 79905.

(b) One from each of the above groups of drug stores and two other drug stores located in the El Paso area to a new entrant into that area.

3. In the Tyler area, the Assets to be divested shall consist of one of the following:

(a) One drug store from the following group of drug stores to a drug store competitor presently in the Tylor area other than the two leading competitors in that area:

Skillern's Store 6098; 813 North Broadway, Tyler, Texas 75701
Revco Store 289, 1103 East Gentry, Tylor, Texas 75702.

(b) One drug store from the above group and one other drug store located in the Tyler area to a new entrant into that area.

[FR Doc. 81-5729 Filed 2-19-81; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one

area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 17th day of February 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending February 21, 1981.

Name of Applicant and Location of Enterprise and Principal Product or Activity

Hearth'N Kettle Restaurant Corp., Branson, Missouri—Motor inn and restaurant
Stonoca Farms Corp., Stono, Johns Island, South Carolina—Tomato packing facility

[FR Doc. 81-5737 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-108-M]

Multi Mineral Corp.; Petition for Modification of Application of Mandatory Safety Standard

Multi Mineral Corporation, 715 Horizon Drive, Suite 380, Grand Junction, Colorado 81501, has filed a petition to modify the application of 30 CFR 57.21-46 (crosscut intervals) to its No. 1 Shaft located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that crosscuts be made at intervals not in excess of 100 feet between entries and between rooms.

2. As an alternative, petitioner proposes to develop:

a. At the 1840 Level, a single entry access drift with two crosscuts, interconnected by the No. 2 drift entry, located at distances of 115 feet and 180 feet from the shaft;

b. At the 2130 Level, a single entry access drift with two crosscuts, interconnected by a stope drift, located at distances of 155 feet and 211 feet from the shaft;

c. At the 2230 Level, a single entry access drift with two crosscuts, interconnected by a sill drift, located at distances of 166.5 feet and 119.5 feet from the shaft.

3. The 1840 Level is not presently in use. The rock formation on the other two levels is competent, massive oil shale, with irregular inclusions of nodular nahcolite. Roof support is reinforced with the use of six foot split set type rock bolts installed on a 5-foot diamond pattern. Mining and roof conditions are considered excellent.

4. Petitioner states that crosscut placement was designed to maximize miner safety.

5. The crosscuts will not be used for ventilation but rather as an extraction point. The ventilation and methane detection systems will be sufficient to support the greater crosscut placement distance.

6. Petitioner states that the alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition are available for inspection at that address.

Dated: February 9, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5839 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-180-C]

Peacock Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peacock Coal Company, Grove Drive, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Peacock Slope located in Schuylkill County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. The mine has no history of ignition, explosion or mine fires.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition are available for inspection at that address.

Dated: February 12, 1981.

Frank A. White,

Director Office of Standards, Regulations and Variances.

[FR Doc. 81-5840 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-156-C]

Triple D Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Triple D Coal Company, Inc., General Delivery, Orkney, Kentucky 41652 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mine No. 1 located in Floyd County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that illumination equipment be installed on the mine's roof bolter, coal drill and battery scoops.

2. The coal seam varies from 30 to 34 inches in height with uneven top and bottom conditions.

3. Petitioner states that because of the low height in the coal seam, lights placed on the equipment could be ripped from their mountings, thereby destroying roof support and resulting in flying debris that may strike the equipment operator or nearby miners. Also, electical wires could be dislodged and exposed, posing a potential hazard of explosion if methane is present in the mine.

4. Petitioner further states that the glare resulting from these lights can cause temporary blindness to the equipment operator, which could also result in an accident affecting other nearby miners.

5. For these reasons, petitioner requests modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 23, 1981. Copies of the petition area available for inspection at that address.

Dated: February 21, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-5841 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs Office

[Application No. D-1777]

Proposed Exemption for Certain Transactions Involving the Mead Retirement Master Trust Located in Dayton, Ohio

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the contribution by the Mead Corporation (Mead), the sponsoring employer, of several parcels of improved real estate subject to an existing ground lease to the Mead Retirement Master Trust (the Plan); (2) the holding by the Plan of such real estate; (3) the guaranteed payment of rent by Mead to cure an act of default for a limited period of time; (4) the guaranteed repurchase of the real estate by Mead in the event of a default on the ground lease or inability of the Plan to rent or sell the property upon the expiration of the ground lease, and (5) the exercise of certain contingent voting rights by Mead during the existence of the ground lease. The proposed exemption, if granted, would affect participants and beneficiaries of those pension plans sponsored by Mead and its subsidiaries which participate in the Plan, the lessee of the parcels of real estate, Mead and certain other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before April 3, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. D-1777. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Mead, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are

summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Mead and its subsidiaries are the sponsors of numerous employee pension benefit plans which are qualified under section 401(a) of the Code and exempt from taxation under section 501(a) of the Code. The Plan is a commingled trust fund in which each of the several participating plans maintain separate accounts. On September 30, 1979, the value of Plan assets was approximately $259,200,000 of which approximately $20,500,000 represented investments in real estate. Wachovia Bank and Trust Co., N.A. (Wachovia) is the corporate trustee of the Plan. Wachovia is independent of and unrelated to any of the parties involved in the proposed transaction.

2. Mead administers the Plan by means of three committees. The Corporate Benefits Committee was created by Mead to exercise all control and authority over the management of the Plan and its assets. The Retirement Plan Investment Policy Committee (the Investment Policy Committee) was created to develop investment policy and procedure, implement investment programs and monitor designated activities of the Plan. The Administrative Committee was created to handle all aspects of Plan administration. All of the aforementioned committees are comprised exclusively of officers and employees of Mead.

3. The Board of Directors of Mead has authorized the sale of three of its divisions (collectively, the Interiors Division) to Stanley Interiors Corporation (Stanley). By an agreement dated September 27, 1979, (the Purchase Agreement) Mead agreed to sell to Stanley the business of the Interiors Division as well as all assets (excluding the real property) used in the business operation of the Interiors Division. The consideration for the sale of those assets consisted of cash paid to Mead and 140,000 shares of Stanley's Senior Cumulative Preferred Stock (the Preferred Stock) issued to Mead.

4. The Purchase Agreement also provides that Mead will lease to Stanley the land and improvements owned and used in the business operations of the Interiors Division (the Land and Improvements) in accordance with a written ground lease (the Lease). The transaction closed on November 28, 1979, (the Closing Date) effective as of October 14, 1979. The Lease is for a term of twenty (20) years commencing on October 15, 1979. Stanley may renew the lease for two successive terms of five years each at the then fair market rental price. The Lease requires total rental payments in the amount of $25,000,000 paid as follows:

Lease year	Annual lease year rental
1 through 5	$1,000,000
6 through 15	1,250,000
16 through 20	1,500,000

The Lease grants Stanley an option to purchase the Land and Improvements. The option to purchase is exercisable at any time during the term of the Lease or of any renewal. The purchase price will be at the then fair market value (or $14,650,000, if greater than the then fair market value), plus a premium in certain years which adjusts for the lower rental paid in earlier years. Moreover, the Lease also provides Stanley with a right of first refusal to purchase the Land and Improvements at a price at least equal to the amount of any offer received by the lessor. The Lease is a "net lease" under which Stanley is required to repair and maintain the Land and Improvements, to pay all taxes, assessments including utility charges assessed with respect to the Land and Improvements, to maintain the Land and Improvements free of any and all liens and to maintain adequate fire insurance protection. Stanley is also required to indemnify and hold harmless the lessor from any liability arising from an occurrence on the Land and Improvements.

5. The Purchase Agreement required Stanley to establish a successor retirement plan or plans (the Stanley Plan(s)), effective as of October 14, 1979, for the provision of retirement benefits to employees of the Interiors Division who became Stanley employees. Retirement benefits under the Stanley Plan(s) were to be at least equivalent to benefits provided to such employees under the plans sponsored by Mead in which they had previously participated. By September 1, 1980, Mead had transferred from the Plan to the successor trust or trusts established pursuant to the Stanley Plan(s), assets equal to the liabilities for benefits accrued by employees of the Interiors Division who became Stanley employees on the Closing Date.

6. Mead intends to contribute the Land and Improvements, subject to the Lease, to the Plan in partial satisfaction of its obligation to fund the Plan for the plan year commencing January 1, 1980. Contributions to the Plan for 1980 will amount to approximately $28,655,000. The Plan will form a corporation, the only asset of which will be the Land and Improvements. According to the appraisal of American Valuation Consultants, Inc., a nationally-recognized firm of appraisers, the fair market value of the Land and Improvements subject to the Lease is $14,466,000. The appraisal recognizes the present value of the various rental payments to be made for the twenty (20) year term of the Lease and the present value of the Land and Improvements at the end of the Lease term. Based upon the appraisal, the income yield to the Plan from the rent will be eight percent per year based on the appraised value of the Land and Improvements. The appraisal also indicates that the value of the Land and Improvements at the end of the Lease term will have appreciated to $20,000,000. Consequently, the estimated combined annual rate of return taking into account both income and appreciation will be nine and six tenths percent per year. The full value of the Land and Improvements at the end of the Lease term can be recognized at this time since any renewal of the Lease must be fair market rental value and the option to purchase is at fair market value.

Concurrently with the transfer to the Plan, Mead and Wachovia will execute an inducement agreement (the Inducement Agreement). The Inducement Agreement contains a put option pursuant to which Wachovia would be required to demand that Mead repurchase the Land and Improvements subject to the Lease: (a) if Stanley materially breaches the Lease, or (b) if the Plan is unable to lease the Land and Improvements at fair market rental value or sell them at fair market value after the expiration of the Lease (including any renewal term). The Inducement Agreement does afford Wachovia some limited flexibility in the event of an unscheduled temporary interruption in the payment of rent by allowing Mead to cure the act of default by making rental payments for a period not to exceed one year. Such provision would not, however, preclude Wachovia from immediately exercising the put option.

7. The trust agreement between Mead and Wachovia has been amended to provide Wachovia absolute discretion with respect to decisions regarding enforcement of the terms contained in the Lease and its rights under the Inducement Agreement. If the repurchase option is exercised by Wachovia, Mead will be required to purchase the Land and Improvements, subject to the Lease if still in effect, at a

price determined in accordance with Code Regulation § 141.4975–13 (this section addresses "correction", the procedure for curing a prior prohibited transaction under the Code provisions so as to limit the excise tax liability). Such repurchase by Mead shall be for an amount not less than the greater of: (a) the fair market value of the Land and Improvements being purchased on the date such property was contributed to the Plan or (b) the fair market value of the Land and Improvements being purchased on the date the Plan exercises its option.

8. Under Section 8 of the Purchase Agreement, Mead has agreed to indemnify Stanley against any liability or obligation which Stanley may incur by reason of any transfer by Mead of the Land and Improvements or any assignment by Mead of the Lease or any breach by such transferee or assignee of the obligations to be performed by Mead under the Lease. However, in the Inducement Agreement, Mead has waived any subrogation rights which might arise against the Plan as a result of this indemnity agreement.

9. Smith Barney, Harris Upham & Co. (Smith Barney), an independent investment banker, has reviewed the appraisal of American Valuation Consultants, Inc., the Lease and the Inducement Agreement. Their opinion is that the Land and Improvements represent an appropriate investment for the Trust, particularly in view of the unique opportunity for appreciation without risk of loss. The applicant suggests that the investment is risk-free because of the put option contained in the Inducement Agreement. In addition, there is an opportunity for gain attributable to the increase in value of the residual.

10. The Investment Policy Committee has considered the proposed transfer in detail and has unanimously endorsed it, for the same reasons given in the Smith Barney opinion, and because such an investment fulfills its policy of obtaining real estate holdings which can outpace the inflation of the general economy and outperform other common investment media.

11. As previously noted in paragraph 3, a part of the consideration to Mead from the sale of the Interiors Division was 140,000 shares of the Preferred Stock. Under the terms of the Purchase Agreement, Stanley may redeem the Preferred Stock at any time. However, Stanley is required by the terms of the Purchase Agreement on each July 1, beginning July 1, 1985 and ending July 1, 1989, to redeem 7,000 shares of the Preferred Stock and thereafter is required to redeem on each July 1, beginning July 1, 1990 and ending July 1, 1999, 10,500 shares of the Preferred Stock at a price equal to $100 per share plus accumulated and unpaid dividends. Stanley's failure to redeem any such shares when required will constitute a default, and in such event Mead shall be entitled to elect such number of directors of Stanley as may be elected by all classes of Stanley stock possessing forty-eight (48) percent of the total voting power of all classes of Stanley stock. The percentage of voting power will be increased to fifty (50) percent if a default (as discussed above) occurs and the Lease is in effect. Thus, if Mead were to obtain fifty (50) percent of the total voting power of all classes of Stanley Stock while the Plan held title to the Land and the Improvements subject to the Lease, such voting power would make Stanley a party in interest under the provisions of section 3(14)(G) of the Act (Stanley would also become a disqualified person uder the applicable Code section) and an affiliate of Mead within the meaning of section 407(d)(7) of the Act.

Additionally, because of Mead's obtaining fifty (50) percent voting power, the Land and Improvements would become employer real property under section 407(d)(2) of the Act. The applicant represents that such employer real property would satisfy the requirements of section 407(d)(4) of the Act as qualifying employer real property. However, should the above described events occur, the applicant further represents that the Plan's holding of the Land and the Improvements when combined with its other holdings of qualifying employer real property would result in the ten (10) percent limitation of section 407(a) of the Act being exceeded.

12. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act in that:

(a) the proposed transactions will provide the Plan with a high quality and secure asset. The contribution of the Land and Improvements with the associated favorable Lease produces a return to the Plan of $25,000,000 of rental income over a twenty (20) year period (renewal options could add an additional ten (10) years to the Lease) plus the excellent potential for appreciation with minimal risk based on the provisions of the Inducement Agreement;

(b) the rights of the parties are fixed by the Purchase Agreement, the Lease and the Inducement Agreement, therefore it is possible to determine the adequacy of the protections offered to the Plan;

(c) the fair market value of the Land and the Improvements has been established by an independent appraiser, and the amount to be recorded as a contribution by Mead, $14,650,000, represents approximately five (5) percent of Plan assets;

(d) Wachovia, a party unrelated to Mead or Stanley, will monitor compliance with the terms of the Lease and make any decision about the exercise of the put option in the event of default under the provisions of the Lease or should the Land and Improvements prove unleasable at the expiration of the Lease; and

(e) the Investment Policy Committee and Smith Barney, an independent investment banker, have considered the proposed transaction and have concluded it represents an appropriate investment for the Plan and fulfills the Plan's policy of obtaining real estate holdings as part of a balanced investment portfolio.

Notice to Interested Persons

Mead will notify all interested persons including all active participants and former participants or beneficiaries who have a vested interest in benefits under the Plan. The notice will contain a copy of the notice of pendency and inform interested persons of their right to comment on the exemption and to request a hearing in accordance with the provisions of such notice. Further, Mead will post such notice on bulletin boards and other appropriate places throughout its facilities and the facilities of related companies where the participants of the Plan are employed. In addition, Mead will notify, by certified mail, each employee organization (within the meaning of section 3(4) of the Act) which has as members people who are participating in the Plan by providing them with a copy of the notice. All of the above notification procedures will be accomplished within ten (10) days of the date the notice of pendency is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties

respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the following transactions as described in the Purchase Agreement, the Lease, and the Inducement Agreement:

(a) The contribution by Mead of the Land and Improvements to the Plan subject to the existing Lease;

(b) The holding by the Plan of the Land and Improvements in the event that such property might become employer real property held in violation of section 407(a) of the Act;

(c) The payment of rent by Mead to cure an act of default by making rental payments for a period not to exceed one year;

(d) The repurchase of the Land and Improvements by Mead in the event of a default on the Lease by Stanley or where the Plan is unable to lease or sell the Land and Improvements after the expiration of the Lease; and

(e) The benefit accruing to Mead as a direct result of the increase of its voting rights from forty eight (48) to fifty (50) percent of the total voting power of all classes of Stanley stock, provided that:

(1) The exercise of the voting rights occurs solely as a result of a default under the terms of the Purchase Agreement; and

(2) The Lease is in effect when such default occurs under the Purchase Agreement.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

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

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-5542 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibted Transaction Exemption 81-14; Exemption Application No. D-1134]

Exemption From the Prohibtions for Certain Transactions Involving the National Reserve Life Insurance Co., Pension and Profit Sharing Plan Located in Topeka, Kans.

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This temporary exemption exempts the purchase and holding by the National Reserve Life Insurance Company Pension and Profit Sharing Plan (the Plan) of participations in real estate mortage loans with the National Reserve Life Insurance Company (the Employer) for a five year period. In addition, the exemption provides for the repurchase of such participations by the Employer.

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary and will expire five years after the date of grant. Should the applicant wish to continue the transactions beyond the five year period, the applicant may submit another application for exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-6462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 5, 1980, notice was published in the **Federal Register** (45 FR 80605) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred to interested persons to the application for a complete statement of facts and representations. The application has been available for public inspection at the Department in Washigton, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the

Treasury to issue exemptions of the type proposed by the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisons of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(f) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statuorty exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (e) of the Code shall not apply to the purchase and holding by the Plan of participations in certain real estate first mortgage loans with the Employer for a five year period begining with the date of the granting of this exemption. In addition, the restrictions and sanctions shall not apply to the repurchase of the participations by the Employer during such five year period. Subsequent to the expiration date of the exemption, the restrictions and sanctions shall not apply to the holding by the Plan and the repurchase by the Employer of such participations, provided such participations were acquired by the Plan during the period the exemption was in effect. This exemption is subject to the conditions set forth in the notice of pendency.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 17th day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-5836 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-11,499]

American Motors Corp., Parts Distribution Center, Burlingame, Calif.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980 in response to a petition received on October 24, 1980 which was filed on behalf of workers at the American Motors Corporation, Parts Distribution Center in Burlingame, California

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA–W–9691). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5821 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,881]

Forest Hills Sportswear Co., Lawrenceburg, Tenn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 8, 1980 in response to a petition received on December 5, 1980 which was filed on behalf of workers at the Forest Hills Sportswear Company, Lawrenceburg, Tennessee.

A negative determination applicable to the petitioning group of workers was issued on January 6, 1981 (TA–W–8096). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5822 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6705 et al.]

General Motors Corp., Delco Electronics, Kokomo, Ind.; Amended Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance: Correction

In FR Doc. 80–39356 appearing at page 83694 in the **Federal Register** of December 19, 1980, the impact date for workers at the Hydra-Matic Division, Ypsilanti, Michigan, TA–W–9566, was inaccurate due to an editorial error. Therefore, the following change should be made:

1. On page 83695, column 1, the impact date is corrected to read "November 1, 1979."

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5849 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9762]

Hardwood Dimension and Mouldings, Inc., Richmond Hills, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 11, 1980 in response to a petition received on July 18, 1980 which was filed by Amalgamated

Industrial Union on behalf of workers at the Hardwood Dimension and Mouldings, Incorporated, Richmond Hills, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5823 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,132]

Herley Shoe Corp., Haverhill, Mass.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 29, 1980 in response to a petition received on September 26, 1980 which was filed on behalf of workers at the Herley Shoe Corporation, Haverhill, Massachusetts.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,029). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5824 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,517]

J'Mar Glove Company, Inc., Gloversville, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 2, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at J'Mar Glove Company, Incorporated, Gloversville, New York. The workers produce sport gloves.

U.S. imports of sport gloves increased both absolutely and relative to domestic production during 1979 compared to 1978. Imports increased absolutely during the first half of 1980 compared to the first half of 1979.

Sales of gloves produced at J'Mar declined during 1979 compared to 1978. Employment of production workers at J'Mar declined during 1979 compared to 1978. Layoffs occurred during July and November of 1980.

The U.S. Department of Commerce conducted a survey of customers of J'Mar who accounted for J'Mar's sales decline. The customers reported that they reduced purchases from J'Mar and increased purchases of imported gloves during 1979 compared to 1978.

On May 9, 1980, J'Mar Glove Company, Incorporated was certified eligible to apply for trade adjustment assistance by the Department of Commerce.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with sport gloves produced at J'Mar Glove Company, Incorporated, Gloversville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of J'Mar Glove Company, Incorporated, Gloversville, New York who became totally or partially separated from employment on or after July 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5848 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11, 119-124 & 11,130]

Lake Center Industries, Winona, Minn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on september 29, 1980 in response to a petition received on June 30, 1980 which was filed on behalf of workers at the following facilities of Lake Center industries, Winona, Minnesota: Electronics Division, Winona, Minnesota; Gale Division, Galesville, Wisconsin; Lake Center Switch Division, Winona, Minnesota; LCI Management and Staff Services, Winona, Minnesota; LCI Transportation, Incorporated, Winona, Minnesota; Stewartville Division, Stewartville, Minnesota; and Rush Division, Rushford, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5825 Filed 2-19-81; 8:45am]

BILLING CODE 4510-28-M

[TA-W-8076]

Mida Manufacturing, Inc., Philadelphia, Pa.; Negative Determination on Reconsideration

On October 22, 1980, the Department made an Affirmative Detemination Regarding Application for Reconsideration for workers and former workers producing costume jewelry at Mida Manufacturing, Incorporated, Philadelphia, Pennsylvania.

The applicant claimed that although the Department's findings showed that imports of costume jewelry, in terms of value, decreased, the Department may have overlooked the fact that imports, in terms of quantity, may have increased due to lower prices of those items. The applicant further states that on several occasions the company created and developed many new items of costume jewelry that had great consumer acceptance, but that these new items were soon duplicated by offshore producers who imported these items into the United States at lower cost than Mida could produce them.

The Department's review of the investigative file revealed that workers at Mida Manufacturing did not meet the increased import criterion of the Trade Act of 1974 with respect to costume jewelry. The ratio of imports to domestic shipments, in terms of value, declined in 1979 compared to 1978. Imports, in terms of value, decreased absolutely in the first three months of 1980 compared to the same period in 1979. Employment at Mida increased in 1979 compared to 1978 and did not decrease until March 1980 just prior to the closing of the plant. A Departmental survey of customers which purchased costume jewelry from

Mida Manufacturing indicated that the surveyed customers, as a whole, decreased their reliance on imported costume jewelry during the first four months of 1980 when compared to the same period in 1979. The survey response was consistent with aggregate import statistics which show a decrease in U.S. imports of costume jewelry in the first quarter of 1980. Given the variety of items of costume jewelry it would not be meaningful to evaluate import data on a quantity basis. For this reason, import data are collected on a value basis.

On reconsideration, the Department reviewed the impact of U.S. imports beyond the closing of the Mida Philadelphia facility to determine a possible trend toward increased imports of costume jewelry. The ratio of imports to domestic shipments barely increased in January to June 1980 compared to the same period in 1979. The ratio of imports to domestic shipments varied less than three percentage points during the years from 1975 through the first six months of 1980. Although imports, in terms of value, increased each year since 1975, domestic shipments in value also increased in each of these years.

A review of the Department's original customer survey responses, which represented major customers who decreased purchases from Mida, showed that although some customers decreased purchases from Mida while increasing imports, they represented an insignificant share of Mida's total sales.

In its reconsideration investigation, the Department developed additional cutomer information. The Department conducted a follow-up survey with the major Mida customers who had not responded to the original survey. One of these customers reported that the ratio of total domestic and import purchases remained relatively unchanged from 1978 through 1980, although purchases from the suject firm did decline. Other respondents indicated that they either did not increase imports while decreasing purchases from their domestic sources or that they did not purchase any imported costume jewelry.

Based on this and other information, the Department is unable to conclude that increased competitive imports of costume jewelry have contributed importantly to the separation of a significant number or proportion of workers at Mida Manufacturing, Incorporated.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers of Mida Manufacturing, Incorporated, Philadelphia, Pennsylvania.

Signed at Washington, D.C. this 9th day of February 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-5850 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,259]

Murray Corp., Eastlake, Ohio; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 1980 in response to a petition received on October 3, 1980 which was filed on behalf of workers at the Murray Corporation, Eastlake, Ohio.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,551). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5826 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,044]

Questor Shock Absorbers Systems, Dyersburg, Tenn.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981 in response to a petition received on December 23, 1980 which was filed on behalf of workers at the Questor Shock Absorbers Systems, Dyersburg, Tennessee.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9419). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5827 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,509]

Reco Manufacturing Co., Inc., Springfield, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a petition received on May 13, 1980 which was filed on behalf of workers at the Reco Manufacturing Co., Inc., Springfield, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5828 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,047]

Ronson Corp., Flame Products, Accessories and Pens Unit, Woodbridge, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981 in response to a petition received on December 31, 1980 which was filed on behalf of workers at the Flame Products, Accessories and Pens Unit of Ronson Corporation, Woodbridge, New Jersey.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-8790). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5829 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,989]

South Buffalo Railway Co., Lackawanna, N.Y.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a petition received on September 15, 1980 which was filed by United Steelworkers of America on

behalf of workers at the South Buffalo Railway Co., Lackawanna, New York.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9489). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5830 Filed 2-19-81. 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,663]

Uniroyal, Inc., Allen Park, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a petition received on September 3, 1980 which was filed on behalf of workers at the Uniroyal, Incorporated, Allen Park, Michigan.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last total or partial separation occurred more than one year before the date of the petition. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5831 Filed 2-19-81. 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,971]

Universal Chain Co., In., Maplewood, NJ; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 22, 1980 in response to a petition received on September 15, 1980 which was filed on behalf of workers at the Universal Chain Company, Inc., Maplewood, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 10th day of February 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-5832 Filed 2-19-81. 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligility to apply for worker adjustment assistance issued during the period Feburary 2-6, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-9767; Northeastern Tool and Die Corp., Warren, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-9478; Great Shapes Leotards, Inc., New York, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8766; Hawthorne Metals Products Co., Royal Oak, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8760; C. H. Busch Industries, Inc., Troy, MI

Invetigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8208; Newborn Rubber, Inc., Newborn, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8206 and 8207; Cadillac Rubber and Plastics, Inc., Cadillac, MI, and Manton Industries, Inc., Manton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8970; Coldwater Service Division, Coldwater, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8767; All-Lock Co., Inc., Selma, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8381; Engelhard Minerals and Chemical Corp., Huntsville, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8288; Ohio Rubber Co., Willoughby, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-7934 and 7935; Armstrong Rubber Co., Arco Wheel Inc., West Allis, WI and Industrial Products Div., Clinton, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9017; Russell, Burdshall and Ward Corp., Menton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9510; B. F. Goodrich Co., Gloucester, MA

Investigation revealed that criterion (3) has been met. Aggregate U.S. imports of rigid poly vinyl chloride are negligible.

TA-W-8325; Hamlin Steel Products, Inc., Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8790; Ronson Corporation, Flame Products, Accessories and Pens Unit, Woodbridge, NJ

Investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-8717; Caro Manufacturing Corp., Caro., MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9648; Marum Knitting Mills, Chicago, IL

Investigation revealed that criterion (3) has not been met. Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-8187; Inmont Corporation, Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8967; P&R Leather Sportswear Mfg. Corp., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of leather coats and jackets did not increase as required for certification.

TA-W-10,810; Western Electric Corp., Narcross, GA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8175; Ex-Cell-O Corp., Mainstee, MI

Investigation revealed that criterrion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8388; Noren Pattern and Foundry, Fruitport, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8212 and 8212A; Mitchell Corp. of Owosso, Benzonia and Elberta, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W–8280; Carter Automotive Products Corp., Lafayette, TN

A certification was issued applicable to all workers engaged in employment related to by-pass valves at the subject firm separated on or after January 2, 1980.

I hereby certify that the aforementioned determinations were issued during the period February 2-6, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: February 10, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–5652 Filed 2–19–81; 8:45 am]

BILLING CODE 4510–28–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than March 2, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 2, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of February, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp. Lakewood plant (UAW)	Atlanta, GA	1-26-81	1-26-81	TA-W-12,213	Chevrolet Chevette.
H. Swoboda & Sons Division of Trans-Continental Leathers Co. (UFCW).	Philadelphia, PA	1-30-81	1-28-81	TA-W-12,214	Tanning leather.
International Harvester Co., tractor plant (UAW).	Louisville, KY	1-30-81	1-27-81	TA-W-12,215	Tractors.
Lynch Chevrolet, Inc. (workers)	Waukesha, WI	1-26-81	1-21-81	TA-W-12,216	GM dealership.
Midland Steel Products (workers)	Cleveland, OH	1-30-81	1-26-81	TA-W-12,217	Truck frames—Chrysler and Chevy front cross and brackets.
Shelburne Shirt Co., Inc. (workers)	Fall River, MA	2-2-81	1-30-81	TA-W-12,218	Men's shirts, ladies' blouses.
United Technologies Essex Group (workers)	Franklin, TN	1-30-81	11-30-80	TA-W-12,219	Gas manifolds.
Van Wormer Industrial Inc. (workers)	St. Clair Shores, MI	1-30-81	1-27-81	TA-W-12,220	Automotive stampings.
G.E.M., Inc. (workers)	Lyburn, WV	1-30-81	1-27-81	TA-W-12,221	Metallurgical coal.
International Shoe Co. (UFCW)	Perryville, MO	1-29-81	1-26-81	TA-W-12,222	Men's and women's shoes.
Maria Fashions, Inc. (company)	Hoboken, NJ	1-30-81	1-15-81	TA-W-12,223	Ladies' coats.
Natalies Fashions, Inc. (workers)	Palmerton, PA	1-29-81	1-26-81	TA-W-12,224	Women's and girls'.
Troy Television, Inc. (company)	Plattsburgh, NY	1-30-81	1-28-81	TA-W-12,225	TV picture tube production.
Troy Television, Inc. (company)	Albany, NY	1-30-81	1-28-81	TA-W-12,226	TV picture tube production.
Troy Television, Inc. (company)	Troy, NY	1-30-81	1-28-81	TA-W-12,227	TV picture tube production.
Cinderella Knitting Mills, Inc. (ACTWU)	Moss Point, MS	1-23-81	1-20-81	TA-W-12,228	Men's and boys' T shirts and briefs.
Gloria Gay Coats (ILGWU)	New York, NY	2-2-81	1-29-81	TA-W-12,229	Ladies' coats.
Lear Siegler (IUE-CIO)	Paramus, NJ	1-29-81	1-19-81	TA-W-12,230	Sound systems.
Modern Tool & Die Co., Liverpool Division (workers).	Valley City, OH	2-2-81	1-30-81	TA-W-12,231	Outdoor power equipment.
Owens Illinois Inc., Lilly Tulip Division (workers).	Old Town, ME	2-2-81	1-29-81	TA-W-12,232	Molded pulp.
Portera Garments, Inc. (workers)	Brooklyn, NY	2-2-81	1-27-81	TA-W-12,233	Dresses.
O & T Coats (company)	Paterson, NJ	2-2-81	1-28-81	TA-W-12,234	Ladies' coats.
Triad-Utrad Division of Litton Systems, Inc. (company).	Huntington, IN	2-2-81	1-29-81	TA-W-12,235	Color deflection yokes used in manufacturing color TV's.
U.S. Shoe Corp. (workers)	Harrison, OH	2-2-81	1-28-81	TA-W-12,236	Ladies' shoes.
Winer Ind. Inc. (workers)	Paterson, NJ	1-28-81	1-24-81	TA-W-12,237	Men's and boys' outerwear.
Conca D' Oro (ILGWU)	Paterson, NJ	1-26-81	1-23-81	TA-W-12,238	Ladies' coats.
Disposable Profiles, Inc. (ILGWU)	Utica, NY	2-4-81	1-27-81	TA-W-12,239	Disposable hospital garments and industrial products.
General Electric Co., Semi Conductor Products Dept. (IUE).	Syracuse, NY	2-4-81	1-29-81	TA-W-12,240	Resistors, emitters, defectors, and transistors.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Eagle Pass, TX Loop 431	2-2-81	1-28-81	TA-W-12,241	Boys' jeans.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Del Rio, TX	2-2-81	1-28-81	TA-W-12,242	Men's jeans.
Texas Apparel Co., Division of Salant Corp. (ACTWU).	Eagle Pass, TX Alice St.	2-2-81	1-28-81	TA-W-12,243	Boys' jeans.
Potter & Brumfield (workers)	Marion, KY	2-3-81	1-30-81	TA-W-12,244	Electrical relays and switches.
Varbros Corp. (UAW)	Cleveland, OH	2-3-81	1-30-81	TA-W-12,245	Tapping plates for auto and truck filters.
A-One Knitting Mills, Inc. (company)	Brooklyn, NY	2-3-81	1-27-81	TA-W-12,246	Knitter of velour and terry cloth.
Anderson Development (workers)	Miami, AZ	2-3-81	1-27-81	TA-W-12,247	Copper.
Benchmasters, Inc. (company)	Royal Oak, MI	2-4-81	2-1-81	TA-W-12,248	Large steel molds, transmissions, front ends, dash boards and other vital parts.
Brauer Knitting Co. (workers)	Little Ferry, NJ	2-4-81	1-29-81	TA-W-12,249	Circular knitted fabrics.
Brunswick Corp., (BRC Division) (workers)	Fond du Lac, WI	1-26-81	1-19-81	TA-W-12,250	Service food vending equipment.
McMinnville Garment Co. (company)	McMinnville, TN	2-4-81	1-30-81	TA-W-12,251	Men's and boys' work pants.
Ronart Industries Inc. (company)	Detroit, MI	2-4-81	1-28-81	TA-W-12,252	Dies for auto industry.
Sportline Industries (ILGWU)	Chicago, IL	2-4-81	2-2-81	TA-W-12,253	Sleeping bags, comforters, bedspreads, quilts, and blankets.
Turner Manufacturing Co. (company)	Goodlettsville, TN	2-4-81	1-30-81	TA-W-12,254	Ladies' blouses.
USM Corp., Bailey Division (workers)	Seabrook, NH	2-4-81	2-2-81	TA-W-12,255	Auto accessories.

[FR Doc. 81-5851 Filed 2-19-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Dance Panel (Grants to Dance Companies Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Dance Panel (Grants to Dance Companies Section) to the National Council on the Arts will be held on March 9–13, 1981, from 9:00 a.m.–5:30 p.m. on March 9–10, 1981, the meeting will be in room 1340, and on March 11–13, 1981, the meeting will be held in room 1426, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5706 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Interdisciplinary/Community Cultural Centers Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Interdisciplinary/Community Cultural Centers Section) to the National Council on the Arts will be

held on March 9–11, 1981. On March 9–10, 1981, the meeting will be held in room 1426 from 9:00 a.m..5:30 p.m., and on March 11, 1981 in room 1340, from 9:00 a.m.–5:30 p.m. in the Columbia Plaza Office Complex, 2401, E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanitities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5703 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Performing Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Performing Arts Section) to the National Council on the Arts will be on March 18–20, 1981, from 9:00 a.m.–5:30 p.m. in room 1340, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5701 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Panel (Visual/Media/Design and Literary Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (Visual/Media/Design and Literary Arts Section) to the National Council on the Arts will be held on March 12–13, 1981, from 9:00 a.m.–5:30 p.m. in room 1422, of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5702 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Panel (Artists Colonies Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Panel (Artists Colonies Section) to the Nation Council on the Arts will be held on March 11, 1981, in room 1426 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5704 Filed 2-19-81; 8:45 am]

BILLING CODE 7535-01-M

Visual Arts Panel (Services to the Field Section); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Services to the Field Section) to the National Council on the Arts will be held on March 10–13, 1981, from 9:00 a.m.–5:30 p.m. in the Consul Building West Lobby of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endownment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 11, 1981.

[FR Doc. 81-5705 Filed 2-19-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Medical Uses of Isotopes;

Renewal Advisory Committee

Notice is hereby given by the Nuclear Regulatory Commission that the charter for its Advisory Committee on the Medical Uses of Isotopes has been renewed for an additional two year period beginning February 1, 1981. This Advisory Committee provides advice, as requested by the Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, with respect to the devlopment of standards and criteria for the regulation and licensing of uses of radionuclides in human subjects. The Committee also provides advice and consultation with respect to individual applications on user qualifications and the human use of radiation sources.

Dated at Washington, D.C. this 12th day of February, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5760 Filed 2-19-81, 8:45 am]

BILLING CODE 7590-01-M

Reactor Safeguards Advisory Committee; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Jan. 23, 1981 (46 FR 7546). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been made firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the March 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Electrical Power Systems*, February 24-25, 1981, Washington, DC. The Subcommittee will review the San Onofre (Combustion Engineering) Computer Protection System design; discuss the ANO-2 experience with the Combustion Engineering Computer Protection System; and discuss the use of Computer Protection Systems in Canadian reactors.

**Virgil C. Summer Nuclear Station Operating License Review*, February 26-27, 1981, Columbia, SC. The Subcommittee will continue its review of the Operating License application. Notice of this meeting was published Jan. 23.

**Reactor Operations*, March 9-10, 1981, Washington, DC. The Subcommittee will hear a briefing on NRC guidelines for human factors evaluation and will begin work to answer recent questions by Congressman Udall on ATWS.

**Transportation of Radioactive Materials*, March 10, 1981, Washington, DC. The Subcommittee will begin a review of the transportation certification process of the NRC transportation Certification Branch. Notice of this meeting was published Jan. 23.

**Reactor Radiological effects*, March 10-1, 1981, Washington, DC. The Subcommittee will continue its review of NRC reevaluation of the radiological source term to be used in accident analyses.

**NRC Safety Research Program*, March 11, 1981, Washington, DC. The Subcommittee will discuss NRC's Draft Long-Range Research Plan (NUREG-0740). Notice of this meeting was published Jan. 23.

**Generic Items*, March 11, 1981, Washington, DC. The Subcommittee will compare items in order to ensure that ACRS generic items are receiving adequate attention by the NRC Staff; examine methods to combine the ACRS list with the NRC's program for dealing with generic items; and consider means for dealing with future generic items given such a merger. Notice of this meeting was published Jan. 23.

**San Onofre Units 2 and 3*, March 11, 1981, Washington, DC. The Subcommittee will continue its review of the Operating License, concentrating on Three Mile Island Action Plan items.

**Site Evaluation*, March 19-20, 1981, Washington, DC. The Subcommittee will discuss the latest developments in emergency planning and siting rulemaking. Notice of the meeting was published Jan. 23.

**Electrical Power Systems*, March 24-25, 1981, Washington, DC. The Subcommittee will discuss matters relating to the safety implications of reactor control systems.

**ECCS*, March 27, 1981, Pasadena, CA. The Subcommittee will discuss the LOFT Program Test plan for FY 81-82.

**Advanced Reactors*, April 2-3, 1981, Chicago, IL. The Subcommittee will discuss matters related to LMFBR safety design criteria.

**LaSalle*, April 3-4, 1981, near Chicago, IL. The Subcommittee will review the Operating License application.

**Three Mile Island Unit 1*, April 3-4, 1981, Washington, DC. The Subcommittee will continue the review of the potential restart of Three Mile Island Unit 1.

**Regulatory Activities*, April 8, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**Reactor Operations*, April 8, 1981, Washington, DC. The Subcommittee will continue the work on Congressman Udall's ATWS inquiries.

**Advanced Reactors*, April 21-22, 1981, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Fluid Dynamics*, April 28-29, 1981, San Jose, CA. The Subcommittee will review the status of the Mark II Containment Program and NRC efforts on the asymmetric LOCA load generic items.

**Regulatory Activities*, May 6, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

ACRS Full Committee Meetings

March 12-14, 1981

A. **Virgil C. Summer Nuclear Station Unit 1*—Operating License.

B. **San Onofre Nuclear Generating Station Units 2 and 3*—Operating License.

C. **NRC Long-Range Safety Research Program Plan*—ACRS review.

D. **Definition of "Plant Features Important to Safety"*—ACRS review.

E. **Reliability of Nuclear Power Plant DC Power Supply*—ACRS review.

F. **NRC Degraded Core Rulemaking*—ACRS position/action re proposed rule.

G. **North Anna Nuclear Power Station Unit 2*—decay heat removal systems.

H. **Meeting with NRC Chairman, NRC Commissioners and the EDO*—discuss safety related issues such as reaction to implemention of ACRS recommendations on the safety research program, proposed revision of the fission product source term used in the siting and design of nuclear plants, and ACRS comments on the proposed NRC Long-Range Safety Research Program.

I. **Reports of ACRS Subcommittees and Members*—status of ACRS review of matters such as the proposed prelicensing review of a passive containment system, status of generic items applicable to LWRS, control system failures that could cause or exacerbate nuclear power plant accidents, and the ATWS resolution taking into account experience at the Browns Ferry Nuclear Power Plant.

J. **Reports and briefings by representatives of the Department of Energy (DOE) and NRC*—application of Three Mile Island Unit 2 lessons learned to DOE facilities and an independent design review program implemented by NRC.

K. **Fission Product Source Term*—ACRS review of the fission product source term used in the siting and design of nuclear facilities.

April 9–11, 1981: Agenda to be announced.

May 7–9, 1981: Agenda to be announced.

Dated: February 13, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5761 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee Reactor Safeguards; Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on Monday and Tuesday, March 9–10, 1981 at 1717 H Street, N.W., Washington, DC in Room 1046. The Subcommittee will hear a briefing on the NRC Staff's Human Engineering Guide to Control Room Evaluation and will begin work on a response to recent inquiries by Congressman Udall on ATWS.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Monday, March 9, 1981—1:00 p.m. until the concludsion of business

Tuesday, March 10, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard K. Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 13, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5762 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee Reactor Safeguards; Subcommittee on Virgil C. Summer Nuclear Station; Change of Location

The ACRS Subcommittee on Virgil C. Summer Nuclear Station will hold a meeting on February 26–27, 1981. The meeting location has been changed to the Capitol Inn (803/252–3100), 1901 Assembly Street, Columbia, SC. Thursday, February 26, 1981 at 2:00 p.m. and Friday, February 27, 1981 at 8:30 a.m. until the conclusion of business each day instead of the Holiday Inn-Northwest, US–1 & I–26, Columbia, SC.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, February 11, 1981.

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5763 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR–20, issued to Consumers Power Company (the licensee), which amended the license for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment revises Paragraph 3.E of the license to incorporate Supplement Nos. 1 and 2 to the Fire Protection Safety Evaluation.

The filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR

51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's filings dated June 19, 1978, September 15, 1978, September 29, 1978, March 1, 1979, September 28, 1979, April 24, 1980, May 2, 1980, September 9, 1980, and October 13, 1980, (2) Amendment No. 64 to License No. DPR-20, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this tenth day of February, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-5754 Filed 2-19-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 93, 93, and 90 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the Station's common TSs to support the operation of Oconee Unit No. 3 at full rated power during Cycle 6. The amendments also add a new TS 3.1.11, Shutdown Margin, and a new Section 3.5.2.9 to TS 3.5.2, Control Rod Group and Power Distribution Limits, for Oconee Units Nos. 1, 2 and 3.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 25, 1980, as supplemented December 22, 1980, and January 22, 1981, (2) Amendments Nos. 93, 93, and 90 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-5755 Filed 2-19-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369-OL and 50-370-OL]

Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2—Reopened Operating License Proceeding); Change of Location of Public Hearing

On January 29, 1981 the Atomic Safety and Licensing Board entered an order reconvening an evidentiary hearing in this proceeding on February 24, 1981 in the auditorium of the Public Library of Charlotte and Mecklenburg County in Charlotte, Norht Carolina. 46 FR 11390 (February 6, 1981).

The Board has now been advised that due to the size and design of the auditorium it will be difficult to provide adequate table space for counsel and seating for the members of the public who are expected to attend the public hearing. Accordingly, it is this 13th day of February, 1981.

Ordered

That the location of the evidentiary hearing scheduled to reconvene at 9:30 a.m. on Tuesday, February 24, 1981 is changed to Wagner Hall, Holiday Inn North, 3815 North Tryon Street, Charlotte, North Carolina 28225.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Administrative Judge.

[FR Doc. 81-5756 Filed 2-19-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment consists of two License Conditions and the incorporation into the Technical Specifications of additional requirements as the result of the completion of reviews and modifications accomplished to satisfy the Category "A", TMI-2 Lessons Learned recommedations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1980,

(2) Amendment No. 52 to License No. DPR-36 and (3) the Commisison's related letter dated February 6, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-5757 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District, Issuance of Amendment to Facility Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. NPF-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment changes the Technical Specifications to add requirements which provide additional assurance of reliable decay heat removal availability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated November 17, 1980, (2) Amendment No. 56 to License No. DPR-40, and (3) the Commission's related letters dated June 11, 1980 and February 10, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW Washington D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 10th day of February, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-5758 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-327]

Tennessee Valley Authority; Issuance of Amendment

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility), located in Hamilton County, Tennessee. This amendment allows the temporary operation of Unit 1 with 2A and 1B essential raw cooling water (ERCW) headers connected together for a one-time period no longer than eight weeks.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated January 19, 1981, (2) Amendment No. 3 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of February 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-5759 Filed 2-19-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Federal Support for Hospital Construction in Overbedded Areas

SUMMARY: This memorandum rescinds the Office of Management and Budget (OMB) memorandum, Federal Support for Hospital Construction in Overbedded Areas, published in the December 19, 1980, **Federal Register** (45 FR 83701-83704).

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Etheredge, Chief, Health Branch, Office of Management and Budget, Room 7002, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-4600.

Donald W. Moran,

Associate Director for Human Resources, Veterans and Labor.

[FR Doc. 81-5833 Filed 2-19-81; 8:45 am]

BILLING CODE 3110-01-M

Rescission of Contract Provisions Relating to Wage and Price Standards

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Rescission of policy and procedures governing ineligibility for Federal contracts of companies which do not comply with the wage and price standards.

SUMMARY: On December 27, 1978, OFPP issued Policy Letter 78–6 (January 4, 1979; 44 FR 1229) implementing the President's anti-inflation program in Federal procurement. The Policy Letter provided that companies which did not cooperate in anti-inflation efforts by keeping price and wage increases within standards established by the Council on Wage and Price Stability would be ineligible for prime contracts or first-tier subcontracts over $5 million.

Executive Order 12288, issued January 29, 1981, revoked Executive Order 12092 of November 1, 1978, which was the authority for Policy Letter 78–6. Accordingly, Policy Letter 78–6 is hereby rescinded.

EFFECTIVE DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, Associate Administrator for Regulatory Policies and Practices Telephone 202–395–6166.

Executive Office of the President, Office of Management And Budget, Office of Federal Procurement Policy.

Memorandum to the Heads of Executive Departments and Establishments

Subject: Rescission of Policy Letter 78–6, Wage and Price Standards for Federal Contractors.

February 5, 1981.

Policy Letter 78–6, dated December 27, 1978, implemented the President's anti-inflation program by requiring that Federal contractors comply with the voluntary wage and price standards. The Policy Letter required contractors and first-tier subcontractors to certify their compliance with the wage and price standards, in connection with any prime contract or first-tier subcontract expected to exceed $5 million. It also provided that any companies listed by the Council on Wage and Price Stability (CWPS) as noncompliant would not be eligible for prime contract or first-tier subcontract awards over $5 million. This Policy Letter was issued under the authority of Executive Order 12092, dated November 1, 1978.

Executive Order 12288, dated January 29, 1981, revoked Executive Order 12092. Accordingly, Policy Letter 78–6 is hereby rescinded. Outstanding solicitations which include the requirement to certify compliance with the wage and price standards may be amended to delete this requirement. In the case of uncompleted contracts which contain the certification clause, the practical effect of the revocation of Executive Order 12092 and Policy Letter 78–6 is to make the clause meaningless. The same is true with respect to the lists of noncompliant companies which, under Policy Letter 78–6, were ineligible for contract awards.

The Secretary of Defense and the Administrator of General Services are requested to revise the Defense Acquisition Regulation (DAR) and the Federal Procurement Regulations (FPR) respectively, to reflect the above action.

Karen Hastie Williams,

Administrator.

[FR Doc. 81-5713 Filed 2-19-81; 8:45 am]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5284]

Good Earth Enterprises, Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), has been filed by Good Earth Enterprises, Inc. (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Chairman of the Board, President (50 percent Stockholder)
Jeffrey Lau, 1434 Larkin Street, San Francisco, Ca. 94109
Vice President, Treasurer/Secretary, Director, General Manager (50 percent Stockholder)
Sophie Lau, 1434 Larkin Street, San Francisco, Ca. 94109
Director,
Lil S. Wong, 861 Rockdale Drive, San Francisco, Ca. 94127

The Applicant, a California corporation, with its principal place of business at 785 Columbus Avenue, San Francisco, California 94113, will begin operations with $500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than March 9, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(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. 81-5710 filed 2-19-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1976]

New York; Declaration of Disaster Loan Area

Orange County and adjacent counties within the State of New York constitutes a disaster area as a result of damage caused by flooding which occurred on February 12, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1981, and for economic injury until the close of business on November 17, 1981, at:

Small Business Administration, District Office, 26 Federal Plaza—Room 3100, New York, New York 10007.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No.'s 59002 and 59008)

Dated: February 17, 1981, 2:26 p.m.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-5643 Filed 2-19-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1977]

Pennsylvania; Declaration of Disaster Loan Area

Pike County and adjacent counties within the State of Pennsylvania constitute a disaster area as a result of damage caused by flooding which occurred on February 11–12, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 17, 1981, and for economic injury until the close of business on November 17, 1981, at:

Small Business Administration, District Office, East Lobby—Suite, One Bala Cynwyd Plaza, 231 Asaphs Road, Bala Cynwyd, Pennsylvania,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February. 17, 1981, 2:26 p.m.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-5644 Filed 2-19-81; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Resolution of Complaint of Price-Undercutting by Subsidized Cheese Imports

On February 12, 1981, the United States Trade Representative received a letter from the Secretary of Agriculture informing him of the Secretary's finding that imported Swiss cheese produced in the Federal Republic of Germany has been offered for sale in the United States at duty-paid wholesale prices which are 20 cents per pound less than the domestic wholesale market price of similar cheese produced in the United States.

In accordance with section 702(c) (2) of the Trade Agreement Act of 1979 (the Act) (19 USC 1202 note), the Office of the United States Trade Representative notified the Commission of the European Communities of the price under-cutting determination made by the Secretary of Agriculture, requested that corrective action be taken, and asked for appropriate assurances concerning the commitments made in the Arrangement Between the United States and the Community Concerning Cheeses.

On February 12, 1981, the Commission of the European Communities notified the United States Trade Representative that measures have been taken to ensure that the duty-paid wholesale price of imported Swiss cheese produced in the Federal Republic of Germany will not be less than the domestic wholesale market price of similar cheese produced in the United States. In addition, the Commission gave assurance that it will respect the price commitments in the Arrangement. Since the above notification by the Commission of the European Communities has occurred within the 15-day period provided in section 702(c)(3) of the Act, the United States Trade Representative has notified the Secretary of Agriculture that no further action is required.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-5677 Filed 2-19-81; 8:45 am]

BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Hearing

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on March 27, 1981, at 1:00 p.m., the Veterans Administration Regional Office 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 Robertson County Sheriff's Department, 500 Willow Street, Springfield, 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 12, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

FR Doc. 81-5709 Filed 2-19-81; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-286]

Federal-State Joint Board; Meeting

The Federal-State Joint Board established by the Federal Communications Commission pursuant to Section 410(c) of the Communications Act, as amended, 47 U.S.C. 410(c), will meet in the Commission Meeting Room (Room 856), 1919 M St., NW., Washington, D.C., at 2:00 p.m., on Monday, February 23, 1981.

The Joint Board was convened to consider, and to issue a recommended decision on amendments to, Part 67 of the Commission's Rules as discussed in the Notice of Proposed Rulemaking in CC Docket No. 80–286 *(In the Matter of Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board)*, released June 12, 1980. This proceeding involves the allocation of exchange plant investment and associated expenses between intrastate and interstate jurisdictions.

At its meeting of February 23, 1981, the Joint Board is expected to consider:

(1) Petitions for reconsideration of the Joint Board's Memorandum Opinion and Order, released December 5, 1980, filed by MCI Telecommunications Corp., United States Transmission Systems, Inc., and Southern Pacific Communications Co. The petitions seek reconsideration of the Joint Board's order insofar as it failed to require that evidentiary hearings and discovery be conducted.

(2) Report and recommendation of the Staff on information requests to be issued for the conduct of this proceeding.

(3) Future meetings of the Joint Board.

(4) Other new business properly before the Joint Board.

Additional information concerning this meeting may be obtained from Bert Halprin, of the Common Carrier Bureau, telephone (202) 632–9342.

Federal Communications Commission.

Issued: February 12, 1981.

William J. Tricarico,

Secretary.

[FR Doc. 81-6109 Filed 2-18-81; 3:27 pm]

BILLING CODE 6712-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 34
Friday, February 20, 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: 10 a.m., February 24, 1981.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Review of an Audit and Financial Surveillance Program.
Rule Enforcement Review
Enforcement Matter
Legislative Matter

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-271-81 Filed 2-18-81 9:59 am]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), February 24, 1981.

PLACE: Commission conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1 Freedom of Information Act Appeal No. 80-11-FOIA-16-CH, concerning a request for all documents which have been made a part of the Court's record.

2. Freedom of Information Act Appeal No. 80-12-FOIA-13-NO, concerning a request for certain documents from a Title VII Charge file.

3. EEOC's Semiannual Regulatory Agenda.

4. A report on Commission Operations by the Executive Director

Closed to the Public

Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued February 17, 1981.

[S-273-81 Filed 2-18-81 10:58 am]

BILLING CODE 6570-06-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 12589, February 17, 1981].

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 18, 1981, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG-14.—Tennessee Gas Pipeline Co.
CAG-15.—El Paso Natural Gas Co.
M-1.—RM81-. Revisions to Certain Regulations Governing Applications for Preliminary Permit or License for Water Power Projects.
CP-3.—CP80-274, Mountain Fuel Supply Co. and Mountain Fuel Resources, Inc. CP80-275, Mountain Fuel Supply Co. CI80-233, Celsius Energy Co. CP76-397, Mountain Fuel Supply Co.

Kenneth F. Plumb,
Secretary

[S-270-81 Filed 2-18-81 9:14 am]

BILLING CODE 6450-85-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: a.m., February 26, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Puerto Rico Maritime Shipping Authority proposed general rate increases in the Puerto Rico trades.

2. Agreement No. 9976-5: Extension of the term of approval of the Mediterranean Associated Conferences Agreement for a period of three years.

3. Agreement No. 8900-14: Modification of the "8900" Lines Rate Agreement to permit discussion of matters with other carriers or conferences and governments.

4. Agreement No. 10401: Establishment of the Transpacific Westbound Discussion Agreement.

5. Petition for Reconsideration of the Commission's order conditionally approving Agreement No. 10137-6 which extended the Barber Blue Sea Line joint service agreement.

6. Agreement No. 10247-3: Extension of the term of approval of the Australian Loading Expense Agreement.

7. Informal Docket No. 800(I): Stoody International Co. v. Sea-Land Service, Inc.—Review of Settlement Officer's Decision.

CONTACT PERSON FOR MORE INFORMATION: C. Hurney, Secretary, (202) 523-5725.

[S-272-81 Filed 2-18-81 10:20 am]

BILLING CODE 6730-01-M

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 25, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive dicussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the items be moved to the discussion agenda.

1. Report to the Congress with respect to recommendations to the Board in the GAO report regarding efforts to enforce compliance with consumer credit protection laws.

Discussion Agenda

2. Proposed Interim Procedures for Pricing Administration.

3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: February 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-274-81 Filed 2-18-81; 11:17 am]

BILLING CODE 6210-01-M

6

METRIC BOARD.

PLACE: The Regent Hotel/Convention Center Complex, 201 Marquette, NW., Albuquerque, New Mexico 87103.

TIME AND DATE: 8:30 a.m., Thursday, March 5, 1981; 9:a.m., Friday, March 6, 1981.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

March 5, 1981

Approval of Agenda—approval of agenda for the March 5–6, 1981 Board Meeting to be held in Albuquerque, New Mexico.

Review/Approval of minutes of the Board Meeting held in Arlington, Virginia on February 5, 1981.

Staff Reports and Committee Reports—Committee chairpersons and senior staff will give a status report on activities within their jurisdiction.

Proposed USMB Resolution for Teachers.

Fiscal year 1983 Research Call—The Board's fiscal year 1983 Research call has been initiated and is the third year of the call. A brief review of the past calls and the results that eminated from those calls will be provided to the Board.

Florida Metric Council—Mr. Sydney Andrews will introduce three resolutions passed at the December 4, 1980 meeting of the Florida Metric Council, which contain requests for action by the USMB.

Fiscal year 1981 Private Sector Program Initiatives—Francis Dugan will present the Fiscal 1981 Private Sector Program to the Board.

Meeting Sites—discussion of forthcoming meeting sites.

Agenda Items for next Board Meeting to be held on May 7–8, 1981.

SUPPLEMENTARY INFORMATION: Notice of a Public Forum to be held by the United States Metric Board on March 5, 1981 which will provide individuals and groups the opportunity to comment on metric conversion appears elsewhere on this issue.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Lu Verne V. Hall, 703/235–3058.

Louis F. Polk,

Chairman, United States Metric Board.

[S-276-81 Filed 2-18-81; 3:52 pm]

BILLING CODE 6820-94-M

7

METRIC BOARD.

ADMINISTRATIVE AND BUDGET COMMITTEE MEETING.

TIME AND DATE: 3 p.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel/Convention Center Complex, Laguna Room, 201 Marquette, N.W., Albuqerque, New Mexico 87103.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED.

Cost of move to 1600 Wilson Boulevard.
Update on review of Board compensation.
Review of Representation Fund.
Final review of Congressional Handbook.

STATUS: Closed session.

MATTER TO BE CONSIDERED: Review of 1982 Proposed Funding Level.

CONTACT PERSON FOR FURTHER INFORMATION: Ms. Helen T. Stellman, (703) 235–1696.

Louis F. Polk,

Chairman, United States Metric Board.

[S-278-81 Filed 2-18-81; 3:52 pm]

BILLING COLDE 6820-94-M

8

METRIC BOARD.

PLANNING AND COORDINATION COMMITTEE.

TIME AND DATE: 3 p.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel/Convention Center Complex, Acoma Room, 201 Marquette, N.W., Albuquerque, New Mexico 87103.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED.

1. Approval of Minutes.
2. Private Sector Planning Status Report.
3. Review of New Planning and Coordination Project Initiatives.
4. Update on USMB Involvement in Tariff Conversion.
5. Briefing on Planning Industry Presentations.
6. Agenda Items for Next Meeting.

CONTACT PERSON FOR FURTHER INFORMATION: Charles Danner, (703) 235–2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S-277-81 Filed 2-18-81; 3:52 pm]

BILLING CODE 6820-94-M

9

METRIC BOARD.

PUBLIC AWARENESS AND EDUCATION COMMITTEE.

TIME AND DATE: 9:30 a.m., Wednesday, March 4, 1981.

PLACE: Regent Hotel/Convention Center Complex, Zuni Room, 201 Marquette, N.W., Albuquerque, New Mexico.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

Approval of Minutes.
Approval of Agenda.
Report on Personnel.
Review of Previous Month's Activity.
Report on Next Public Forum.
Review of Public Awareness and Education Operating Plan.
Review of Public Awareness and Education FY 82 Meeting Sites.
Discussion of Use of Satellite Telecommunications.
Political Cartoon or Editorial Contest.
Status Report on Surburban Press Articles.
Review of Public Awareness and Education Policy Decisions to Date.
Public Awareness and Education Philosophy.
Discuss Brigham Young (Contest Winner) Public Awareness Plan.
Agenda for Next Meeting.

CONTACT PERSON FOR FURTHER INFORMATION: John Donnelly, (703) 235–2820.

Louis F. Polk,

Chairman, United States Metric Board.

[S-279-81 Filed 2-18-81; 3:52 pm]

BILLING CODE 6820-94-M

10

METRIC BOARD.

RESEARCH COMMITTEE.

TIME AND DATE: 9 a.m., Wednesday, March 4, 1981.

PLACE: The Regent Hotel, Convention Center Complex, Acoma Room, 201 Marquette, NW., Albuquerque, New Mexico 87102, (505) 247–3344.

STATUS: The Meeting will be open to the public.

MATTER TO BE CONSIDERED: Two briefings on Research Activites: (1) A general status report of all research projects and activities; (2) A general status report on the Fiscal Year 1983 Research Call.

CONTACT PERSON FOR MORE INFORMATION: G. Edward McEvoy, Director of Research, United States Metric Board, 1600 Wilson Boulevard, Suite 400, Arlington, Virginia 22209, (703) 235–1933.

Louis F. Polk,

Chairman, United States Metric Board.

[S-280-81 Filed 2-18-81; 3:52 pm]

BILLING CODE 6820-94-M

11

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

TIME AND DATE: 8 a.m., March 2, 1981.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED: 8 a.m., Meeting, Board of Regents.

(1) Approval of Minutes, 12 December 1980; (2) Faculty Appointments; (3) Report—Financial; (4) Report—Admissions—(a) Current Status, (b) Class Expansion; (5) Report—Acting President; (6) Report—Dean, School of Medicine—(a) General Procedures and Delegations of the Board of Regents (action), (b) Revised Appointment, Promotion and Tenure Document (action), (c) Graduation Plans and Schedule, (d) Establishment of Master of Public Health and Master of Science in Tropical Medicine, (e) Establishment of Department of Medical History, (f) Awards—(1) Establishment of an Outstanding Civilian Educator Award, (2) USUHS Awards.

New Business

SCHEDULED MEETINGS: May 22, 1981.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, (202) 295-3025.

M. S. Healy,

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

February 13, 1981.

[S-269-81 Filed 2-18-81; 8:45 am]

BILLING CODE 3810-70-M

federal register

Friday
February 20, 1981

Part II

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama	AL79-1134	Nov. 9, 1979.
	AL79-1129	Sept. 21, 1979.
	AL80-1120	Nov. 14, 1980.
Delaware	DE78-3060	Nov. 3, 1978.
Dist. of Columbia	DC80-3040	May 16, 1980.
Florida	FL80-1088	Aug. 1, 1980.
Idaho	ID80-5146	Dec. 12, 1980.
Louisiana	LA80-4084	Nov. 7, 1980.
Maine	ME81-3006	Jan. 16, 1981.
Maryland	DC80-3040	May 16, 1980.
Massachusetts	MA80-2070	Aug. 29, 1980.
Nevada	NV80-5100	Feb. 1, 1980.
New Jersey	NJ79-3013	June 22, 1979.
New York	NY81-3003	Jan. 23, 1981.
Oklahoma	OK80-4067	July 25, 1980.
Texas	TX81-4009	Jan. 6, 1981.
Virginia	DC80-3040	May 16, 1980.
Wisconsin	WI80-2027	Apr. 8, 1980.
Illinois, Indiana, Michigan Minnesota, New York, Ohio, Pennsylvania & Wisconsin.	IL79-2062	July 6, 1979.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Nevada	NV79-5131 (NV81-5104).	Aug. 31, 1979.
South Dakota	SD80-5104 (SC81-5105).	Feb. 1, 1980.

Cancellation of General Wage Determination Decisions

None

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

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

DECISION NO. AL79-1134 MODIFICATION 1
(44 FR 65307 November 9, 1979)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calhoun, Etowah, Green, Jefferson, Pickens, St. Clair, Shelby, Sumter, Talladega, Tuscaloosa and Walker Counties, Alabama					
Heavy Construction Projects					
CHANGE:					
Carpenters:					
Green, Pickens, Sumter, & Tuscaloosa Counties	9.50				.06
Jefferson, Shelby, Walker, and that portion of St. Clair and Talledega County west of Highway 231 from the Blount County line south to Interstate 20. Also, that portion of St. Clair and Talledega Cos. south of Interstate 20 and west of U. S. Alternate 231 south, not including the city of Talledaga and that portion of Talladega County south of the city of Talladega and west and south of the Talladega National Forest.	9.97	.55	.35		.08
Calhoun, Etowah, and Remainder of St. Clair and Talladega Counties	8.16	.65	.50		.06
Electricians	13.45	.55	3%+.40		½of1%
Ironworkers	12.35	.76	.82		.06
Laborers:					
Zone 1: Jefferson, St. Clair, Shelby, Talladega & Walker Counties					
Asphalt Raker, Air Tool Op., Chain Saw Op., Concrete Saw Op., Vibrator Op.	6.99	.40	.45		.05
General Laborer, Hand Blade Op., Batch Truck Dumper	6.82	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.94	.40	.45		.05
Powderman & Blaster	7.77	.40	.45		.05

DECISION NO. AL79-1134 MODIFICATION 1 cont

Laborers-continued	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tunnel Work:					
Tunnel Miner	7.74	.40	.45		.05
Tunnel Laborer	7.28	.40	.45		.05
Chuck Tender	7.44	.40	.45		.05
Pneumatic Concrete Gun Op. & Nuzzleman	7.62	.40	.45		.05
Zone 2: Calhoun, Etowah, Green, Pickens, Sumter & Tuscaloosa Counties					
Asphalt Raker, Air Tool Op., Chain Saw Op., Concrete Saw Op., Vibrator Operator	6.33	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	6.16	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.28	.40	.45		.05
Powderman & Blaster	6.99	.40	.45		.05
Tunnel Work:					
Tunnel Miner	7.07	.40	.45		.05
Tunnel Laborer	6.62	.40	.45		.05
Chuck Tender	6.79	.40	.45		.05
Pneumatic Concrete Gun Op. & Nuzzleman	6.96	.40	.45		.05
Truck Drivers:					
Up to 1-1½ tons	6.97	.50			.03
1½ up to 3 tons	7.24	.50			.03
3 up to 5 tons	7.57	.50			.03
Off Road Truck	8.24	.50			.03
Power Equipment Operators:					
Class A	10.87	.50	.60		.10
Class B	10.20	.50	.60		.10
Class C	9.69	.50	.60		.10
Class D	8.93	.50	.60		.10

DECISION NO. AL79-1129 MODIFICATION 1
(44FR 54846 September 21, 1979)

Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe, Washington, and Wilcox Counties, Alabama	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy Construction Projects excluding Sewer and Water Line Construction and Drainage Projects.					
CHANGE:					
Carpenters	11.57	.65	.50		.10
Electricians-wiremen	13.57	.80	3%+.50		.05
Ironworkers: Structural & Reinforcing	12.04	.65	.50		.05
Laborers: Zone 1: Baldwin, Clarke, Escambia, Mobile, Monroe, Washington Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Operator, Concrete Saw Operator, Vibrator Operator	6.99	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	6.82	.40	.45		.05
Pipe Layer, Mucker, Mortar Mixer	6.94	.40	.45		.05
Powderman & Blaster	7.77	.40	.45		.05
Zone 4: Choctaw, Marengo, and Wilcox Counties					
Asphalt Raker, Air Tool Operator, Chain Saw Op., Concrete Saw Op., Vibrator Operator	6.14	.40	.45		.05
General Laborer, Hand Blade Operator, Batch Truck Dumper	5.97	.40	.45		.05
Pipe Layers, Muckers, Mortar Mixers	6.07	.40	.45		.05
Powderman & Blaster	6.91	.40	.45		.05

DECISION AL79-1129 MOD. 1 con't.

Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Marengo, Monroe, Washington, and Wilcox Counties, Alabama	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Industrial Brush	11.75	.65	.40		.01
Industrial Spray	12.50	.65	.40		.01
Hazardous Work	12.00	.65	.40		.01
Plumbers & Pipefitters	13.65	.70	1.10		.05
Piledrivermen	11.88	.65	.50		.05

DECISION #AL80-1120 - Mod. #1
(45 FR 75562 - November 14, 1980)
Colbert, Franklin, Lauderdale, Lawrence, Marion, & Winston Counties, Alabama

CHANGE:

Power Equipment Operators:	
Backhoe	$ 7.01
Bulldozer	7.46

ADD:

Power Equipment Operators:	
Front end loader	$ 6.00

MODIFICATION PAGE 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. DE78-3080 - MOD. # 11 (42 FR 51567 - November 3, 1978) State of Delaware					
CHANGE:					
Electricians	$14.03	1.15	1.26		1/4%
Glaziers	11.93	.95	1.80		.01
Line Construction:					
Linemen	14.63	.60+4%	3%		3/4%
Winch truck operator	10.20	.60+4%	3%		3/4%
Truck driver	9.46	.60+4%	3%		3/4%
Groundmen	8.73	.60+4%	3%		3/4%
Plumbers & Steamfitters:					
Sussex and Kent, Remainder of Counties	13.30	1.00	1.00		.05
DECISION NO. DC80-3040- MOD. #6 (45 FR 32528 - May 16, 1980) District of Columbia, Maryland - Montgomery & Prince Georges Counties; D.C. Training School; Virginia - Independent City of Alexandria, Arlington and Fairfax Counties					
CHANGE:					
Boilermakers	$14.275	1.275	1.00		.04
Divers' Tenders	13.61	.80	.70		.05
Electricians	13.55	.75	3%+.80		.13
Line Construction:					
Linemen, cable splicers, equipment operators	14.56	.60	3%		.5%
Truck with winch, truck pole or steel handling	8.34	.60	3%		.5%
DECISION NO. FL80-1088 - MOD. #3 (45 FR 51400 - August 1, 1980) Orange County, Florida					
Change:					
Boilermakers	12.75	1.275	1.10		.04
Plumbers	11.49	.75	.62	.50	.12
Roofers					
Roofers	9.50	.35	.25		
Kettlemen	8.05	.35	.25		

MODIFICATION PAGE 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. ID80-5146 - Mod. #1 (45 FR 81960-December 12, 1980) Statewide, Idaho					
Change:					
Bricklayers; Stonemasons:					
Area 5	$13.90	.90	.60		
Area 6	12.95	.90	.75		
Electricians:					
Area 1:					
Electricians	17.85	.95	3%+.40		.02
Cable Splicers	18.25	.95	3%+.40		.02
Area 3:					
Electricians:					
Technicians	14.25	.75	3%+1.00		1%
Cable Splicers	15.68	.75	3%+1.00		1%
Glaziers:					
Area 1	11.84	.69	.80		
Area 2	12.51	.42	.70	4%	.02
Ironworkers:					
Ornamental; Reinforcing; Structural:					
Area 2	15.35	.93	1.90		.10
Marble Setters:					
Area 5	13.90	.90	.60		
Area 6	11.25	.90	.75		
Painters:					
Area 1:					
Brush	13.43	.69	1.10		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle); Finish					
Drywall Taper	13.93	.69	1.10		.02
Swing Stage, over 30 ft. high	14.13	.69	1.10		.02
Bitumastic; Sand Blast; Bridge; Towers; Stacks; Steeples;					
Tanks on Legs	14.23	.69	1.10		.02
Tapers	13.28	.69	1.10		.02
Roofers:					
Area 2:					
Roofers; Kettlemen	13.00	.85	.30		
Roofers working with coal tar and pitch products	15.00	.85	.30		

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DECISION NO. ID80-5146 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 3	$11.83	.85	.50		
Soft Floor Layers					
Area 2	12.39	.69	.60		
Terrazzo Workers and Tile Setters:					
Area 2	13.50	.80	2.00		
Area 5	13.90	.90	.60		
Area 6	11.25	.90	.75		
Omit:					
Painters:					
Area 4:					
Brush; Roller, Perfatapers	9.96	.62	.80		.005
Structural Steel; Swing Stage; Spray	10.41	.62	.80		.005
Add:					
Painters:					
Area 4:					
Work within 28 ft. of the surface:					
Painters and Tapers	11.11	.69	.50		1%
Spray	11.74	.69	.50		1%
Sand Blasting; Steel	11.69	.69	.50		1%
Work over 28 ft. in height, or downhole more than 28 ft.:					
Painters and Tapers	12.11	.69	.50		1%
Spray	12.74	.69	.50		1%
Sand Blasting; Steel	12.69	.69	.50		1%

MODIFICATION PAGE 8

DECISION NO. LA80-4084 - MOD. #4 (45 FR 74347 - November 7, 1980) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers - Zone 4	$12.69	.45	.50		
Glaziers:					
Zone 1	12.85			c+d	.02
Zone 3	12.30	.32	.35		.01
Decision No. ME81-3008- Mod. #2 (46 FR 4261 - January 16, 1981) STATEWIDE, MAINE					
CHANGE:					
LABORERS:					
Penobscot County	$3.35				

MODIFICATION PAGE 9

DECISION NO. MA80-2070 - MOD. #2 (45 FR 57926 - August 29,1980 Berkshire, Franklin, Hampden and Hampshire Counties, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS: Cement Masons, Plasterers, Stone Masons, Marble-Tile-Terrazzo Workers, Pointers, Cleaners, Caulkers:					
HAMPDEN, HAMPSHIRE, FRANKLIN COUNTIES; BERKSHIRE CO. (Twps. of Becket, Otis and Sandisfield only)	11.60	1.03	1.20		.06
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge (only)	12.68	.60	1.00		.04
FRANKLIN COUNTY (Erving, Warwick, Orange and N. Orange)	12.50	.75	1.00		.07
FRANKLIN COUNTY (Remainder of County): HAMPDEN and HAMPSHIRE COUNTIES	12.00	.60	1.00		.07
ELECTRICIANS:					
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of Co.); HAMPDEN CO. (Chester, Holyoke and North portion of Chicopee					
Electrical Contracts over $75,000.00	12.86	.85	3%+.40		.02
HAMPDEN CO. (Remainder of County); HAMPSHIRE CO. (Belchertown, Ware)	13.28	.85	3%+.40		.03

MODIFICATION PAGE 10

DECISION NO. MA80-2070 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS'					
Probationary Helpers	6.065	1.195	.95	a+b	.035
MILLWRIGHTS	13.65	1.00	1.00		.10
PAINTERS:					
Brush and Taper	10.02	1.20	.65		.08
Spray-epoxy & Interior Dry Fogs & Minerals Thinned with anything other than Water &/or Mineral Spirits	13.36	1.60	.8667	.1067	.1067
Spray - Materials thinned with water &/or Mineral Spirits, excluding Epoxys & Interior Dry Fogs	13.89	1.20	.65		.08
Swing Stage under 40' Steel	10.207	1.20	.65		.08
Swing Stage over 40' Steel	10.52	1.20	.65		.08
PILEDRIVERMEN	13.65	1.00	1.00		.10
PLUMBERS:					
HAMPDEN COUNTY; BERKSHIRE CO. (Otis, Becket, Sandifield); HAMPSHIRE CO. (Belchertown, Granby, Huntington, Middlefield, South Hadley and Ware)	12.25	1.01	1.70		.10
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO.	13.88	.10	1.60		.10
ROOFERS:					
Composition, Damp Waterproof	10.565	1.10	2.03		
Slate, Tile, Precast Concrete	11.065	1.10	2.03		
SHEET METAL WORKERS	12.25	1.09	1.46		

DECISION NO. MA80-2070 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STEAMFITTERS:					
HAMPDEN COUNTY; BERKSHIRE COUNTY (Otis, Becket, New Boston, Sandisfield) HAMPSHIRE CO.	13.88	.10	1.60		.10
FRANKLIN CO. (Orange Only)	11.71	.80	.65	.47	.05
FRANKLIN COUNTY (Remainder of County)	13.88	.10	1.60		.10

DECISION #NV80-5100 - Mod. #7 (45 FR 7451 - February 1, 1980)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada					
Change:					
Asbestos Workers:					
Elko, Eureka, White Pine Counties	$14.36	.77	$1.52		
Remaining Counties (Statewide excluding Clark, Elko, Esmeralda, Eureka, Lincoln, Nye, White Pine Counties)	19.51	1.25	1.45		.11
Bricklayers; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	15.57	.90	.60		.06
Remaining Counties and Nye County (north of Hwy. #6)	15.21	1.25	.75		.04
Cement Masons:					
Remaining Counties:					
Cement Masons	13.05	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
Lake Tahoe Area:					
Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	$18.53	$1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	17.06	.98	3%+2.55		.08
Cable Splicers	17.39	.98	3%+2.55		.08
Ironworkers:					
Remaining Counties:					
Fence Erector	13.46	1.39	3.22	2.15	.07
Ornamental; Reinforcing; Structural	14.35	1.39	3.22	2.15	.07
Laborers:					
Remaining Counties:					
Group 1	10.71	1.10	1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10
Marble Masons:					
Clark, Esmeralda, Lincoln, Nye County (south half)	15.57	.90	.60		.06
Painters:					
Remaining Counties including Lake Tahoe Area:					
Brush and Roller	15.93	.70	.75		.02

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brush - swing stage, up to 40 ft.; Brush - Steel	$16.18	.70	.75		.02
Spray; Taper; Paperhangers; Sandblaster	16.43	.70	.75		.02
Spray - swing stage, up to 40 ft.; Spray - steel	16.68	.70	.75		.02
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	15.74	.80	.70		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Tapers	16.09	.80	.70		.06
Buffing Steel; Sandblaster - structural steel	16.44	.80	.70		.06
Steeplejack	17.49	.80	.70		.06
Power Equipment Operators:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Group 1	13.60	1.10	2.80	.80	.14
Group 2	13.88	1.10	2.80	.80	.14
Group 3	14.17	1.10	2.80	.80	.14
Group 4	14.31	1.10	2.80	.80	.14
Group 5	14.53	1.10	2.80	.80	.14
Group 6	14.64	1.10	2.80	.80	.14
Group 7	14.76	1.10	2.80	.80	.14
Group 8	14.93	1.10	2.80	.80	.14
Group 9	15.06	1.10	2.80	.80	.14

DECISION NO. NV80-5100 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

REMAINING COUNTIES

GROUPS	AREA 1	AREA 2	AREA 3	AREA 4
1-A	$11.64	$12.89	$13.39	$14.14
2	12.08	13.33	13.83	14.58
3	12.31	13.56	14.06	14.81
4	12.93	14.18	14.68	15.43
5	13.18	14.43	14.93	15.68
6	13.32	14.57	15.07	15.82
7	13.53	14.78	15.28	16.03
8	14.02	15.27	15.77	16.52
9	14.29	15.54	16.04	16.79
10	14.59	15.84	16.34	17.09
10-A	14.74	15.99	16.49	17.24
11	14.95	16.20	16.70	17.45
11-A	16.31	17.56	18.06	18.81

FRINGE BENEFITS:	
Health and Welfare:	$2.24
Pensions	3.00
Vacation	2.07
Apprenticeship Training	0.11

DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Piledriving:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.27	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11
Steel Erection:					
Group 1	12.20	2.24	3.00	2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11
Roofers:					
Clark, Esmeralda, Lincoln, Nye County (south half)	18.15	1.00			
Remaining Counties and Nye County (north half)	16.42	.85	1.00		.05
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties	18.02	1.20	1.92		.19
Remaining Counties and Nye County (north half)	14.72	1.20	2.26	1.47	.12

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DECISION NO. NV80-5100 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Soft Floor Layers:					
Clark, Esmeralda, Lincoln, Nye Counties	$16.16	$1.11			.25
Remaining Counties including Lake Tahoe Area	14.74	.70	.20	.33	.06
Terrazzo Workers; Tile Setters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	15.57	.90	.60		.06

MODIFICATION PAGE 18

DECISION NO. NJ 79-3013-MOD.#5
(44 FR 36661-June 22,1979)
Atlantic County, New Jersey

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$16.91	7%	15%		3%
Group 2	15.09	7%	15%		3%
Group 3	14.21	7%	15%		3%
Group 4	14.10	7%	15%		3%
Group 5	13.87	7%	15%		3%
Group 6	13.38	7%	15%		3%
Group 7	13.09	7%	15%		3%
Group 8	12.92	7%	15%		3%
Group 9	12.87	7%	15%		3%
Group 10	12.75	7%	15%		3%
Group 11	12.70	7%	15%		3%
Group 12	12.46	7%	15%		3%
Group 13	12.06	7%	15%		3%
Group 14	11.89	7%	15%		3%
Group 15	11.55	7%	15%		3%
Group 16	9.57	7%	15%		3%
DECISION NO. NY81-3003 - Mod. #1 (46 FR 7737 - January 23, 1981) Orange County, New York					
Add: PLUMBERS & STEAMFITTERS (Remainder of County)	12.05	1.10	1.90		.15

DECISION No. OK80-4067 - Mod. # 2
(45 FR - 49834 - July 25, 1980)
Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
CARPENTERS					
AREA I					
Carpenters	9.80	.55	.85		.05
Millwrights & Piledrivermen	11.15	.55	.85		.05
CEMENT MASONS					
Pushmataha	12.29		.40		.16
GLAZIERS	11.44	.70	.30		.01
LINE CONSTRUCTION:					
Linemen	12.50		3%		½%
Cable Splicers	13.25		3%		½%
Hole Digger Operator	11.33		3%		½%
Heavy Equipment Operator (Pole Cat or Equivalent)	11.33		3%		½%
Line Truck Driver (winch operator)	10.27		3%		½%
Jackhammerman	9.35		3%		½%
Powderman	11.33		3%		½%
Groundman	8.34		3%		½%
Truck Driver (Flat Bed, Ton & Half and under)	8.91		3%		½%
PAINTERS:					
Brush & Roller	11.05		.40	.20	.10
Highwork & stage	11.65		.40	.20	.10
Sandblasting and Spray Painting	11.90		.40	.20	.10
Hot or Bituminous	12.55		.40	.20	.10
ROOFERS	11.40	.60	.50		.04
SHEET METAL WORKERS	13.50	.50	.72		.10
SOFT FLOOR LAYERS	11.46	.70	.70		.03
DECISION NO. TX81-4009 - MOD. #2 (46 FR 1549 - January 6, 1981) Taylor County, Texas					
CHANGE:					
Plumbers & pipefitters	$11.28	.50	.75		.03

DECISION No. WI80-2027-MOD. #3 (45FR 26656 April 8, 1980) Ashland Bayfield and Douglas Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:	$12.80	.40	.75	1.15	
Bricklayers	12.26	.85	.55		.01
Carpenters: Douglas Bayfield Cos.	11.00	.50	.85	.75	
Piledrivermen Douglas Bayfield Cos.	11.00	.50	.85	.75	
Millwrights, Douglas Bayfield Cos.	11.22	.50	.85	.75	
Cement Masons: Douglas Co.	12.645	.40			
Ashland & Bayfield Cos.	11.44	.85	.55		.01
Electricians:	13.56	5%	7%	11%	2%
Residential	8.75	.68	3%		½%
Elevator Constructors:					
Mechanic	12.10	1.195	.95	A & B	.035
Helper	8.47	1.195	.95	A & B	.035
Ironworker:	12.30	.50	.90	1.00	.02
Laborers: Bayfield & Douglas Cos.					
General Laborer, Mason Tender, Mortar Mixer, Air Hammer, Air Spade & Jack Hammer Operators	10.20	.55	.50		
Plasterer Laborer	10.45	.55	.50		
Painters:					
Brush	12.06	.50	.60		.13
Spray	12.66	.50	.60		.13
Plasterers	12.50	.40	.45		
Plumbers	12.36	.50	.75	1.50	.05
Roofers	12.38	.40	.35	1.25	
Sheetmetal Workers	12.24	.40	.66	1.50	.04

MODIFICATION PAGE 21

Decision No. IL79-2062 - Mod. #2
(44 FR 39904 - July 6, 1979)
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania & Wisconsin

CHANGE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Floating Equipment (Clamshell, Dragline & Marine Construction):					
Engineers and Operators	$17.15	.95	1.20		.10
Equipment Operators	15.40	.95	1.20		.10
Firemen	14.55	.95	1.20		.10
Oiler	12.80	.95	1.20		.10

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Washoe
DECISION NUMBER: NV81-5104 DATE: Date of Publication
Supersedes Decision No. NV79-5131 dated August 31, 1979, in 44 FR 51501
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$19.51	$1.25	$1.45		.11
BOILERMAKERS	15.11	1.275	1.25	1.00	.04
BRICKLAYERS; Stonemasons	15.21	1.25	.75		.04
BRICK HOD CARRIERS	10.80	.95	1.20		.05
CARPENTERS	12.25	1.10	1.61	1.00	.10
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05
Remainder of Washoe County:					
Cement Masons	13.05	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
DRYWALL INSTALLERS	12.50	1.10	1.61	1.00	.10
ELECTRICIANS:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	18.53	1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Lake Tahoe Area:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS	16.37	.895	.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS	11.46	.895	.69	a	.03
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	8.185				
GLAZIERS	12.931	.83	1.85	1.584	
IRONWORKERS:					
Fence Erectors	13.46	1.39	3.22	2.15	.07
Ornamental; Reinforcing; Structural	14.35	1.39	3.22	2.15	.07
LATHERS	16.57				.01
MARBLE MASONS	14.00	.95	.75		.01
MARBLE, TERRAZZO, TILE FINISHERS	8.40	.95	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$15.93	.70	.75		.02
Brush-swing stage, up to 40 ft.; Brush-steel	16.18	.70	.75		.02
Spray; Taper; Paperhangers; Sandblasters	16.43	.70	.75		.02
Spray-swing stage, up to 40 ft.; Spray-steel	16.68	.70	.75		.02
PLASTER HOD CARRIERS:					
Plaster Hod Carriers serving Plasterers	12.20	.95	1.20		
Plaster Hod Carriers working on any type of gun	12.80	.95	1.20		
PLASTERERS	13.02	.90	1.20		.03
PLUMBERS; Steamfitters	14.14	1.13	1.00	1.95	.20
ROOFERS	16.42	.85	1.00		.05
SHEET METAL WORKERS:					
Residential construction not over 3 stories in height, where each individual family apartment is individually conditioned by a separate and independent unit or system	11.78	1.20	2.26	1.47	.12
All other residential construction	14.72	1.20	2.26	1.47	.12
SOFT FLOOR LAYERS	14.74	.70	.20	.33	.06
SPRINKLER FITTERS	18.23	.85	1.20		.08
TERRAZZO WORKERS; Tile Setters	14.00	.95	.75		.01

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.71	$1.10	$1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10

LABORERS

Group 1: All cleanup work of debris, grounds and buildings including Brushloader and windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping,grinding, sanding, vibrator; Cribbing, Shoring, Lagging, Trench Jacking, handguided Lagging Hammer; Curbing or Divider Machine; Curb Setter (pre-cast or cut); Ditching Machine (handguided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric not listed in Group 5); Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigger and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work or loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUPS	AREA 1	AREA 2	AREA 3
1-A	$ 11.64	$ 12.89	$ 13.39
2	12.08	13.33	13.83
3	12.31	13.56	14.06
4	12.93	14.18	14.68
5	13.18	14.43	14.93
6	13.32	14.57	15.07
7	13.53	14.78	15.28
8	14.02	15.27	15.77
9	14.29	15.54	16.04
10	14.59	15.84	16.34
10-A	14.74	15.99	16.49
11	14.95	16.20	16.70
11-A	16.31	17.56	18.06

FRINGE BENEFITS	
Health and Welfare	$2.14
Pensions	2.75
Vacation	1.87
Apprenticeship Training	0.08

AREA DEFINITIONS:

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area not included in Areas 1 or 2

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (Truck Crane); Rotomist; Screedman (except asphalt or concrete paving); Bobcat or similar Loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper (multi-purpose); Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar) (asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with Compressor Combination; Pavement Breaker or Tamper (with or without Compressor Combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machines; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small rubber-tired tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning, and Bending Machine; Auger-type drilling equipment up to and including 30 ft. depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon drills or Jackhammers); Crusher Plant Engineer; Generator; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (Asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (Gunite); Lull Hi-lift (20 ft. or over); Mucking Machine; Subgrader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving machine (single engine with tandem scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machines; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment floating (200 H.P. and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine, multi-engine with sloping attachments (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane, Auto-grades SP300 and similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to push pull); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired earthmoving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Universal Liebher and Tower Cranes and similar types; Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Hi-Lo-Jack (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes, and Gradealls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yd. per hour)

POWER EQUIPMENT OPERATORS: PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.63	$2.14	$2.75	$1.87	.08
Group 1-A	12.04	2.14	2.75	1.87	.08
Group 1-B	12.29	2.14	2.75	1.87	.08
Group 2-A	12.29	2.14	2.75	1.87	.08
Group 2-B	12.98	2.14	2.75	1.87	.08
Group 2-C	13.19	2.14	2.75	1.87	.08
Group 2-D	13.37	2.14	2.75	1.87	.08
Group 3	13.55	2.14	2.75	1.87	.08
Group 3-A	14.07	2.14	2.75	1.87	.08
Group 4	14.73	2.14	2.75	1.87	.08
Group 5	14.94	2.14	2.75	1.87	.08
Group 6	16.31	2.14	2.75	1.87	.08
STEEL ERECTION					
Group 1	12.20	2.14	2.75	1.87	.08
Group 2	12.65	2.14	2.75	1.87	.08
Group 3	13.88	2.14	2.75	1.87	.08
Group 4	14.05	2.14	2.75	1.87	.08
Group 4-A	14.42	2.14	2.75	1.87	.08
Group 5	15.02	2.14	2.75	1.87	.08
Group 6	15.54	2.14	2.75	1.87	.08
Group 7	15.90	2.14	2.75	1.87	.08
Group 8	16.25	2.14	2.75	1.87	.08
Group 9	17.51	2.14	2.75	1.87	.08

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Fork Lift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, Flash Boiler, Pump or Compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(STEEL ERECTION)

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W or over) (Structural Steel or Tank Erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Structural Steel or Tank Erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purposes A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appt. Tr.
	AREA 1	AREA 2				
Group 1	$10.72	$11.87	$1.00	.98		.05
Group 2	10.77	11.92	1.00	.98		.05
Group 3	10.88	12.03	1.00	.98		.05
Group 4	10.94	12.09	1.00	.98		.05
Group 5	10.99	12.14	1.00	.98		.05
Group 6	11.04	12.19	1.00	.98		.05
Group 7	11.15	12.30	1.00	.98		.05
Group 8	11.21	12.36	1.00	.98		.05
Group 9	11.26	12.41	1.00	.98		.05
Group 10	11.32	12.47	1.00	.98		.05
Group 11	11.43	12.58	1.00	.98		.05
Group 12	11.48	12.63	1.00	.98		.05
Group 13	11.59	12.74	1.00	.98		.05
Group 14	11.76	12.91	1.00	.98		.05
Group 15	11.92	13.07	1.00	.98		.05
Group 16	12.09	13.24	1.00	.98		.05

See "AREA DEFINITION" following Truck Drivers' Classifications.

TRUCK DRIVERS

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, Pickup, up to 18,000 lbs.

Group 3: Bus and Manhaul Drivers, single unit, Pickup, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Drivers; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yds. and under 8 yds.; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yds.; Transit Mix under 8 yds.; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yds. and including 12 yds.

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yds. and under 35 yds.; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tilt-bed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers, Fuel and/or Grease Tank, or other miscellaneous trailers (except as defined under Dump Trucks)

TRUCK DRIVERS (Cont'd)

Group 12: Transit Mix, over 12 yds.; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units); Dumpcrete and Bulk Cement Spreaders, 35 yds. and under 60 yds.

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yds. and under 75 yds.; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yds. and under 100 yds.

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yds. and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

AREA DEFINITIONS
Truck Drivers
WASHOE COUNTY

AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of Township 22N, Range 22E;
Thence Southerly to the N.E. corner of Township 20N, Range 22E;
Thence Easterly to the N.W. corner of Township 20N, Range 26E;
Thence Northerly to the N.W. corner of Township 22N, Range 26E;
Thence Easterly to the N.W. corner of Township 22N, Range 26E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada Border;
Thence North-Westerly, then Northerly following the California-Nevada Border to the point of beginning.

AREA DEFINITIONS (Cont'd)
Truck Drivers
WASHOE COUNTY

AREA 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner of Township 37N, Range 52E;
Thence Easterly to the N.E. corner of Township 37N, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westerly to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

[FR Doc. 81-3690 Filed 2-19-81; 8:45 am]
BILLING CODE 4510-30-C

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD81-5105 DATE: Date of Publication
Supersedes Decision No. SD80-5104 dated February 1, 1980, in 45 FR 7471
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.50	$1.00		
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS; Stonemasons	11.85		.30		
CARPENTERS:					
Carpenters, Acoustical Drywall Applicators	10.81	.30			.05
Piledrivermen	11.06	.30			.05
Millwrights	11.31	.30			.05
CEMENT MASONS	9.50	.35	.40		
ELECTRICIANS:					
Electricians	11.35	.60	3%+.80	6%	1/2%
Cable Splicers	11.90	.60	3%+.80	6%	1/2%
IRONWORKERS	11.05	.70	1.25		.25
LABORERS:					
Laborers; Power Tool Operator (all mechanical, air, gas or electric tools, including self-propelled buggies, wagon and air track drills); Pipelayer (non-metallic); Sandblasting	6.62	.50	.15		
Mortar Mixer, Mason Tender, Plaster Tender	6.77	.50	.15		
Gunnite Nozzleman, Powderman, Miner, Timberman	7.12	.50	.15		
PAINTERS:					
Brush	9.00				
Spray	9.50				
Tapers	9.25				
PLASTERERS	10.20				
PLUMBERS; Steamfitters	11.04	.75	.60		.03
SHEET METAL WORKERS	11.35				.005
SPRINKLER FITTERS	13.02	.85	1.20		.08

WELDERS, Riggers: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

federal register

Friday
February 20, 1981

Part III

Environmental Protection Agency

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SW FRL 1758-4]

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Amendment to interim final rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations applicable to hazardous waste landfills which prohibited the landfilling of ignitable wastes as of November 19, 1980. EPA is today amending the regulations to allow liquid ignitable wastes in containers to be disposed of in landfills until May 19, 1981, provided that the containers are landfilled in such a manner that the wastes are protected from any material or conditions which could cause them to ignite. This amendment is to provide temporary, although restrictive, relief to waste generators and landfill operators and to provide an opportunity for public comment on the alleged lack of available alternatives to comply with the May 19, 1980 regulation with respect to containerized liquid ignitable wastes in landfills.

DATES: Effective on February 20, 1981. Comments are due on or before April 10, 1981. A public hearing will be held on March 25, 1981, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: Comments should be addressed to Deborah Villari, Docket clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulations docket as follows: "Docket No. 3004, Section 265.312". The official docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

A public hearing will be held at U.S. Environmental Protection Agency, Room 3906, 401 M Street, SW., Washington, D.C. 20460 on March 25, 1981, from 9:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: For general information, contact Kenneth Shuster, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9125. For information on implementation, contact:

Region I, Dennis Huebner, Chief, Radiation, Waste Management Branch, John F. Kennedy Building, Boston, Massachusetts 02203, (617) 223-5775

Region II, Dr. Ernest Regna, Chief, Solid Waste Branch, 26 Federal Plaza, New York, New York 10007, (212) 264-0504/5

Region III, Robert L. Allen Chief, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-0980

Region IV, James Scarbrough, Chief, Residuals Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30368, (404) 881-3016

Region V, Karl J. Klepitsch, Jr., Chief, Waste Management Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2197

Region VI, Stan Jorgensen, Acting Chief, Solid Waste Branch, First International Building, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645

Region VII, Robert L. Morby, Chief, Hazardous Material Branch, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-3307

Region VIII, Lawrence P. Gazda, Chief, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-2221

Region IX, Arnold R. Den, Chief, Hazardous Materials Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-4606

Region X, Kenneth D. Feigner, Chief, Waste Management Branch, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1260

SUPPLEMENTAL INFORMATION:

I. Introduction

On May 19, 1980, EPA promulgated hazardous waste regulations in 40 CFR Parts 260-265 (45 FR 33066 *et seq.*) which established, in conjunction with earlier regulations promulgated on February 26, 1980 (45 FR 12721 *et seq.*), the principal elements of the hazardous waste management program under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. 6921, *et seq.*). Part 265 of the May 19 regulations set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities during the "interim status" period. Subpart N (§§ 265.300-265.339) of those regulations established interim status standards applicable to landfills.

Section 265.312 of these standards provides in part that ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 and 261.23. This standard, promulgated as an interim final regulation, became effective on November 19, 1980.

II. Basis for the Prohibition Against Landfilling Ignitable Wastes

EPA promulgated the prohibition against landfilling ignitable wastes because of the environmental risks associated with this disposal practice. These wastes, when placed in a landfill, increase the potential for a fire. Fires at landfills are frequently very difficult to extinguish; some burn or smolder for months or even years. Often, soaking the site with water is not sufficient to extinguish a landfill fire. In many cases, the waste must be excavated and physically mixed with water. Such use of water increases the risks of ground and surface water contamination. Where excavation is needed to put out a fire, the exposure of workers to hazardous waste, explosions, and toxic fumes is increased. Also, if future excavation is needed at a site for remedial actions (e.g., in cases of ground water contamination), drums containing ignitable wastes pose a serious safety problem. Fires themselves emit toxic fumes and/or other air pollutants and may trigger explosions of drums of ignitable wastes. In summary, fires at landfills are generally very damaging to the environment and often injurious to human health. (Detailed information on the hazards of landfilling ignitable wastes is contained in the Background Document, as amended, for Part 265, Subpart N of the May 19, 1980 regulations.)

III. Short-Term Problems in Implementing the Prohibition Against Landfilling Containerized Liquid Ignitable Wastes

Since EPA promulgated the prohibiition in § 265.312, many generators and landfill operators have contacted EPA to express their concern that the six-month time period allotted for compliance with § 265.312 was too short with respect to containerized (drummed) liquid ignitable wastes. These commenters cited the lack of alternative capacity to treat or dispose of these wastes and the potential safety hazards associated with certain storage or disposal options. Some other facility operators, however, stated that alternative capacity and safe methods to

handle these wastes are available. The principal problems are discussed below.

In the past, containerized ignitable liquid wastes, often in large volumes, have been disposed of at many of the major commercial landfills. Typically, these are two-phase wastes, i.e., sludges (semi-solid wastes) with both solid and liquid phases. The liquid phase is often the phase that exhibits the characteristic of ignitability, thereby causing the waste to be a hazardous waste. Paint wastes and spent solvents are the most common of these liquid ignitable wastes.

Because of the high solids content of many of these wastes, they are not easily incinerated (particularly in liquid injection incineration, where the solids tend to plug the injection nozzles). For the same reason, these wastes cannot easily be injected through deep wells. Also, most incinerators (even some rotary kilns) are unable to burn wastes in metal drums. Other options for handling liquid ignitable wastes, such as solvent recovery, land treatment, and chemical, physical, or biological treatment, can successfully be used to treat some but not all of these wastes.

Even when it is technically feasible to handle liquid ignitable waste in incinerators, deep wells, or other facilities, such facilities may not always be readily available. A December 1980 EPA report [1] indicates that several large areas of the United States have limited or no commercial incinerator and deep well capacity. Three of the ten EPA Regions have *no* commercial incinerators and three other Regions have only one each. The entire western region of the United States has only one commercial incinerator. Many incinerators are capable of handling only certain types of wastes, and incinerators frequently experience extensive down time for maintenance or repairs to refractory walls and air pollution control equipment, thereby diminishing available capacity. Off-site deep-well injection facilities are even more scarce than incinerators in some areas of the country. In eight of EPA's Regions there are *no* commercial deep-well injection facilities to dispose of hazardous waste. (The two Regions that have deep wells are included among the same Regions that have incinerators.) Similarly, capacity to handle drummed liquid ignitable wastes through other treatment or disposal options may not be sufficient to treat or dispose of all of these wastes. Thus, some generators may have to transport liquid ignitable wastes for many hundreds of miles or even more to dispose of them.

An additional problem related to implementation of § 265.312 involves worker safety. Removing ignitable wastes from containers in order to treat them "before or immediately after placement in the landfill" so that the resulting wastes are no longer ignitable wastes (as required by the EPA regulations) is not presently practiced at all landfills and could present hazards to workmen and facilities. Operations to remove and treat liquid ignitable wastes must be carried out with considerable care to avoid ignition. Also, many ignitable wastes are volatile and toxic and pose a hazard from this standpoint if they are not carefully handled. Given these considerations, some of the major commercial landfill operators have stated that they need more time to implement safe handling procedures. (Opinion on this issue is not uniform, however. Some landfill operators do open drums or pour materials into the drums through bung-holes to render the resulting material non-ignitable.)

Citing the various problems listed above, in the summer and fall of 1980, several landfill operators and waste generators asked EPA whether the requirement of § 265.312 could be met by carefully placing containerized (drummed) liquid ignitable wastes in landfill cells, segregating them from wastes which could cause them to ignite, and immediately covering them with earthen material. Initially, the Agency's informal response to a number of these inquiries was yes. However, EPA has since reconsidered its response and has concluded that, as written, § 265.312 does not allow the practices suggested. Although these practices reduce the chance of ignition, the wastes in the containers would still be ignitable under § 261.21; thus § 265.312 precludes its landfilling. Thus, the May 19, 1980 regulations do not allow the suggested practice to provide relief from the problems discussed above.

IV. Today's Amendment

As explained in Section III of this preamble, there are strong indications that § 265.312 can be complied with in many areas of the United States. In those areas, either alternatives to landfilling are available in adequate supply for all types of liquid ignitable wastes, or else the wastes are safely mixed with other materials and rendered non-ignitable prior to landfilling. However, serious questions have been raised by a significant number of generators and landfill operators concerning their ability to comply with § 265.312. This circumstance appears to be particularly prevalent throughout the western half of the United States, which may lack sufficient alternatives to treat or dispose of all those wastes or capacity to safely render them non-ignitable.

In light of the above considerations, EPA believes it is prudent to extend the deadline for complying with § 265.312 with respect to containerized liquid ignitable wastes until May 19, 1981. During this time, EPA will hold a public hearing and accept written comments to establish whether a real problem exists and to determine an appropriate response. In granting this very brief extension, however, EPA believes that those who allege that they need a further extension have an obligation to clearly demonstrate this need. EPA will not extend this deadline any further unless commenters present a convincing case, based upon adequate supporting data, that § 265.312 cannot be safely complied with by May 19, 1981.

The extension of the compliance deadline is being granted subject to certain conditions. Liquid ignitable wastes may be placed in a landfill without being treated to render them non-ignitable only if:

1. They are placed in the landfill in non-leaking containers;
2. They are carefully handled and placed in the landfill so as to avoid heat, sparks, rupture or any other condition that might cause ignition before and during that placement;
3. They are covered with soil or other suitable non-combustible material soon after placement to minimize the potential for ignition; and
4. They are not placed in landfill cells which contain or will contain other wastes that could generate heat sufficient to produce temperatures that exceed the flash point of the liquid ignitable wastes.

The Agency believes that these conditions will provide protection of human health and the environment until the ban on landfilling liquid ignitable wastes in containers can be implemented nationwide. It requires handling methods to prevent ignition during both handling and placement, and minimizes the potential for ignition of the wastes after placement in a landfill by requiring cover and prohibiting co-disposal with wastes that could, at present or in the future, cause ignition. The containers must be non-leaking and be handled to avoid rupture during placement in the landfill.

Procedures to implement the required precautions are already used routinely in well-operated landfills. Commonly, a bulldozer or other earthmoving equipment used to cover the waste

[1] Booz, Allen & Hamilton, Inc. and Putnam, Hayes & Bartlett, Inc. *Hazardous Waste Generation and Commercial Hazardous Waste Management Capacity—An Assessment.* EPA (SW-894), December 1980.

merely pushes or places the soil or other cover material on top of the containers without coming in contact with or crushing the containers. In a recent inspection of over 20 off-site hazardous waste landfills (conducted by EPA between June and October 1980), EPA learned that the operators of all of the visited landfills which receive and dispose of drummed wastes already handle and dispose of the drums in this manner. This practice assures worker safety and reduces the potential for explosions, fires, and injuries or deaths which could result from running bulldozers over drums, as demonstrated by a number of past incidents. Of course, eventually, containers (e.g., steel drums) in landfills do decay and leak. It is not the intent of this regulation to require that the containers permanently remain intact after the disposal operation (placement and covering) is completed. So long as the precautions required by today's regulations are taken, risks of ignition of the drummed wastes will be minimized even if the drums eventually leak at some future time.

Using a cover consisting of soil or other appropriate material and segregating incompatible wastes in the landfill, as required by today's regulations, will limit exposure of wastes to conditions which could cause ignition. Cover should generally be placed over each row or layer of containers. "Other suitable non-combustible material" is allowed as cover instead of or in addition to soil, since other materials, such as industrial sludges or wastes, may sometimes be used effectively. Wastes used for cover over ignitable wastes must not be hot or able to generate enough heat to ignite the waste (e.g., by solar heat). Municipal waste or sludge when decomposing frequently generates heat in excess of 140° F (the ignition level in the definition of ignitable wastes) and therefore is not suitable for co-disposal with ignitable waste (in the same landfill cell) unless stabilized by composting so that decomposition heat will not be generated.

V. Request for Comments

EPA has extended the compliance date for the prohibition in § 265.312 only with respect to containerized liquid ignitable wastes and has limited the extension to the shortest practicable time consistent with giving short-term relief to generators and landfill operators who allege that they need more time to comply. However, EPA is not willing to further extend this deadline unless it receives convincing evidence that such an extension is necessary.

EPA expects those who seek a further extension of the compliance date to demonstrate the need for the extension. Furthermore, any commenter requesting a further extension should indicate what steps he is taking to comply with the prohibition and how much time is needed to complete those steps.

We have listed below several questions which we need to consider in detail if any further extension is to be granted. EPA welcomes comments not only from generators and landfill operators who are having difficulty in complying but also from those who are successfully complying by using various treatment, recovery or disposal options. In addition, we welcome comments from operators of incinerators, solvent recovery facilities, deep wells, land treatment facilities, and chemical, physical and biological treatment facilities which could accept certain types of containerized liquid ignitable wastes but are presently operating at less than full capacity. Finally, we welcome comments from members of the public who are aware of practices or facilities that can help enable all members of the regulated community to comply with the prohibition.

EPA solicits detailed information which would help answer the following factual questions and policy issues in whole or in part:

1. What types of wastes (e.g., solvents, paint wastes) are assumed or known by generators to be ignitable and are being stored at generators' facilities or are being stockpiled elsewhere because of an apparent lack of available treatment, recovery or disposal options? For each such waste:

a. What properties limit the options for treating, recovering or disposing of the waste?

b. What quantities are presently being stored, at what rate are more wastes being generated, and how are these quantities and rates distributed throughout the United States?

c. What measures have generators taken or are they currently taking to seek facilities to accept and treat, recover or dispose of these wastes? How large a geographical area have these generators surveyed to find a suitable facility to accept these wastes? What federal and state agencies and waste management and recovery firms and associations have the generators contacted to find a suitable facility?

2. What safe methods are presently used at landfills and treatment and recovery facilities to manage drums of liquid ignitable wastes in compliance with § 265.312? How long would it take a facility which does not presently use those methods to implement them?

3. What facilities are available to treat, recover or dispose of these wastes and are operating at less than full capacity? Where are these facilities located? Which types of liquid ignitable wastes can they handle, what types of restrictions do they impose on the wastes which they do handle, and how much excess capacity do they presently have? Consider at least the following types of facilities:

a. Incinerators.

b. Solvent recovery facilities.

c. Chemical, physical or biological treatment facilities.

d. Generators or landfills which treat, render or mix the liquid ignitable waste so that the resultant waste or waste residue or mixture is no longer ignitable.

e. Land treatment.

f. Deep well injection.

VI. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow persons affected by the regulations sufficient lead time to prepare to comply with major new regulatory requirements. Since an effective date six months after promulgation would defeat the purposes of today's amendment, the Agency is making it effective today.

The Agency is not able to make today's amendment retroactive to November 19, 1980, the effective date of the requirement of § 265.312 which today's amendment modifies. However, the Agency will exercise its enforcement discretion by not taking enforcement action against those persons who managed containerized liquid ignitable waste in accordance with today's amendment between November 19, 1980 and today.

Dated: February 13, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

40 CFR Part 265 is amended by revising § 265.312 to read as follows:

§ 265.312 Special requirements for ignitable or reactive waste.

(a) Except as provided in paragraph (b) of this Section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this Chapter, and

(2) Section 265.17(b) is complied with.

(b) Until May 19, 1981, liquid ignitable wastes in containers may be landfilled without meeting the requirement of paragraph (a) of this Section, provided that the wastes are disposed in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, these liquid ignitable wastes must be disposed in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture or any other condition that might cause ignition of the wastes; must be covered with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes which may generate heat sufficient to cause temperatures equal to or exceeding the flash point of the wastes.

[FR Doc. 81-5859 Filed 2-19-81; 8:45 am]

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Comments on this program are still invited.
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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.

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Last Listing February 19, 1981

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