

Tuesday
February 3, 1981

Highlights

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

10682 **Price controls** OMB publishes a report proposed to rescind \$1.5 million in funds appropriated for the Council on Wage and Price Stability (Part III of this issue)

10510 **Boycotts** Treasury/IRS proposes amendments to regulations relating to foreign bribes and international boycotts; comments by 4-6-81

10455 **Loan programs** SBA amends its regulations which govern economic opportunity and handicapped assistance loans; effective 2-3-81 (2 documents)

10451 **Paperwork reduction** GAO establishes the procedure by which GAO will continue to accept reports from independent regulatory agencies prior to April 1, 1981; effective 1-26-81

10686 **Coal** DOE solicits comments by 5-8-81 to conduct a study of Coal Competition Prospects for the 1980's Draft Report; (Part IV of this issue)

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

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

Highlights

10458 **Electric power** DOE/FERC denies two applications for rehearing of the order establishing a case—specific procedure for exempting from all or part of Part I of the Federal Power Act any small hydroelectric power project with a proposed installed capacity of 5 megawatts or less

10501 **Small businesses** SBA proposes standards and procedures for challenges by third parties and government prime contractors to certification of eligibility by interested companies; comments by 4-6-81

10522 **Jukebox royalty** Copyright Royalty Tribunal directs claimants or their duly authorized representatives to submit proposals on the structure and procedure of the distribution proceedings to the Tribunal; comments by 2-3-81; distribution proceedings on 3-10-81

10466 **Royalties** Copyright Royalty Tribunal adopts rules adjusting the rates of royalty payable under compulsory license for making and distributing phonorecords; effective 1-31-81

10455-10457 **Charter flights** CAB amends its rules governing pro rata and single entity charters; effective 1-21-81 (4 documents)

10588 **Grants** Women's Business Enterprises EPA issues notice of deferral date of applicability of Construction Grants Program Requirements from 2-1-81 to 6-1-81

10502 **Improving Government Regulations** FTC publishes semi-annual agenda of regulations

10541 **Privacy Act Document** GSA

-10589 **Sunshine Act Meetings**

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10682 **Part III, OMB**

10686 **Part IV, DOE**

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Rules and Regulations

Federal Register

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

GENERAL ACCOUNTING OFFICE

4 CFR Part 20

Clearance of Proposals by Independent Federal Regulatory Agencies to Conduct or Sponsor Collection of Information

AGENCY: General Accounting Office.
ACTION: Modification of procedures for handling clearance requests prior to effective date of Paperwork Reduction Act of 1980.

SUMMARY: The Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812, amends the Federal Reports Act of 1942, to transfer responsibility for review of reporting requirements for independent regulatory agencies from the General Accounting Office (GAO) to the Office of Information and Regulatory Affairs in the Office of Management and Budget, effective April 1, 1981. This rule establishes the procedure by which GAO will continue to accept reports from independent regulatory agencies prior to April 1, 1981 and constitutes a modification of GAO regulations published on July 2, 1974 (39 FR 24345) and August 20, 1975 (40 FR 36295) and codified as Part 20 to Title 4, Code of Federal Regulations. These regulations are to be revoked, effective April 1, 1981.

EFFECTIVE DATE: January 26, 1981.
FOR FURTHER INFORMATION CONTACT: Norman F. Heyl, Regulatory Reports Review Officer, U.S. General Accounting Office, 441 G Street, N.W., Washington, D.C. 20548, (202) 275-3532.

SUPPLEMENTARY INFORMATION: GAO was assigned certain review and clearance responsibilities for information collection requirements of independent regulatory agencies by Section 409 of Pub. L. No. 93-153, 87 Stat. 573, Nov. 16, 1973, which added a section 3512 to chapter 35 of title 44,

United States Code (the Federal Reports Act of 1942, as amended). Under subsection 3512(b), GAO was required to conduct general reviews of all information-gathering practices of independent Federal regulatory agencies with a view toward avoiding duplication of effort in, and minimizing the compliance burden imposed by such practices. GAO was also required by subsection 3512 (c) and (d) to conduct advance clearance reviews of new or revised proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information from 10 or more persons.

The Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812, December 11, 1980, transferred GAO's clearance and review responsibilities to the OMB, in effect terminating the Comptroller General's authority to approve collections by independent regulatory agencies, effective April 1, 1981. Since the new Act changes the criteria by which collections are to be evaluated and ends GAO review jurisdiction over such collections, and since the current law, 44 U.S.C. 3512(d), permits GAO to take up to 45 days to advise these agencies as to whether a proposed collection of information meets the requirements of the Federal Reports Act, a modification of GAO procedures at this time is necessary to provide for an orderly transition by the effective date of the new law.

Status of Requests for Clearance Received February 13-27, 1981

GAO will continue to process clearance requests received from independent regulatory agencies as provided by 4 CFR Part 20 until February 13, 1981, 45 days before the effective date of the Paperwork Reduction Act of 1980. Requests received from February 14 through February 27, 1981, will be accepted and acted on by March 31, 1981, if time permits. Any clearance requests for which review has not been completed by March 31, 1981, will be returned to the requesting agency for resubmission to OMB.

Status of Requests for Clearance Received March 1981

During March 1981, GAO will accept only emergency requests for clearance review. Such requests must meet the following criteria: (1) Public harm will

result if normal clearance procedures are followed, or (2) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event. Any emergency clearance requests for which review has not been completed by March 31, 1981, will be returned to the requesting agency on that date for resubmission to OMB.

Expiration Date

Since the amended 44 U.S.C. 3512 requires all information collection requests to display an OMB control number after December 31, 1981, all clearances granted by GAO during the period January through March 1981 will bear an expiration date no later than December 31, 1981.

Elmer B. Staats,

Comptroller General of the United States.

[FIR Doc. 81-3559 Filed 2-2-81 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Amendment to Regulations Relating to Fees and Charges for Permissive Inspection

AGENCY: Agricultural Marketing Service.
ACTION: Final rule.

SUMMARY: These regulations modify the existing fees and charges for permissive inspection of tobacco pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; U.S.C. 511 *et seq.*).

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; U.S.C. 511 *et seq.*), notice is hereby given that the Department is amending Subparts B and F of 7 CFR, Part 29, relating to fees and charges for permissive inspection of tobacco.

The Department is amending § 29.123 of Subpart B—Regulations, relating to

fees and charges for services performed under an agreement and other than under an agreement. For previous amendments of Subparts B and F see 21 FR 3669, May 30, 1956; 25 FR 4948, June 4, 1960; 40 FR 44112, September 25, 1975; 41 FR 18425, May 4, 1976; 41 FR 53649, December 8, 1976; 43 FR 9586, March 9, 1978; and 43 FR 59469, December 21, 1978.

The Tobacco Inspection Act authorizes official inspection and grading of tobacco. Such inspection and grading service is either mandatory or permissive. Mandatory inspection, as defined in 7 CFR 29.71, consists of inspecting and certifying tobacco, free of charge, on designated markets, as defined in 7 CFR 29.1(e), before it is offered for sale. Permissive inspection, as defined in 7 CFR 29.56, consists of inspecting, including sampling and weighing, and certifying, and is made available to interested parties on a fee basis. The Act requires such fees to be reasonable, and as nearly as possible, to cover the cost of performing the services.

Additionally, the Department is amending § 29.9252 of 7 CFR, Part 29, appearing in Subpart F, which establishes the fees and charges for permissive inspection of nonquota Maryland tobacco, U.S. Type 32, produced and marketed in a quota area. The amended section provides that the fees charged for such inspection are the same as the fees provided for in 7 CFR 29.123, as amended herein.

This amendment updates the regulations under which permissive tobacco inspection and grading services are provided by increasing the hourly salary fees charged to users of this service.

Because salaries paid to Federal employees have been increased under the provisions of Public Law 95-86 and Executive Order 12010, it has been determined that in order to cover the costs of providing permissive tobacco inspection, the hourly salary fee must be increased as provided for herein.

The provisions of 7 CFR, Part 29, § 29.123 and 29.9251, prescribing fees and charges in connection with the performance of permissive inspection are hereby amended by changing the phrases "\$15.50 per hour," "\$18.50 per hour," and "\$23.20 per hour," to "\$17.80 per hour," "\$21.30 per hour," and "\$26.70 per hour," respectively.

Therefore, the regulations are amended as follows:

§ 29.123 Fees and charges.

The fees and charges for inspection under an agreement or other than under an agreement are as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be \$17.80. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be \$21.30. The rate of \$26.70 shall be charged for work performed on Sundays or holidays.

(b) The fees or charges for hogshead, bale or case inspection shall comprise the same costs as provided in paragraph (a) of this section.

(c) The fees or charges for sample inspection shall comprise the same costs as provided in paragraph (a) of this section.

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services performed under an agreement or other than under an agreement are as follows:

Fees and charges for inspection and certification services at receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be \$17.80. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be \$21.30. The rate of \$26.70 shall be charged for work performed on Sundays or holidays.

It is hereby found and determined that public procedures with respect to this amendment are impractical and unnecessary based on predetermined needs for amending these regulations to meet increased inspection costs. Good cause exists to waive the 60-day advance notice of the effective date of this amendment.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

January 29, 1981.

[PR Doc. 81-3042 Filed 2-2-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; (Docket No. R-0348)]

Interest on Deposits; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendments; rescission of interpretations.

SUMMARY: Pursuant to its authority under section 19 of the Federal Reserve Act, as amended, the Board has amended Regulation Q (Interest on Deposits) to incorporate the rules of the Depository Institutions Deregulation Committee ("DIDC"), adopted pursuant to the Depository Institutions Deregulation Act of 1980. The amendments to Regulation Q are technical in nature.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625); Anthony F. Cole, Senior Attorney (202/452-3612) or John Harry Jorgenson, Attorney (202/452-3778), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221) transfers to the DIDC the authority conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) upon the Board (and the similar authority of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board) to prescribe rules relating to the payment of interest on deposits. The DIDC has issued final regulations concerning: (1) withdrawal of interest from a time deposit (12 CFR 1204.101; 45 FR 31710); (2) payment of interest on a time deposit after maturity (12 CFR 1204.102; 45 FR 31711); (3) penalty for early withdrawals on time deposits (12 CFR 1204.103; 45 FR 37801 and 40109) and the penalty for early withdrawals from an IRA or a Keogh Plan account within seven days of opening the account (12 CFR 1204.113; 45 FR 54987); (4) interest rate ceilings on 26-week money market time deposits (12 CFR 1204.104) and on 2½ year small saver certificates (12 CFR 1204.106; 45 FR 37803); (5) interest rate ceiling on NOW accounts (12 CFR 1204.108; 45 FR 68644); and (6) premiums not considered payment of interest (12 CFR 1204.109), finders fees (12 CFR 1204.110), prepayment of interest and payment of interest in merchandise (12 CFR 1204.111; 45 FR 68641). In view of these actions by the DIDC, the Board is amending Regulation Q to incorporate these changes. The Board's interpretations concerning the use of premiums by member banks (12 CFR 217.147), the prepayment of interest by member banks (12 CFR 217.149) and the withdrawal of interest by depositors prior to maturity (12 CFR 219.154) also

are being rescinded in view of the provisions adopted by the DIFC.

The Board has also rescinded section 217.6(i) of Regulation Q, which limits the advertising of negotiable order of withdrawal (NOW) accounts to residents of States in which NOW accounts are authorized. This provision is no longer necessary because NOW accounts may be issued by all depository institutions nationwide pursuant to the Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221).

The following table presents the provisions of Regulation Q that have been amended by the DIFC's actions.

DIFC rule	Regulation Q provision amended
1204.101—Withdrawal of interest	217.4(d)
1204.102—Payment of interest after maturity	217.3(f)
1204.103—Penalty for early withdrawals	217.4(d)
1204.104—Interest rate ceilings on 26-week money market certificates	217.7(f)
1204.105—Interest rate ceilings on 2½-year small saver certificates	217.7(g)
1204.106—Interest rate ceilings on NOW accounts	217.7(c)
1204.109—Premiums not considered payment of interest	217.147
1204.110—Finders fees	217.147
1204.111—Prepayment of interest and payment of interest in merchandise	217.147
1204.103—Penalty for early withdrawal if IRA and Keogh Plan accounts within 7 days of opening the account	217.4(d)

¹ Supersedes board interpretations 217.149 and 217.154.

Because these amendments are necessary to conform the Board's rules to those of the DIFC, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are unnecessary and contrary to the public interest.

Pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461, 371b) to prescribe rules to effectuate the purposes of that section and to prevent evasions thereof, Regulation Q (12 CFR Part 217) is amended as follows:

1. Section 217.3(f) of Regulation Q (12 CFR Part 217.3(f)) is amended by adding the following sentence:

§ 217.3 [Amended]

(f) *No interest after maturity or expiration of notice.*

Provided, however, that a member bank may provide in any time deposit contract that if the deposit, or any portion thereof, is withdrawn not more than seven days after a maturity date, interest will be paid thereon at the originally specified contract rate. A member bank may specify in the time deposit contract that interest will be

paid at any other lower rate. However, in no event may the rate specified be less than the current rate paid on savings deposits by the member bank.

2. Section 217.4(d) (12 CFR Part 217.4(d)) is revised to read as follows:

§ 217.4 [Amended]

(d) *Penalty for early withdrawals.*

(1)(i) For time deposit contracts entered into before July 1, 1979, that have not been renewed or extended on or after July 1, 1979, the following minimum early withdrawal penalty shall apply. Where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that prescribed in § 217.7 for a savings deposit and, in addition, the depositor shall forfeit three months of interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited.

(ii) For time deposit contracts entered into, renewed, or extended on or after July 1, 1979, but prior to June 2, 1980, that have not been renewed or extended on or after June 2, 1980, the following minimum early withdrawal penalty shall apply:

(A) Where a time deposit with an original maturity or required notice period of one year or less, or any portion thereof, is paid before maturity or before the expiration of the required notice period, a depositor shall forfeit at least three months of interest on the amount withdrawn at the rate being paid on the deposit. If the amount withdrawn has remained on deposit for less than three months, all interest on the amount withdrawn shall be forfeited.

(B) Where a time deposit with an original maturity or required notice period of more than one year, or any portion thereof, is paid before maturity or before the expiration of the required notice period, a depositor shall forfeit at least six months of interest on the amount withdrawn at the rate being paid on the deposit. If the amount has remained on deposit for less than six months, all interest on the amount withdrawn shall be forfeited. (The provisions of this subparagraph (ii) may be applied, with the consent of the depositor, to time deposits specified in paragraph (d)(1)(vi) of this section.)

(iii) For time deposit contracts entered into, renewed, or extended on or after June 2, 1980, the following minimum early withdrawal penalty shall apply:

(A) Where a time deposit with an original maturity or required notice period of less than three months, or any portion thereof, is paid before maturity,

a depositor shall forfeit an amount at least equal to the amount of interest that could have been earned on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit had the funds remained on deposit until maturity.

(B) Where a time deposit with an original maturity or required notice period of three months or more to one year, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to three months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(C) Where a time deposit with an original maturity or required notice period of more than one year, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to six months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(2) Notwithstanding the provisions of paragraph (d)(1), where a time deposit, or any portion thereof, maintained in an Individual Retirement Account established in accordance with 26 U.S.C. 408 is paid before maturity within seven days after the establishment of the Individual Retirement Account pursuant to the provisions of 26 CFR 1.408-1(d)(4), or where a time deposit, or any portion thereof, maintained in a Keogh (H.R. 10) Plan account established in accordance with 26 U.S.C. 401 is paid before maturity within seven days after the establishment of the Keogh (H.R. 10) Plan, a depositor shall forfeit an amount at least equal to the interest earned on the amount withdrawn at the nominal (simple interest) rate being paid on the deposit.

(3) A member bank, with the depositor's consent, may compute the minimum penalty required to be imposed on withdrawals from time deposits opened prior to June 2, 1980, on the basis of the nominal (simple interest) rate.

(4) Where necessary to comply with the requirements of this paragraph, any interest already paid to or for the account of the depositor shall be deducted from the amount requested to be withdrawn.

(5) Any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a reduction in the maturity of the deposit constitutes

a payment of the time deposit before maturity.

(6) For purposes of computing the penalty required to be imposed under this paragraph, under a time deposit agreement that provides that subsequent deposits reset the maturity of the entire account, each deposit maintained in the account for at least a period equal to the original maturity of the deposit may be regarded as having matured individually and been redeposited at intervals equal to such period. When a time deposit is payable only after notice, for funds on deposit for at least the notice period, the penalty for early withdrawal shall be imposed for at least the notice period.

(7) A member bank may permit a depositor to withdraw interest credited to a time deposit during any term at any time during such term without penalty. If the deposit or account is automatically renewed on the same terms (including at the same rate of interest), interest credited during the preceding term or terms as well as the renewal term may be paid at any time during the renewal term without penalty, unless the deposit agreement specifically provides otherwise. If the rate of interest paid during the renewal term or the maturity period of the renewal term is different, interest in the account at the commencement of the renewal term shall be treated as principal, and only interest for the renewal term may be paid at any time without penalty during such term.

(8) A time deposit, or a portion thereof, may be paid before maturity without a forfeiture of interest as prescribed by this paragraph in the following circumstances:

(i) Where a member bank pays all or a portion of a time deposit representing funds contributed to an Individual Retirement Account or a Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (IRC 1954) 408, 401 when the individual for whose benefit the account is maintained attains age 59½ or is disabled (as defined in 26 U.S.C. (IRC 1954) 72(m)(7)) or thereafter; or

(ii) Where a member bank pays that portion of a time deposit on which Federal deposit insurance has been lost as the result of the merger of two or more Federally insured banks in which the depositor previously maintained separate time deposits, for a period of one year from the date of the merger.

(9) A time deposit, or the portion thereof requested, must be paid before maturity without a forfeiture of interest as prescribed by this paragraph in the following circumstances:

(i) Where requested, upon the death of any owner¹¹ of the time deposit funds; or

(ii) Where requested, when the owner¹¹ of the time deposit is determined to be legally incompetent by a court or other administrative body of competent jurisdiction.

§ 217.6 [Amended]

3. Section 217.6 of Regulation Q (12 CFR Part 217.6) is amended by removing paragraph (i) and redesignating paragraph (j) as paragraph (i).

4. Section 217.7 of Regulation Q (12 CFR Part 217.7) is amended by revising paragraphs (c), (f) and (g) to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

(c) *Savings deposits.* No member bank shall pay interest at a rate in excess of 5½ per cent on any savings deposit. No member bank shall pay interest at a rate in excess of 5½ percent on any savings deposit that is subject to negotiable orders of withdrawal, the issuance of which is authorized by Federal law.

(f) *26-week money market time deposits of less than \$100,000.* Except as provided in paragraphs (a), (b) and (d) of this section, a member bank may pay interest on any nonnegotiable time deposit of \$10,000 or more, with a maturity of 26 weeks at a rate not to exceed the rates set forth below:

Bill rate ¹	Maximum percent
7.50 percent or below	7.75
Above 7.50 percent	(²)

¹ Rate established (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks issued on or immediately prior to the date of deposit ("Bill Rate").

² Bill rate plus 1/4 of 1 percent.

Rounding rates to the next higher rate is not permitted and interest may not be compounded during the term of this deposit. A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit of \$10,000 or more with a maturity of 26 weeks which consists of funds deposited to the credit of, or in

¹¹ For the purposes of this provision, an "owner" of time deposit funds is any individual who died or was determined to be incompetent on or after August 1, 1979, and who at the time of his or her death or determination of incompetence had full legal and beneficial title to all or a portion of such funds or, at the time of his or her death or determination of incompetence, had beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto.

which the entire beneficial interest is held by:

(1) The United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(2) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (IRC 1954) 408, 401,

at a rate not to exceed the ceiling rate payable on the same category of deposit by an Federally insured savings and loan association or mutual savings bank.³

(g) *Time deposits of less than \$100,000 with maturities of 2½ years or more.* Except as provided in paragraphs (a), (b), (d) and (e) of this section, a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more that is issued on or after Thursday of every other week at a rate not to exceed the higher of one-quarter of one per cent below the average 2½ year yield for United States Treasury securities as determined and announced by the United States Department of the Treasury immediately prior to such Thursday, or 9.25 per cent. The average 2½ year yield will be rounded by the United States Department of the Treasury to the nearest 5 basis points. Except as provided below, in no event shall the rate of interest paid exceed 11.75 per cent. A member bank may offer this category of time deposit to all depositors. However, a member bank may pay interest on any nonnegotiable time deposit with a maturity of 2½ years or more which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by:

(1) The United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof; or

(2) An individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (IRC 1954) 408, 401,

³ The ceiling rate of interest payable for this category of deposit by Federally insured savings and loan associations and mutual savings banks is 7.75 per cent when the Bill Rate is 7.25 per cent or lower, one-half of one per cent above the Bill Rate when the Bill Rate is above 7.25 per cent but below 8.50 per cent, 9.00 per cent when the Bill Rate is 8.50 per cent or above but below 8.75 per cent, and one-quarter of one per cent above the Bill Rate when the Bill Rate is 8.75 per cent or above.

at a rate not to exceed the ceiling rate payable on the same category of deposit by any Federally insured savings and loan association or mutual savings bank.⁴

5. Section 217.147 of Regulation Q (12 CFR Part 217.147) is revised to read as follows:

§ 217.147 Premiums, Finders Fees, Prepayment of Interest and Payment of Interest in Merchandise.

For regulatory provisions relating to premiums, finders fees, prepayment of interest and payment of interest in merchandise refer to 12 CFR 1204.109, 1204.110, 1204.111 and 1204.114.

§ 217.149; 217.154 [Removed]

6. Sections 217.149 and 217.154 of Regulation Q (12 CFR §§ 217.149 and 217.154) are hereby removed.

By order of the Board of Governors of the Federal Reserve System, January 15, 1981.

Theodore E. Allison,
Secretary of the Board.

[FR Doc. 81-4026 Filed 2-2-81; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 118

[Amendt. 4]

Handicapped Assistance Loans

AGENCY: Small Business Administration.
ACTION: Final rule.

SUMMARY: The Small Business Administration is amending its regulations which govern loan assistance to organizations, groups, etc. that provided service to handicapped persons. The regulations are amended to clarify that the interest rate SBA will charge on its portion of a guaranteed loan remains at the note rate after purchase, not an arbitrary 8 percent rate. This amendment is necessary to implement a provision of Pub. L. 93-386—The Small Business Amendments of 1974 which allow the SBA to charge the rate of interest provided in the note.

EFFECTIVE DATE: February 3, 1981.

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

⁴The ceiling rate of interest payable for this category of deposit by Federally insured savings and loan associations and mutual savings banks is one-quarter of one per cent above the rate that may be paid by member banks.

SUPPLEMENTARY INFORMATION: SBA did receive two phone calls from interested parties that wanted clarification of the proposed change that was published on October 15, 1980 (45 FR 68398). SBA did not, however, receive any written comments on the proposed change.

Accordingly, pursuant to the authority in section 5(b)(6) of the Small Business

Act (15 U.S.C. 634), § 118.31(c) is revised to read as follows:

§ 118.31 Terms and conditions.

(c) * * *

(3) The interest rate on SBA's share of a guaranteed loan after purchase by SBA shall be the same as in § 120.3(b)(2) in Part 120 of this chapter.

(Catalog of Federal Domestic Assistance Program No. 59.003, Economic Opportunity Loans)

Dated: January 26, 1981.

Roger H. Jones,
Acting Administrator.

[FR Doc. 81-3885 Filed 2-2-81; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Reg. ER-1209; Economic Regulations; Amendment No. 27 to Part 207, Docket 38022]

Charter Trips and Special Services; Amendment of Rules for Pro Rata and Single Entity Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata and single entity charters to remove the limitation on the commission that carriers can pay to travel agents and to permit payments and donations from carriers and travel agents to chartering organizations or their individual members.

DATES: Adopted: January 21, 1981.

Effective: January 21, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Performance Incentives Company (PIC) filed a petition to eliminate several of the Board's rules governing charters in 14 CFR Parts 207 and 208. Specifically, PIC asked that §§ 207.23 and 208.202 be revoked. These two sections apply to pro rata (affinity) charters and limit the commission that a travel agent may receive from a carrier to 5 percent of the total charter price, or the amount paid to an agent by a carrier certificated to serve the route involved, whichever is greater. A similar limitation on agent commissions is found in §§ 207.52 and 208.302, applicable to single-entity charters, and in §§ 212.23, 212.52, 214.15, and 214.42, applicable to charters by foreign air carriers.

13 CFR Part 119

[Rev. 2, Amdt. 2]

Economic Opportunity Loans; Clarification of Interest Rates

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is amending its regulations which govern loans under the Economic Opportunity Loan Program. The amendment clarifies that the interest rate that SBA will charge on its portion of a guaranteed loan under this program will remain at the note rate after purchase, not an arbitrary 8 percent rate. The amendment is necessary to implement a provision of Pub. L. 93-386—The Small Business Amendments of 1974 which allow the SBA to charge the rate of interest provided in the note.

EFFECTIVE DATE: February 3, 1981.

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

SUPPLEMENTARY INFORMATION: SBA did receive two phone calls from interested parties that wanted clarification of the proposed change that was published on October 15, 1980 (45 FR 68399). SBA did not, however, receive any written comments on the proposed change.

Accordingly, pursuant to the authority in section 5(b)(6) of the Small Business

By EDR-397, 45 FR 26083, April 17, 1980, the Board proposed to revoke sections dealing with limitations on agents' commissions and other provisions limiting affinity charters. Originally, the 5-percent limitation on commissions was intended to hold down the volume of charters lest they detract from scheduled service. We have abandoned that policy in favor of letting market forces decide the service mix with minimum regulation. In addition, the Board recently disapproved intercarrier agreements setting commission rates for sales of international (Order 78-8-87) and domestic (Order 80-2-33) scheduled transportation. The Board finds no difference between scheduled and charter transportation that would justify a limitation on one group of agents and not the other.

All the commenters argued the commission ceiling was anticompetitive and supported its elimination. Therefore, the Board revokes §§ 207.23, 207.52, 208.202, 208.302, 212.23, 212.52, 214.15, 214.42. With the removal of the 5-percent commission limitation, there is no longer any need to prohibit agents from receiving compensation from both direct air carriers and charterers. Sections 207.30, 208.203, 212.30, and 214.20 dealing with the prohibition against double compensation are therefore being revoked.

In its petition, PIC also asked the Board to reconsider the prohibition of payments or donations by carriers or travel agents to the chartering organization or to individual charter participants found in §§ 207.15, 208.35, 212.12, 214.16 and 214.21. These rules were designed to prevent a carrier from making financial arrangements with the chartering organization that varied from its charter tariff on file with the Board. In EDR-397, the Board proposed to revoke these sections because, with the abolition of charter tariffs, the reason for the rule no longer exists. Portions of §§ 207.43(c), 208.213(c), 212.43(c), and 214.33(c) dealing with this prohibition against donations were inadvertently omitted from the NPRM and are also revoked by this final rule. Apart from this oversight, no objection to this proposed action was made by the commenters.

Finally, PIC asked the Board to examine other sections placing limitations on affinity-group pro rata charters. These sections 1) require that passengers on pro rata charters be characterized as either "member," "relative," or "special," 2) prohibit the solicitation of individuals by a carrier until the contract with the chartering

group is signed, and 3) prohibit chartering organizations from making charges to participants that exceed their actual cost in making the charter arrangements. The NPRM suggested no changes in these provisions.

In its comments, Transamerica Airlines, Inc. objected to the Board's refusal to revoke or amend these provisions. In particular, Transamerica requested that § 208.200a be revoked so that carriers can directly solicit individuals in an affinity group before a charter contract is signed. In addition, it requested that carriers be permitted to employ people to solicit and coordinate members of an affinity group to make a charter flight. Transamerica argued that the current prohibitions infringe on carriers' First Amendment Rights by limiting the promotion of their product.

Affinity charters are designed for existing groups or organizations sharing a common interest other than a particular charter flight. The group as a whole, rather than its individual members, contracts with a carrier for air transportation services without the aid of an intermediary charterer. The absence of a middleman and the combined strength of an existing organization whose members share a common interest make a heightened level of consumer protection for the individual passenger unnecessary. The affinity group passenger must be distinguished from the Public Charter passenger who contracts with an intermediary charterer with whom he has no connection apart from the charter flight. Because the Public Charter passenger has no group to protect his rights, greater consumer protection requirements are imposed on Public Charters.

The Board proposed to eliminate affinity charters and replace them entirely with Public Charters. Because of the opposition of many organizations, the Board in SPR-149, 43 FR 38604, August 18, 1978, decided to authorize the new Public Charters but to allow affinity charters to continue. However, as long as we maintain financial protection requirements for Public Charters, we need these restrictions to limit and define the type of charters that may be run without them. If a carrier wishes to directly solicit members of a group, it may do so as long as it complies with the financial security and consumer protection provisions of Part 380.

Transamerica also objected to the Board's refusal to revoke § 208.213 (c) and (d), dealing with charter costs. These comments are the subject of an NPRM, EDR-419, issued today.

Most of the remaining comments requested the Board to further liberalize

its affinity charter requirements. Specifically, Transamerica requested the Board to reconsider the present limitation on one-way affinity charter flights, intermingling of passengers between pro rata charter flights, the 6-month membership requirement, and the requirement that the charterer provide information on its passengers. These suggestions were recently considered and denied in ER-1176, 45 FR 40572, June 16, 1980, ER-1177, 45 FR 40574, June 16, 1980, ER-1178, 45 FR 40575, June 16, 1980, and ER-1179, 45 FR 40575, June 16, 1980. Because no new argument for amending these rules has been advanced, no change is made by this issuance.

Finally, two commenters requested the Board to act in other rulemakings dealing with charter flights. Two of the rulemakings are no longer pending, and a final rule will be issued shortly in the third. EDR-311, 41 FR 48424, October 21, 1976, proposed to amend the charter rules involving "low-ball" affinity charter price quotations. That rulemaking was terminated by EDR-328B, 45 FR 61640, September 17, 1980, when the Board decided that the practice of stating taxes and incidental charges separately from the basic tour price was not in itself an unfair and deceptive practice. ER-1126, 44 FR 33053, June 8, 1979 adopted, in substance, the proposal in EDR-382, 44 FR 36065, June 20, 1979, to reduce the minimum charter size for pro rata and single entity charters from 40 to 20 persons and to require a warning in all solicitation materials for pro rata charters. A final rule involving verification of charter passenger lists as discussed in EDR-394, 45 FR 2331, January 11, 1980, will be issued shortly.

Since this rule relieves a restriction the Board finds that it may take effect immediately.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services*, as follows:

1. The authority for Part 207 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788; 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1388, 1482.

§§ 207.15, 207.23, 207.30, 207.52
[Reserved]

2. Sections 207.15, 207.23, 207.30, and 207.52 are removed and reserved.
3. Section 207.43(c) is revised to read:

§ 207.43 Charter Costs.

(c) Reasonable administrative costs of organizing the charter may be divided

among the charter participants. Such cost may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-3676 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 208

[Economic Regulations Amendment No. 27 to Part 208, Docket: 38022; Regulation ER-1210]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Amendment of Rules for Pro Rata and Single Entity Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata and single entity charters to remove the limitation on the commission that carriers can pay to travel agents and to permit payments and donations from carriers and travel agents to chartering organizations or their individual members.

DATES: Adopted: January 21, 1981.
Effective: January 21, 1981.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1209, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation*, as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

§ 208.35, 208.202, 208.203, 208.302
[Reserved]

2. Sections 208.35, 208.202, 208.203, and 208.302 are removed and reserved.
3. Section 208.213(c) is amended to read:

§ 208.213 Charter costs.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight.

4. Section 208.301 is revised to read:

§ 208.301 Terms of service.

The provisions of Subpart A of this part, except paragraph (f) of § 208.32, shall apply to charters under this subpart.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-3676 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 212

[Economic Regulations Amendment No. 37 to Part 212, Docket: 38022; Regulation ER-1211]

Charter Trips by Foreign Air Carriers; Amendment of Rules for Pro Rata and Single Entity Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata and single entity charters to remove the limitation on the commission that carriers can pay to travel agents and to permit payments and donations from carriers and travel agents to the chartering organization or its individual members.

DATES: Adopted: January 21, 1981.
Effective: January 21, 1981.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1209, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788, 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

§§ 212.12, 212.23, 212.30, 212.52
[Reserved]

2. Sections 212.12, 212.23, 212.30 and 212.52 are removed and reserved.
3. Section 212.43(c) is revised to read:

§ 212.43 Charter costs.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such cost may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-3680 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 214

[Economic Regulations Amendment No. 33 to Part 214, Docket: 38022; Regulation ER-1212]

Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only; Amendment of Rules for Pro Rata and Single Entity Charters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules governing pro rata and single entity charters to remove the limitation on the commission that carriers can pay to travel agents and to permit payments and donations from carriers and travel agents to chartering organizations or their individual members.

DATES: Adopted: January 21, 1981.
Effective: January 21, 1981.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1209, adopted today.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 214, *Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only*, as follows:

1. The authority for Part 214 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788, 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

§ 214.15, 214.16, 214.20, 214.21, 214.42
[Removed]

2. Sections 214.15, 214.16, 214.20, 214.21, 214.42 are removed and revoked.
3. Section 214.33(c) is revised to read:

§ 207.33 Charter costs.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such cost may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-3681 Filed 2-2-81; 8:45 am]

BILLING CODE 6320-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Safety Standard Requiring Oxygen Depletion Safety Shutoff Systems for Unvented Gas-Fired Space Heaters; Correction to Final Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission corrects the document publishing its findings regarding the standard for unvented gas-fired space heaters by numbering the undesignated paragraphs in one section. This action is taken for convenience in referencing that portion of the codified standard.

DATES: The correction is effective February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Stephen Lemberg, Assistant General Counsel (202) 634-7770. Consumer Product Safety Commission, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 17, 1980 (45 FR 61880), the Commission published a safety standard requiring oxygen depletion safety shutoff systems (ODS) for unvented gas-fired space heaters (16 CFR Part 1212). At § 1212.9(i) appeared the Commission's findings regarding the reasonable necessity of the rule to eliminate or reduce an unreasonable risk of injury and that the issuance of

the rule is in the public interest (45 FR 61937, 61938). This paragraph contains ten (10) undesignated subparagraphs which make it difficult to refer to or provide a citation to.

§ 1212.9 [Corrected]

Accordingly, for purposes of convenience, § 1212.9(i) of Title 16 of the Code of Federal Regulations is corrected by numbering the 10 undesignated paragraphs (1) to (10), consecutively.

Dated: January 28, 1981.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 81-3714 Filed 2-2-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM 80-65]

Exemption From All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With an Installed Capacity of Five Megawatts or Less

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Denying Rehearing of Order No. RM80-65.

SUMMARY: The Federal Energy Regulatory Commission denies two applications for rehearing of the order establishing a case-specific procedure of exempting from all or part of Part I of the Federal Power Act any small hydroelectric power project with a proposed installed capacity of 5 megawatts or less. The applications raised no new issues that would serve as a basis on which to grant rehearing.

FOR FURTHER INFORMATION CONTACT:

Kristina Nygaard, Acting Assistant General Counsel for Hydroelectric Licensing, Office of the General Counsel, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8448

James Hoecker, Division of Regulatory Development, Office of the General Counsel, 825 N. Capitol Street, N.E., Washington, D.C. 20426, (202) 357-9342

SUPPLEMENTARY INFORMATION:

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

In the matter of final rule governing exemption from all or part of Part I of

the Federal Power Act of small hydroelectric power projects with an installed capacity of 5 megawatts or less; Order denying rehearing of Order No. 106.

Issued: January 27, 1981.

On November 7, 1980, the Commission issued Order No. 106 in Docket No. RM80-65. Order No. 106 establishes a case-specific procedure for exempting from all or part of Part I of the Federal Power Act (Act) any small hydroelectric power project with a proposed installed capacity of 5 megawatts or less. The rule implements in part section 408 of the Energy Security Act of 1980 (ESA) and creates Subpart K of Part 4 of the Commission's regulations, effective immediately.

Timely applications for rehearing of Order No. 106 have been filed with the Commission by the Connecticut Municipal Electric Energy Cooperative and the City of Santa Clara, California (Municipalities) and by the American Public Power Association (APPA). On January 7, 1981 the Commission found that additional time was required to consider the applications for rehearing and granted rehearing solely for purposes of further consideration. We now address the issues raised in those applications.

First, APPA and Municipalities argue that, contrary to Congressional intent and the provisions of section 408 of the Energy Security Act of 1980, Order No. 106 eliminates the system of state and municipal preference established in section 7(a) of the Act, insofar as the preference applies to projects at existing dams and natural water features.¹ The applicants contend that the rule thereby makes public entities subservient to individuals who own small hydropower sites. It is argued that the Commission is obliged to reconcile the exemption process and section 7(a) of the Act and to preserve the existing public preference system in all instances. The basis of this position is the Congressional directive, in section 405 of PURPA, that the Commission comply fully with specified environmental

¹ Section 4.103(b) of the rule permits only persons holding the real property interests necessary to develop and operate a proposed project (where any non-Federal lands are involved) to apply for exemption of the project. Under § 4.104, public entities that apply for preliminary permits or licenses that compete with exemption applications will be governed by the rules that apply to any permit or license applicant. The Commission will not afford municipalities the preference under section 7(a) of the Act to which they would otherwise be entitled if they were competing only with applicants for permits or licenses, rather than with an applicant for exemption from licensing.

statutes "and any other provision of Federal law."²

The Commission addressed the issues raised by APPA and Municipalities in Order No. 106. As we stated there, section 408 of the ESA clearly enables the Commission to exempt small hydroelectric power projects wholly or in part from application of the requirements of Part I of the Act. Section 7(a) is part of Part I. However, APPA and Municipalities maintain, in effect, that the statute requires exemption from any provision or Part I of the Act, except section 7(a). This is an interpolation. While the statute gives the Commission discretion to choose whether to apply section 7(a) to exemptible projects, the Commission cannot read into the statute a prohibition against exemption from section 7(a) which is clearly not there and not articulated by the Congress elsewhere.

The applicants' reliance on the language in both section 405(b) of PURPA and the report of the conferees on the ESA,³ requiring compliance with "any other provision of Federal law," does not support the applicants' position that uniform application of the preference provision was mandated by Congress. If, as APPA contends, the conferees intended that section 408 of the ESA "was not to be regarded as superseding provisions of any Federal law,"⁴ the Commission's authority to provide exemption from licensing or other requirements of the Act would be a nullity.

APPA puts forth the related assertion that the statute must be read to provide that the Commission may exempt a project from licensing only where no competing license or preliminary permit application is filed. In other words, the licensing process and the attendant preference for municipal and state applicants would take precedence over the exemption process. The Commission considered this APPA interpretation before issuing the final rule and continues to believe that nothing in the ESA compels that position. Indeed, the policies of encouraging the development of hydropower and minimizing the delays that accompany competing

²This and related arguments are made in an application for rehearing filed by the Municipal Electric Utilities of Wisconsin and the City of Shawano, Wisconsin which was not filed on a timely basis and was therefore dismissed. Were the Commission to consider that application, it would find its arguments for rehearing similarly unpersuasive for the same reasons stated in this order.

³H. Rept. No. 98-1104, 96th Congress, 2d session, June 19, 1980.

⁴Petition of American Public Power Association for Rehearing, (December 8, 1980), at 4.

applications militate against it.

In addition, the Commission does not agree with the assumptions that underlie the applicants' desire to apply the public preference to the exemption process. Order No. 106 does not abolish or repeal section 7(a); nor does it seriously disadvantage a public entity that wishes to develop a small hydroelectric power project. Although only project owners may apply for exemption of any project that requires non-public lands for development, a public entity will frequently be a project owner. If a state or municipality is not a project owner, it may still negotiate with the current project owner in order to obtain the necessary real property interests. Finally, a public entity may obtain by condemnation under state law what it fails to obtain by contract, in which case it must pay the owner the fair compensation for the project.

It is the judgment of the Commission that the exemption procedure in Order No. 106 will promote development of new hydropower potential that, in the face of a perceived regulatory burden, the delays accompanying evaluation of competing applications, or the statutory advantage afforded competing public entities under section 7(a), might remain untapped for the near future. In addition, the Commission has concluded that the effectiveness of any exemption for projects utilizing non-public lands depends on preferring, and thereby encouraging development by, the person who has invested in and owns the project and is presently able to develop it by virtue of existing property rights.

In a second area of disagreement with Order No. 106, Municipalities and APPA object to an exemption of unlimited term for small hydroelectric power projects. This, states Municipalities, "would put substantial hydroelectric resources beyond the realm of regulation in the public interest."⁵ In large part, Congress intended this result. Section 408 of the ESA does not require a qualified exemption from Part I of the Act. However, the Commission has taken several steps which it believes to be in the public interest. Order No. 106 prescribes terms and conditions for any exempted project, including the threat to revoke an exemption for violation of such conditions, and permits future investigation and enforcement action by the Commission. It also allows submittal of an application for license for a project which may be mutually exclusive with an exempted project, if such license

applicant proposes a significantly better plan of development for the available water resources. Nevertheless, if the rule provided for a limited term exemption and a series of regularized monitoring practices, the exemption would, as we stated in Order No. 106, constitute another form of hydropower license. Such a result is unnecessary and undesirable.

Municipalities also maintain that the 120-day automatic exemption provision is incompatible with any situation where competing license and exemption applications are filed (section 4.104(e)(2)), because the Commission might be unable to make the requisite findings of fact in that time. The Commission finds this objection to be unfounded because § 4.105(b)(5)(iv) provides for suspension of that deadline for the very reason mentioned by Municipalities.

Both Municipalities and APPA claim, without argument, that requiring a proposed capacity of at least 7.5 megawatts in any license application for an exempted project discourages comprehensive development of hydropower resources. Although the Commission, as a rule, will not accept any license or permit application for an exempted project, § 4.104(c)(2)(i) permits a non-owner to propose more comprehensive use of water resources that would otherwise be removed from market competition under the exemption. The threshold chosen will, in the Commission's judgment, assure that the increased installed generating capacity proposed by such license applicant is sufficient to warrant the regulatory burden of evaluating the relative merits of competing applications and substituting a licensing proceeding for the exemption process.

For the reasons stated above, the Commission finds no basis on which to grant the requested rehearing.

The Commission orders:

The applications for rehearing submitted by the American Public Power Association and by the Connecticut Municipal Electric Energy Cooperative and the City of Santa Clara, California in Docket No. RM80-65 are hereby denied.

By the Commission.

*Lois D. Cashell,
Acting Secretary.*

⁵Application for Rehearing by the Connecticut Municipal Electric Energy Cooperative and the City of Santa Clara, California (December 8, 1980) at 7.

18 CFR Part 271

[Docket No. RM79-76 (Louisiana-1); Order No. 129]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued January 27, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Louisiana Office of Conservation that the Arkadelphia Formation designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 27, 1981.

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

The Commission hereby amends § 271.703(d) of its regulations to include the Arkadelphia Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued October 28, 1980 (45 FR 72687, November 3, 1980)¹ based on a recommendation by the Louisiana Office of Conservation (Louisiana) with § 271.703(c), that the Arkadelphia Formation be designated as a tight formation.

Evidence submitted by Louisiana and one commenter supports Louisiana's assertion that the Arkadelphia Formation meet the guidelines contained in § 271.703(c)(2). The Commission concurs with the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest

dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective January 27, 1981.

Lois D. Cashell,

Acting Secretary.

Section 271.703(d) is amended by adding new subparagraph (15) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(1) *The Cotton Valley Group in Texas.*

(2) *The Mancos "B" Formation in Colorado.*

(3) *The Frontier Formation in Wyoming.*

(4) *The Mesaverde Formation in Wyoming.*

(5) *The Austin-Mississippian Formation in New Mexico.*

(6) *The Mancos "B" Formation in Colorado.*

(7) *The Fort Union Formation in Colorado.*

(8) *The Mesaverde Formation in Colorado.*

(9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.*

(10) *The Canyon Sandstone Formation in Texas.*

(11) *The Wattenberg J Sand Formation in Colorado.*

(12) *The Cisco Sandstone Formation in Texas.*

(13) *The Vicksburg UV Formation in Texas.*

(14) *The Vicksburg Y Formation in Texas.*

(15) *The Arkadelphia Formation in Louisiana.* RM79-76 (Louisiana-1)

(i) *Delineation of formation.* The Arkadelphia Formation is found in Union Parish, Louisiana.

(ii) *Depth.* The Arkadelphia Formation is defined as that formation occurring between the measured depths of 2,028 feet and 2,080 feet.

[FR Doc. 81-3720. Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Docket No. RM79-76 (Wyoming-3; Order No. 128)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued January 27, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Fort Union Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: January 27, 1981.

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

The Commission hereby amends § 271.703(d) of its regulations to include the Fort Union Formation in the Pinedale Field Sublette County, Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued November 28, 1980 (45 FR 76700, October 20, 1980)¹ based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c), that the Fort Union Formation be designated as a tight formation.

¹Comments were requested and received. No party requested a public hearing in this proceeding and no hearing was held.

Evidence submitted by Wyoming and one commenter supports Wyoming's assertion that this formation meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period. (Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective January 27, 1981.

Lois D. Cashell,
Acting Secretary.

Section 271.703(d) is amended by adding new subparagraph (16) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

- (1) *The Cotton Valley Group in Texas.*
- (2) *The Mancos "B" Formation in Colorado.*
- (3) *The Frontier Formation in Wyoming.*
- (4) *The Mesaverde Formation in Wyoming.*
- (5) *The Austin-Mississippian Formation in New Mexico.*
- (6) *The Mancos "B" Formation in Colorado.*
- (7) *The Fort Union Formation in Colorado.*
- (8) *The Mesaverde Formation in Colorado.*
- (9) *The Mancos Formation to the base of the Mancos "B" Zone in Colorado.*
- (10) *The Canyon Sandstone Formation in Texas.*

- (11) *The Wattenberg J Sand Formation in Colorado.*
- (12) *The Cisco Sandstone Formation in Texas.*
- (13) *The Vicksburg UV Formation in Texas.*
- (14) *The Vicksburg Y Formation in Texas.*
- (15) *The Arkadelphia Formation in Louisiana.*
- (16) *The Fort Union Formation in Wyoming.* RM79-76 (Wyoming-3)
 - (i) *Delineation of formation.* The Fort Union Formation is found in Pinedale Field in Sublette County, Wyoming.
 - (ii) *Depth.* The Fort Union Formation is defined as that formation occurring between the Wasatch Formation above and the Lance Formation below, at an average measured depth interval of 7,258 feet to 10,516 feet.

[FR Doc. 81-3721 Filed 3-8-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 75F-0083]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The food additive regulations are amended to provide for the safe use of dimethyltin/monomethyltin isoctylmercaptoacetates as a stabilizer for use in the manufacture of rigid polyvinyl chloride water pipe. This action is in response to a petition filed by Carstab Corp. (formerly Cincinnati Milacron Chemicals, Inc.).

DATES: Effective February 3, 1981; objections by March 5, 1981.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of June

16, 1975 (40 FR 25501) announced that a food additive petition (FAP 4B2964) had been filed by Carstab Corp., West St., Cincinnati OH 45215 (formerly Cincinnati Milacron Chemicals, Inc., West St., Reading, OH 45215), proposing that the food additive regulations be amended to provide for the safe use of dimethyltin/monomethyltin isoctylmercaptoacetates as a stabilizer for use in the manufacture of rigid polyvinyl chloride polymeric articles intended for use in contact with dry food. Subsequently, the petitioner amended the petition by deleting the coverage requested above and proposing that the food additive regulations be amended to provide for the safe use of the additive as a stabilizer for use in the manufacture of rigid polyvinyl chloride water pipe only. The notice of this amendment was published in the Federal Register of June 17, 1976 (41 FR 24621).

Subsequent to the publication of the amended filing notice, the Food and Drug Administration (FDA) executed a memorandum of understanding (MOU) with the Environmental Protection Agency (EPA), with regard to the control of direct and indirect additives to and substances in drinking water (44 FR 42775, July 20, 1979). The MOU assigned responsibility for drinking water additives to EPA, except in two areas traditionally regulated by FDA: additives added to water, either directly or indirectly, in a food manufacturing plant, and additives in bottled water. The present final regulation is being promulgated in response to FDA's responsibility for additives in water used in food manufacturing and/or processing plants.

FDA has evaluated data in the petition and other relevant material, and concludes that § 178.2010 should be amended to include the petitioned food additive as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 178 is amended in § 178.2010 by alphabetically inserting in the list of substances in paragraph (b) a new item to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

(b) *

Substances	Limitations
Dimethyltin/monomethyltin isooctylmercaptoacetate consisting of 71 to 81 percent by weight of dimethyltin bis(isooctylmercaptoacetate), 19 to 29 percent by weight of tri(isooctylmercaptoacetate) and no more than 0.4 percent by weight of trimethyltin compounds, and having the following specifications: Tin content (as Sn) in the range of 18.7-19.7 percent and mercaptosulfur content in the range of 11.5-12.5 percent. The isooctyl radical in the mercaptosulfur is derived from oxo process isooctyl alcohol. Other alkyltin compounds are not to exceed 20 ppm.	For use only at levels not to exceed 2.0 percent by weight in rigid polyvinyl chloride used in the manufacture of pipes intended for contact with water in food processing plants.

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 5, 1981, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 3, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended [21 U.S.C. 321(s), 348])

Dated: January 23, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-3063 Filed 2-2-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.
ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) amends the

animal drug regulations to reflect a change of sponsor for several new animal drug applications (NADA's) from Hess & Clark Division of Rhone-Poulenc, Inc., to Hess & Clark, Inc., and to reflect that Rhone-Poulenc, Inc., continues as sponsor of certain other NADA's. Supplemental NADA's filed by the firm provide for this change.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT:

David P. Ducharme, Bureau of Veterinary Medicine (HIV-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2280.

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852, filed several supplemental NADA's providing for a change of sponsor from Hess & Clark, Division of Rhone-Poulenc, Inc., to Hess & Clark, Inc. Rhone-Poulenc will continue to sponsor several other NADA's. The list of sponsor names and addresses in 21 CFR 510.600(c) is amended to reflect the change of sponsors.

This action, the change of sponsor for several NADA's, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64357; December 23, 1977), approval of this action did not require a reevaluation of the safety and effectiveness data in the parent applications.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (44 FR 71742; December 11, 1979) 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), § 510.600 is amended in paragraph (c)(1) by deleting

the sponsor name in the entry for "Hess & Clark, Division of Rhone-Poulenc, Inc.," and inserting in its place the name "Hess & Clark, Inc.," and by adding a new entry for "Rhone-Poulenc, Inc.," in paragraph (c)(2) in the entry for "011801" by deleting the firm name and inserting in its place "Hess & Clark, Inc.," and by adding a new entry for "011526," to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

(c) * * *

Drug labeler code	Firm name and address	Drug labeler code
	Hess & Clark, Inc., Seventh and Orange Sts., Ashland, OH 44805	011801
	Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852	011526

(2) * * *

Drug labeler code	Firm name and address
011526	Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852
011801	Hess & Clark, Inc., Seventh and Orange Sts., Ashland, OH 44805

Effective date. February 3, 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. 81-3861 Filed 2-2-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor name for a new animal drug application (NADA) from FS Services, Inc. to Growmark, Inc., and to revise the list of sponsors of approved NADA's to reflect this change.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary

Medicine (HFV-136), Food and Drug Administration, 5800 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: FS Services, Inc., 1701 Towanda Ave., Bloomington, IL 61701, has changed the firm name to Growmark, Inc. On the firm's behalf, Elanco Products Co. advised the agency of the change of sponsor name. The Bureau of Veterinary Medicine is amending the regulations in 21 CFR 510.600(c) to reflect the change.

This action, the change of sponsor of an NADA, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this action does not require reevaluation of the safety and effectiveness 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.

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), § 510.600 is amended in paragraph (c)(1) by deleting the entry for "FS Services, Inc." and by adding a new sponsor entry alphabetically for "Growmark, Inc." and in paragraph (c)(2) in the entry for "020275" by deleting the sponsor name "FS Services, Inc." and inserting in its place the name "Growmark, Inc." to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

(c) * * *

Firm name and address

Drug labeler code

Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701

020275

Drug labeler code	Firm name and address
020275	Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701

Effective date: February 3, 1981.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))
Dated: January 28, 1981.
Robert A. Baldwin,
Associate Director for Scientific Evaluation.
[FR Doc. 81-3052 Filed 2-3-81; 8:45 am]
BILLING CODE 4110-03-M

21 CFR Parts 510, 520, and 522

Animal Drugs, Feeds, and Related Products; Wellcome Animal Health Division; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor names for several new animal drug applications (NADA's) from Wellcome Veterinary Division and Jensen-Salsbury Laboratories (two Burroughs Wellcome divisions) to Wellcome Animal Health Division. Supplemental NADA's filed by Burroughs Wellcome Co. provide for the changes.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5800 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION:

Burroughs Wellcome Co. informed the agency that the firm has combined its two veterinary divisions, Wellcome Veterinary Division and Jensen-Salsbury Laboratories, into a single unit to be known as the Wellcome Animal Health Division. The firm submitted supplemental applications for those NADA's affected. The regulations are amended to reflect the change of sponsor name.

This intracorporate transfer of NADA's does not involve changes in facilities, equipment, procedures, or production personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I change; therefore, this action does not require a reevaluation of the safety and effectiveness data in the parent applications.

The agency has determined pursuant to 21 CFR 25.24(d)(1) (44 FR 71742; December 11, 1979) 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))) 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), Parts 510, 520, and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by removing the entries for "Burroughs Wellcome Co." and "Jensen-Salsbury Laboratories" and alphabetically adding a new sponsor and in paragraph (c)(2) by removing the entry for "017220" and revising the entry for "000081" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

(c) * * *

Firm name and address

Drug labeler code

Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64108. 000081

(2) * * *

Drug labeler code

Firm name and address

000081 Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64108.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Part 520 is amended:

§ 520.82a [Amended]

a. In § 520.82a *Aminopropazime fumarate tablets*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 520.82b [Amended]

b. In § 520.82b *Aminopropazime fumarate, neomycin sulfate tablets*, in

paragraph (b) by removing "017220" and inserting in its place "000081".

§ 520.784 [Amended]

c. In § 520.784 *Doxylamine succinate tablets*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 520.863 [Amended]

d. In § 520.863 *Ethylisobutrazine hydrochloride tablets*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 520.1720a [Amended]

e. In § 520.1720a *Phenylbutazone tablets and boluses*, in paragraph (b)(1) by removing "017220" and inserting in its place "000081".

§ 520.1720b [Amended]

f. In § 520.1720b *Phenylbutazone granules*, in paragraph (b) by removing "017220" and inserting in its place "000081".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. Part 522 is amended:

§ 522.82 [Amended]

a. In § 522.82 *Aminopropazine fumarate sterile solution injection*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 522.784 [Amended]

b. In § 522.784 *Doxylamine succinate injection*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 522.863 [Amended]

c. In § 522.863 *Ethylisobutrazine hydrochloride injection*, in paragraph (b) by removing "017220" and inserting in its place "000081".

§ 522.1720 [Amended]

d. In § 522.1720 *Phenylbutazone injection*, in paragraph (b)(1) by removing "017220" and inserting in its place "000081".

Effective date. February 3, 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. 81-3950 Filed 2-3-81; 8:45 am]

21 CFR Parts 510 and 558

New Animal Drugs and New Animal Drugs for Use in Animal Feeds; Tylosin Correction

In FR Doc. 80-36872, appearing at page 79027 in the issue of Friday, November 28, 1980, the following changes should be made:

(1) On page 79027, the effective date, "November 29, 1980" should be changed to read "November 28, 1980".

(2) On page 79028, second column, under "§ 558.625 Tylosin", paragraph (b)(7)(3), "03598" should be changed to read "035098".

BILLING CODE 1505-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Praziquantel Injectable Solution

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 new animal drug application (NADA) filed by Bayvet Division, Cutter Laboratories, Inc., providing for safe and effective subcutaneous or intramuscular use of a canine anthelmintic.

EFFECTIVE DATE: February 3, 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: Bayvet Division, Cutter Laboratories, Inc., P.O. Box 390, Shawnee Mission, KS 66201, filed an NADA (111-607) providing for safe and effective use of praziquantel injectable solution for treating dogs for *Dipylidium caninum*, *Taenia pisiformis*, and *Echinococcus granulosus* infections. Based on the data and information submitted, the NADA is approved and the regulations amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (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.

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(a) and (e)(1) and (2)) may be seen in the Dockets Management Branch, address above.

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 by adding new § 522.1870, to read as follows:

§ 522.1870 Praziquantel Injectable solution.

(a) **Specification.** Each milliliter contains 56.8 milligrams of praziquantel.

(b) **Sponsor.** See 0000859 in § 510.600(c) of this chapter.

(c) **Conditions of use—(1) Amount.** For dogs 5 pounds and under, 0.3 milliliter (17.0 milligrams); for 6 to 10 pounds, 0.5 milliliter (28.4 milligrams); for 11 to 25 pounds, 1.0 milliliter (56.8 milligrams); if over 25 pounds, 0.2 milliliter (11.4 milligrams) per 5 pounds body weight to a maximum of 3 milliliters (170.4 milligrams).

(2) **Indications for use.** For removal of canine cestodes *Dipylidium caninum*, *Taenia pisiformis*, and *Echinococcus granulosus*.

(3) **Limitations.** For subcutaneous or intramuscular use; not intended for use in puppies less than 4 weeks of age; Federal law restricts the drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment is effective February 3, 1981.

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

Dated: January 23, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-3953 Filed 2-3-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558**New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine****AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Ag-Mark, Inc., providing for safe and effective use of a premix containing 10 grams-per-pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Ag-Mark, Inc., P.O. Box 127, East Ave., Teachey, NC 28464, is the sponsor of NADA 124-391 submitted on its behalf by Elanco Products Co. The NADA provides for use of a premix containing 10 grams-per-pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to increase rate of weight gain and to improve feed efficiency.

Approval of this application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA 41-275. Use of this data in NADA 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug.

Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64387; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA 41-275.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (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.

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.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 by revising paragraph (b)(3) to read as follows:

§ 558.630 Tylosin and sulfamethazine.

* * *

(b) * * *

(3) To 011490, 016968, 017255, 017274, 024174, 026186, 034500, 035955, 043743, 046987; 10 grams per pound each, paragraph (f)(2)(ii) of this section.

* * *

Effective date. This regulation is effective February 3, 1981.

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

Dated: January 23, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-3964 Filed 2-2-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 1030**Radiological Health; Performance Standards for Microwave and Radio Frequency Emitting Products; Amendments to the Microwave Oven Standard; Measurement and Test Conditions***Correction*

In FR Doc. 80-36873, appearing at page 79028 in the issue of Friday, November 28, 1980, make the following changes:

(1) On page 79031, first column, under paragraph (c)(1) of "§ 1030.10 **Microwave ovens.**", fourth line, "over" should be changed to read "oven".

(2) On page 79031, second column, the effective date, "November 28, 1981" should be changed to read "November 30, 1981".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR**Wage and Hour Division****29 CFR Part 1****Procedures for Predetermination of Wage Rates***Correction*

In FR Doc. 81-1343 appearing at page 4306 in the issue for Friday, January 16, 1981, on page 4314, in § 1.7(b), in the fourth line, after the word "determination" insert a comma.

BILLING CODE 1505-01-M

Office of the Secretary**Mine Safety and Health Administration****Pension and Welfare Benefits Program Office****29 CFR Parts 2, 2520 and 2550****30 CFR Parts 71 and 90****Final Rules; Deferral of Effective Dates****AGENCY:** Department of Labor.**ACTION:** Final rule; deferral of effective dates.

SUMMARY: This rule defers the effective dates of certain Labor Department regulations until March 30, 1981. This action is taken in response to a January 29, 1981 Memorandum from the President of the United States of America, Ronald Reagan, to the Secretary of Labor and other cabinet officials.

EFFECTIVE DATE: January 29, 1981.

ADDRESSES: Send comments to Gail Lively, Director, Executive Secretariat, Room S2515, Francis Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Attention: *Deferral of Effective Dates*.

FOR FURTHER INFORMATION CONTACT: Donald Smyth, Office of Information, Publications and Reports, Telephone: (202) 523-7318.

SUPPLEMENTARY INFORMATION: By memorandum dated January 29, 1981, attached as an Appendix to this rule and filed with this document, President Ronald Reagan requested that the executive agencies postpone for sixty (60) days the effective date of those final regulations which are currently pending and have not yet become final. This document will formally postpone the effective dates of the below listed rules until March 30, 1981. I take this action because of the reasons stated in the President's Memorandum.

Rule	Agency	Date and page of publication in: Original effective date the Federal Register	
30 CFR Part 71 Mandatory Health Standards—Surface Work Areas of Underground Coal Mines and Surface Coal.	MSHA	Dec. 5, 1980	45 FR 80748
30 CFR Part 90 Procedures for Transfer of Miners with Evidence of Pneumoconiosis.	MSHA	Dec. 5, 1980	45 FR 80760
29 CFR 2.7 General Regulations	SECY	Jan. 2, 1981	46 FR 34
29 CFR 2520, 104-49 Rules and Regulations for Reporting and Disclosure.	PWBP	Jan. 6, 1981	46 FR 1261
29 CFR 2550: 404b-1 Rules and Regulations for Fiduciary Responsibility.	PWBP	January 6, 1981	46 FR 1266
			February 6, 1981

MSHA—Mine Safety and Health Administration.

SECY—Office of the Secretary.

PWBP—Pension and Welfare Benefits Program office.

Authority: Please refer to the above-mentioned documents in order to ascertain the specific statutory authority for each of the rules.

Signed at Washington, D.C. this 30th day of January, 1981.

Alfred M. Zuck,

Acting Secretary of Labor.

[FR Doc. 81-4133 Filed 1-30-81; 4:30 pm]

BILLING CODE 4510-23-M

Employment Standards Administration, Wage and Hour Division (§ 5.12(d)(2)(iii)), in the seventh line "an" should read "and".

BILLING CODE 1505-01-M

29 CFR Part 5

Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)

Correction

In FR Doc. 81-1363 appearing at page 4380 in the issue for Friday, January 16, 1981, make the following corrections:

(1) On page 4387, in the middle column, in the second paragraph (§ 5.2(n)(3)), in the fourth line "ar" should read "are".

(2) On page 4387, in the third column, in § 5.5(a), in the ninth line, delete the ":" (colon) and begin the tenth line "provided that".

(3) On page 4387, in the third column, in the fifth line from the bottom of the column (§ 5.5(a)(1)), delete the ":" (colon) and begin the next line "provided that".

(4) On page 4388, in the middle column, in the third paragraph (§ 5.5(a)(1)(iv)), the eighth line should read "program, provided that the Secretary of".

(5) On page 4394, in the second column, in the third paragraph

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

[Docket No. 80-2]

Adjustment of Royalty Payable Under Compulsory License for Making and Distributing Phonorecords; Rates and Adjustment of Rates

AGENCY: Copyright Royalty Tribunal (CRT)

ACTION: Final Rule Findings.

SUMMARY: Copyright Royalty Tribunal has adopted rule adjusting the rates of royalty payable under compulsory license of 17 U.S.C. 115 for making and distributing phonorecords embodying nondramatic musical works. The rule also provides for possible subsequent adjustment of the royalty rates. This document contains the detailed findings to accompany the rule as required by 17 U.S.C. 803(b).

EFFECTIVE DATE: January 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Clarence L. James, Jr., Chairman
Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: The Copyright Royalty Tribunal published in the Federal Register of January 5, 1981 (46 FR 891) its final rule concerning the

adjustment of the royalty payable under compulsory license for making and distributing phonorecords. It was stated in that publication that the detailed findings to accompany the rule, as required by 17 U.S.C. 803(b), would be published within thirty days.

Introduction and Chronology

17 U.S.C. 804(a)(1) directs the Copyright Royalty Tribunal (Tribunal) to publish on January 1, 1980 in the Federal Register notice of commencement of proceedings concerning possible adjustment of the royalty rates established in 17 U.S.C. 115 concerning the compulsory license for the use of nondramatic musical works in the making of phonorecords. The required notice appeared in the Federal Register of January 2, 1980 (45 FR 63).

Parties to the proceeding included both copyright owners and copyright users. Copyright owners were represented by (either by witnesses or written submissions) the National Music Publishers Association, Inc. (NMPA), Church Music Publishers Association, the Association of Independent Music Publishers, the American Guild of Authors and Composers (AGAC), the Nashville Songwriters Association International and Songwriters Resources and Services. Copyright users were represented by the Recording Industry Association of America (RIAA). CBS Inc. made various written submissions in addition to oral testimony by its officers and employees. The Amusement and Operators Association (AMOA), a trade association representing operators of jukeboxes and other machines, and the American Society of Music Arrangers (ASMA) also made written submissions.

In its notice of January 2, 1980 the Tribunal directed parties to submit motions concerning jurisdictional or legal questions by March 3, 1980, and reply comments by March 20. The Tribunal also directed that economic or other studies be submitted by April 1, 1980, with reply comments by April 21, 1980. Studies were submitted by NMPA, AGAC and RIAA.

After receiving various filings by the parties, a pre-hearing conference was held on March 10, 1980. On March 25 the Tribunal heard oral argument on the motion of RIAA that the Tribunal lacked jurisdiction to adjust the royalty rate to

provide for the fixing of the royalty rate as a percentage of the price of the phonorecord. On March 27 the Tribunal denied the motion of RIAA.

On April 21, 1980 RIAA moved that the Tribunal request NMPA to provide "evidence concerning the financial condition of the publishing industry". On April 23, 1980 NMPA moved that the Tribunal request RIAA and Cambridge Research Institute to submit the underlying input data for its economic study. The Tribunal on April 24, after considering the views of parties, issued an order stating that the Tribunal "at the present time takes no action on the subject matter of the motion of the Recording Industry Association of America" and requesting RIAA and the Cambridge Research Institute to submit the requested input data, including the individual responses to questionnaires. On April 29, RIAA moved the Tribunal to reconsider its request for the production of input data. This motion was denied on April 30.

On May 2, 1980 the Tribunal requested legal memoranda on the relevance of profitability to an adjustment of the mechanical royalty. Memoranda were submitted by NMPA, AGAC and RIAA.

The evidentiary hearing commenced on May 7, 1980 and included 46 days of hearings, 35 witnesses, over 6,000 pages of transcript and hundreds of additional pages of documents, financial tables and economic charts.

On July 15, 1980 AGAC moved to strike the Cambridge study, reply Comments and all testimony dependent upon the input data. The Tribunal denied AGAC's motion on October 14, 1980.

On August 6, 1980 the Tribunal issued an order declaring "that representative aggregate data concerning the financial condition of the music publishers may be relevant to the determination . . . of the mechanical royalty rate" and requesting NMPA and music publishers to assemble and present data in certain specified areas. On October 1, NMPA submitted Aggregate Data Concerning the Financial Condition of Music Publishers to the Tribunal.

The Tribunal heard closing argument in this proceeding on November 19, 1980. The Tribunal considered its final determination in this proceeding at public meetings on December 18 and 19. The Tribunal's final regulation was adopted on December 19, docketed by the Federal Register on December 31, and published in the Federal Register of January 5, 1981 (46 FR 891).

Summary of Evidentiary Positions of Parties

Music Publishers and Songwriters:

The Music Publishers and Songwriters presented cases that were complementary, the difference being that while the music publishers argued for the rate to be set at six percent of the suggested retail list price, the songwriters argued that it be set at eight percent. In support of their position the music publishers presented a study by Nathan Associates and the songwriters one by Rinfret Associates. Both parties relied upon the study of the other as well as their own during the course of the proceedings.

Music Publishers

The music publishers argued that the mechanical royalty should be raised to six percent of the suggested list price, or, as an alternative, that the flat rate be raised to 5 cents and adjusted annually for inflation by the Consumer Price Index.¹

A principal claim by the music publishers in arguing for such as increase, was that over the last decade the mechanical royalty has eroded while record company profits have increased.² In real purchasing terms the two cent statutory rate of 1909 had the equivalent in 1978 of 14.5 cents.³ From January 1978 to February 1980, the period during which the current mechanical rate has been in effect, the Consumer Price Index increased more than 20% and record prices increased 10%, but the purchasing power of the 2 1/2 cent rate declined 18%.⁴ According to the music publishers, the historical effective mechanical royalty rate was six percent of the suggested list price and 8.5 percent of the actual price paid by consumers.⁵ The benchmark the music publishers chose from which to begin historical comparison was 1948; this was when the L.P. was first introduced, and marked the beginning of the modern recorded music industry.⁶ Starting in this period the price of an album stabilized at \$3.98 and contained twelve songs; with a two cent mechanical rate the total royalty per record was 24¢ and therefore equalled six percent of the suggested list price.⁷ If the excise tax which was imposed at the time is taken into consideration, the

¹ Proposed Findings of Fact and Conclusions of NMPA, Nov. 17, 1980, p. 186-187.

² Ibid, p. 25 and Nathan Study, pp. 27-28.

³ Ibid, p. 32 and Rinfret Study, Vol. 1, p. 27.

⁴ Ibid, p. 33 and Ibid, p. 35.

⁵ Proposed Findings of Fact and Conclusions of NMPA, Nov. 17, 1980, p. 119.

⁶ Ibid, p. 119.

⁷ Ibid, p. 119 and Post Hearing Brief of NMPA, p. 2.

music publishers claimed, the royalty as a percentage of suggested list price was even higher.⁸ This rate, according to the music publishers, remained in effect from 1948 to 1966, the period during which monaural L.P.'s were dominant,⁹ and during which the industry as a whole was stable.¹⁰ It is since this period that the rate has eroded.¹¹ From 1965 until the final revision of the Copyright Act, the mechanical royalty rate fell to little more than half its value, against a rise in the Consumer Price Index of 76%.¹² In order to maintain the value of the two cent 1965 royalty, the rate would have to be raised to 5.34 cents.¹³ In the argument of the music publishers, the very least that should be done would be an adjustment of the rate to compensate for inflation since 1974, which was the last year Congress had financial data for when it established the current rate at 2 1/2 cents.¹⁴ Such a rate would be 4 cents, but because it would fail to take into account the erosion before 1974 the music publishers considered that it would still be unfair.¹⁵ In addition to an erosion of the rate with respect to inflation, it has also eroded with respect to record prices and to all other costs record companies bear, the music publisher claimed.¹⁶ The rate has effectively further decreased because of the reduction in the number of songs per album, from twelve in 1965 to ten in 1979.¹⁷ And in comparison with the erosion of the value of the mechanical royalty, the royalties of recording artists appearing on the same records have substantially increased.¹⁸ The result, according to the music publishers, has been that the compulsory license has enabled record companies to buy music at a rate that is unfairly cheap.¹⁹

As for the contention that the increase in record sales has compensated for the reduction in the effective royalty rate, the music publishers claimed that this is not true.²⁰ Increase in volume has only resulted in a slight increase in the number of songs available to the

⁸ Ibid, p. 120.

⁹ Ibid, p. 120 and Post Hearing Brief of NMPA, p. 9.

¹⁰ Post Hearing Brief of NMPA, p. 12.

¹¹ Proposed Findings of Fact and Conclusions of NMPA, p. 122.

¹² Ibid, p. 124 and Post Hearing Brief, pp. 22 and 23.

¹³ Post Hearing Brief of NMPA, p. 67.

¹⁴ Ibid, p. 68.

¹⁵ Proposed Findings of Fact and Conclusions of NMPA, p. 125.

¹⁶ Facts and Conclusions of NMPA, p. 187 and Post Hearing Brief, p. 14.

¹⁷ Facts and Conclusions of NMPA, p. 23.

¹⁸ Ibid, p. 127.

¹⁹ Ibid, p. 63.

²⁰ Ibid, p. 24 and 131 and Post Hearing Brief, p. 3 and 31.

public;²¹ and compensation to the composer is not to be considered in the aggregate, but on a per-unit basis.²² The music publishers also claimed that the increase in volume has been much smaller than the increase in record prices,²³ and smaller than the increase in inflation as measured by the CPI.²⁴ Record prices, not volume, in the music publisher's judgment, have been responsible for the profitability of the record industry.²⁵ It is on those albums that do achieve high volume that, in comparison with mechanical royalties, the record companies make their highest profits.²⁶ In Australia the Copyright Tribunal there determined that volume in sales did not compensate for inflation,²⁷ and the music publishers argued that the contention by the Francis Report in England that a lower royalty rate can to some degree be compensated for by volume does not apply to the United States because the rate in England is expressed as a percentage of retail price and can fluctuate on an individual basis with record prices.²⁸

The music publishers considered that mechanical royalties abroad are an important point of comparison²⁹ and stressed that they are much higher than they are in the United States.³⁰ They are also expressed not as a flat rate, but as a percentage of price,³¹ and in many countries are eight percent of retail list.³² The position of the copyright owners is therefore much weaker here than it is abroad.³³ The music publishers disputed that higher rates in Europe are due to lower sales volume and pointed out that on a per capita basis volume in Europe is higher.³⁴ Furthermore, American records receiving the lower royalty in the United States receive the higher royalty in Europe,³⁵ and the reverse is true, European composers receiving less in the United States than they do for the same music in Europe.³⁶ The music publishers considered that it was inconsistent of the record companies to reject comparisons with practices abroad, because they rely upon foreign

²¹ Ibid. p. 24.

²² Ibid. p. 25.

²³ Ibid. p. 25 and 134 and Post Hearing Brief. p. 31.

²⁴ Ibid. p. 134.

²⁵ Post Hearing Brief. p. 27.

²⁶ Ibid. p. 29.

²⁷ Facts and Conclusions of NMPA. p. 132.

²⁸ Facts and Conclusions of NMPA. p. 132.

²⁹ Ibid. p. 129.

³⁰ Ibid. p. 26.

³¹ Ibid. p. 26.

³² Post Hearing Brief. p. 4 and 5.

³³ Facts and Conclusions of NMPA. p. 128.

³⁴ Post Hearing Brief. p. 40.

³⁵ Ibid. p. 43.

³⁶ Ibid. p. 39.

practices themselves when arguing for performance royalties.³⁷

The music publishers claimed that under the current 2 1/4 cent statutory rate the copyright owners are not able to negotiate in a fashion that reflects market values.³⁸ For negotiations to occur that will insure the proper function of the free market the statutory rate must be sufficiently high;³⁹ although it must also enable record companies to invoke the compulsory license if negotiations should fail.⁴⁰ Therefore, the music publishers argued that the rate should be set at the high end of the negotiating range.⁴¹ The fact that little negotiation now take place confirms that even with the rate set under the 1976 Statute the ceiling is too low.⁴² The record companies have no economic incentive to negotiate.⁴³ Moreover, record companies rarely invoke the compulsory license.⁴⁴ When the mechanical rate was equal to six percent in the past, bargaining did occur, and licenses were granted at a level below that set by statute.⁴⁵

The music publishers emphasized that the songwriter and his creative talents are basic to the record industry.⁴⁶ For the industry to have its few successful hits a large pool of songwriting talent must be available.⁴⁷ Nevertheless the difficulties, particularly financial, of being a songwriter are great⁴⁸ especially in areas of special music like jazz.⁴⁹ Relying on the Rinfret study to demonstrate the hardship and risk associated with being a songwriter,⁵⁰ the music publishers argued that the object of any rate increase should be the modest songwriter, not those who will be wealthy under any circumstances.⁵¹ Other than performance royalties, mechanical royalties provide the major share of songwriters' income.⁵² Moreover, at issue is not what songwriters receive as a group, but what they receive individually.⁵³ And this must be viewed in light of the fact that

³⁷ Ibid. p. 37-38.

³⁸ Facts and Conclusions of NMPA. p. 103.

³⁹ Facts and Conclusions of NMPA. p. 103.

⁴⁰ Ibid. p. 103.

⁴¹ Ibid. p. 103.

⁴² Ibid. p. 21.

⁴³ Ibid. p. 104.

⁴⁴ Ibid. p. 104.

⁴⁵ Ibid. pp. 169-170.

⁴⁶ Ibid. p. 52.

⁴⁷ Ibid. p. 114.

⁴⁸ Ibid. p. 56.

⁴⁹ Ibid. p. 58.

⁵⁰ Ibid. pp. 29-30.

⁵¹ Ibid. p. 59.

⁵² Ibid. p. 31.

⁵³ Post Hearing Brief. p. 27.

other traditional sources of income such as print sales have diminished.⁵⁴

The music publishers argued that the Tribunal should not take into account the phenomenon of the singer-songwriter.⁵⁵ The issue of just how widespread the phenomenon is, is in doubt,⁵⁶ but above all they are not subject to the compulsory license.⁵⁷ Their releases are principally recorded by themselves,⁵⁸ and the royalties are negotiated as a total package.⁵⁹ They can therefore compensate for lower mechanical royalties by receiving higher artist royalties.⁶⁰ Conversely, if the mechanical rate is increased, both the artist and the record company can negotiate lower artist royalties.⁶¹ With singer-songwriters who own their own publishing companies, the issue is where they wish to retain their profits.⁶² In the case of those who reported in the Praeger and Fenton survey, most chose to leave them with their publishing companies.⁶³ Furthermore, because artist royalties are used to recoup the costs of recording, the effect of lower mechanical royalties and higher artist royalties has been to shift the financial risk of production on to the singer-songwriter.⁶⁴ The music publishers felt that it was proof that singer-songwriters are not affected by the mechanical rate and should not be taken into consideration in that none appeared at the proceeding.⁶⁵ Finally it was suggested that as a phenomenon singer-songwriter may ultimately have a deleterious effect upon the development of music.⁶⁶

The music publishers considered that it was not the role of the Tribunal to evaluate the relationship between the songwriter and music publisher.⁶⁷ The relationship is a commercial one and freely negotiated on a free-market basis.⁶⁸ Nevertheless, music publishers argued that they play a significant role in the creation and dissemination of music⁶⁹ and that close collaboration exists between the publisher and

⁵⁴ Facts and Conclusions of NMPA. p. 114.

⁵⁵ Post Hearing Brief. pp. 33 and 37.

⁵⁶ Facts and Conclusions of NMPA. p. 60.

⁵⁷ Post Hearing Brief. pp. 4 and 35.

⁵⁸ Ibid. p. 35 and Facts and Conclusions of NMPA. p. 61.

⁵⁹ Post Hearing Brief. p. 35.

⁶⁰ Ibid. p. 35.

⁶¹ Ibid. p. 36.

⁶² Ibid. p. 34.

⁶³ Ibid. p. 34.

⁶⁴ Ibid. p. 36 and Facts and Conclusions of NMPA. p. 61.

⁶⁵ Post Hearing Brief. pp. 36 and 37.

⁶⁶ Facts and Conclusions of NMPA. p. 61.

⁶⁷ Ibid. p. 147.

⁶⁸ Ibid. p. 68.

⁶⁹ Ibid. p. 74.

songwriter⁷⁰ both creatively and in promotion.⁷¹

The music publishers considered that the question of their own profitability is irrelevant.⁷² Congress did not intend it to be considered,⁷³ and it is not related to the reasonable return for a song.⁷⁴ Nevertheless, at the request of the Tribunal the music publisher submitted "Aggregate Data Concerning the Financial Condition of Music Publishers" prepared by Praeger and Fenton.⁷⁵ According to this data, traditional music publishers had a modest return on revenue of between 5.17 percent in 1977 and 8.48 percent in 1979.⁷⁶ Their financial success also depends heavily on revenues from foreign mechanicals.⁷⁷

The profits of the record industry, the music publishers argued, on the other hand, are relevant and have been substantial.⁷⁸ The prospects for the industry also continue to be strong in spite of 1979, when profits fell and which was an aberration⁷⁹ due to bad management.⁸⁰ Much fat exists in the industry⁸¹ especially in sales, promotion, and general and administrative expenses.⁸² And the record industry claims concerning the effect a royalty increase would have are exaggerated.⁸³ If the mechanical rate is increased to six percent of the suggested list price, at most the record companies would have to absorb or pass on 2.8 cents per song.⁸⁴ The music publishers also questioned the record companies' concern for the consumer.⁸⁵ Reductions in cost in the past have not been accompanied by a decrease in prices.⁸⁶ The repeal of the excise tax in 1965⁸⁷ and the increase in the price of monaural albums through 1967 were cited as examples.⁸⁸ There is no difference between the increase in the mechanical rate and the increase of other costs.⁸⁹ Prices and other costs have risen in the past, while

mechanicals have risen only slightly.⁹⁰ The rate of increase of all other record company costs from 1965-1980, according to the music publishers, was ten times as great as the increase in the mechanical royalty.⁹¹

The music publishers considered that a rise in the rate to six percent is fully consistent with the statutory criteria. The Tribunal above all must base its judgment on what is reasonable,⁹² and, according to the music publishers, because the rate increase they propose is reasonable, it is therefore by definition consistent with the statutory criteria.⁹³

As to the criteria specifically:

In the case of the first criteria, the music publishers argued that only an increase in the rate would provide sufficient economic incentive to maximize the availability of creative works to the public,⁹⁴ which the current 2 1/4 cent rate does not do.⁹⁵ With respect to the second criteria, the music publishers argued that the chief concern in evaluating return must be fairness⁹⁶ and that only with a rate of six percent could the copyright owners achieve a fair return on the basis of rates for music elsewhere.⁹⁷ Also, insuring a fair return to copyright owners and a fair income to copyright users does not require profits to be balanced.⁹⁸ The request to raise the copyright mechanical royalty is not to be confused with the burden of proof requirements in utility rate cases.⁹⁹ The music publishers contended that because profitability is not related to a fair return to copyright owners, their own profitability is irrelevant.¹⁰⁰

Concerning the third criteria, the relative roles of the copyright owner and the copyright user, the music publisher argued that in terms of risk and time the greatest cost is borne by the songwriter.¹⁰¹ Furthermore, in the case of the singer-songwriter there is direct financial investment because artist royalties are used to recover recording costs.¹⁰² Financial risk is also borne by the music publisher.¹⁰³ By increasing the rate new markets would be opened to music.¹⁰⁴

With respect to the fourth criteria, the music publishers contended that the record industry has absorbed cost increases in the past without suffering substantial disruption.¹⁰⁵ The Tribunal has the obligation to minimize disruptive impacts, but it is not required to avoid them altogether.¹⁰⁶ Neither the music publisher preferred proposal nor an increase in the flat rate with an annual CPI adjustment would have an impact that would be disruptive.¹⁰⁷ The industry could convert easily to a percentage system,¹⁰⁸ and such a system already exists with respect to artist royalties.¹⁰⁹ Furthermore, in acknowledging the need for an increase in their own proposal, the record industry has admitted that an increase *per se* would not be disruptive.¹¹⁰

The music publishers considered that a rate based upon percentage is preferable to a flat rate with an annual inflationary adjustment, first of all, because a percentage rate does not lag behind the actual change in inflation,¹¹¹ and, second, because the rate applies to records individually.¹¹² In terms of lower priced records it would be the record companies who would benefit.¹¹³ The Tribunal is not limited in its authority to institute a percentage based method,¹¹⁴ and such a rate would assist the government in extricating itself further from having to adjust the rates of compulsory licenses.¹¹⁵ It would also insure that the rate would remain reasonable until the next rate review in 1987,¹¹⁶ and the percentage system already exists with respect to recording artists.¹¹⁷

The most appropriate basis on which a percentage rate should be applied, according to the music publishers, is the suggested list price.¹¹⁸ It is well-entrenched,¹¹⁹ and changes in the royalty rate would be related to changes in price.¹²⁰ Also, the suggested list price will last because it must be maintained

⁷⁰Ibid. p. 148-150.

⁷¹Ibid. pp. 69-73.

⁷²Ibid. p. 47.

⁷³Ibid. p. 47.

⁷⁴Ibid. p. 47.

⁷⁵Ibid. p. 136.

⁷⁶Post-Hearing Brief, pp. 4 and 32.

⁷⁷Ibid. p. 33.

⁷⁸Facts and Conclusions of NMPA, pp. 138 and 140.

⁷⁹Ibid. p. 23.

⁸⁰Ibid. pp. 23 and 144.

⁸¹Post-Hearing Brief, p. 19.

⁸²Post-Hearing Brief, pp. 19 and 20.

⁸³Ibid. p. 52.

⁸⁴Ibid. p. 16.

⁸⁵Ibid. pp. 8 and 50.

⁸⁶Ibid. p. 52.

⁸⁷Ibid. p. 53.

⁸⁸Ibid. p. 54.

⁸⁹Ibid. p. 51.

⁹⁰Ibid. p. 90.

⁹¹Facts and Conclusions of NMPA, p. 107.

⁹²Ibid. p. 102.

⁹³Ibid. p. 102.

⁹⁴Ibid. p. 109.

⁹⁵Ibid. p. 111.

⁹⁶Ibid. pp. 116 and 117.

⁹⁷Post-Hearing Brief, p. 8.

⁹⁸Facts and Conclusions of NMPA, p. 116.

⁹⁹Ibid. p. 117.

¹⁰⁰Ibid. p. 135.

¹⁰¹Ibid. p. 155.

¹⁰²Ibid. p. 160 and Post-Hearing Brief, p. 36.

¹⁰³Ibid. pp. 156-157.

¹⁰⁴Ibid. pp. 162-3.

¹⁰⁵Ibid. p. 185.

¹⁰⁶Post-Hearing Brief, p. 44.

¹⁰⁷Facts and Conclusions of NMPA, p. 171 and Post Hearing Brief, p. 49.

¹⁰⁸Facts and Conclusions of NMPA, p. 178.

¹⁰⁹Ibid. p. 178.

¹¹⁰Post-Hearing Brief, p. 60.

¹¹¹Facts and Conclusions, p. 28 and post Hearing Brief, p. 75.

¹¹²Post Hearing Brief, p. 73.

¹¹³Ibid. p. 73.

¹¹⁴Ibid. p. 55-57 and Facts and Conclusions, p. 14-15.

¹¹⁵Ibid. p. 58.

¹¹⁶Facts and Conclusions, p. 186.

¹¹⁷Post Hearing Brief, p. 45.

¹¹⁸Facts and Conclusions, p. 189.

¹¹⁹Post Hearing Brief, p. 80.

¹²⁰Facts and Conclusions, p. 193-194.

for artist royalties.¹²¹ A rate based upon a percentage of the suggested list price would be self-administering¹²² and would relieve the Tribunal of any continuing burden as a monitor.¹²³

According to the proposal submitted by the music publishers, the six percent royalty would be allocated on the basis of units of time.¹²⁴ Works under one minute would receive one-third unit; works between one and five minutes would receive one unit; and works over five minutes would receive one-fifth unit per minute of playing time or fraction of a minute.¹²⁵ The share of each work would be the number of units assigned to it divided by the number of units on the record assigned to all works.¹²⁶ This would be its fraction of six percent of the suggested list price. The only requirement would be that the industry maintain *bona fide* suggested list prices.¹²⁷ The music publishers foresaw only one difficulty in that the record companies might not maintain their royalty files completely accurately.¹²⁸ The music publishers expressed concern that the Tribunal's regulation apply to the date upon which phonorecords have been made and distributed, and not simply to the date upon which they have been released.¹²⁹

As an alternative, although not preferred, to the percentage rate, the music publishers proposed that the flat rate should be raised to 5 cents, and then be adjusted annually for inflation according to the Consumer Price Index.¹³⁰ A five cent flat rate would be approximately equivalent to six percent of current suggested list prices. And the CPI could serve as an adjustment mechanism because increases in the CPI have paralleled increases in record prices.¹³¹ The adjustment procedure would consist only of an annual announcement by the Tribunal, a practice it has already followed.¹³² The strength of the CPI is that it is the most widely used basis for adjustments for inflation.¹³³ The music publishers felt that the record industry destroyed the basis for its argument against the use of the CPI, because in its original objection the record industry opposed, not just the CPI, but any index for inflation, and yet

later in its own proposal did introduce an inflationary index.¹³⁴

Songwriters

The arguments of the songwriters were those of the music publishers. The mechanical royalty rate is too low.¹³⁵ As a percentage of suggested list price it has declined from over 8% in the 1940's and 6% in the 1950's and early 60's to a level that presently is 3.1%.¹³⁶ In comparison with artist royalties, mechanical royalties are disproportionately low.¹³⁷ There has been great erosion due to inflation,¹³⁸ which has been aggravated further by the decrease in the number of songs per album.¹³⁹ Contrary to the claim by the record industry, the erosion in the rate has not been compensated for by the increase in the volume of sales.¹⁴⁰

The mechanical rate in Japan and most European countries is double that in the United States,¹⁴¹ and on a per capita basis in several European countries volume of sales is higher.¹⁴² This discrepancy is due to the fact that in the United States the royalty rate is fixed while abroad it is a percentage of price and therefore can fluctuate.¹⁴³

The current level of the royalty rate has eliminated bargaining.¹⁴⁴ The songwriters argued that the decline in bargaining has accompanied the decline in the statutory ceiling as a percentage of record prices¹⁴⁵ and has been caused by inflation.¹⁴⁶ Bargaining would allow the copyright owner a fair return,¹⁴⁷ and the royalty rate should be set to encourage it,¹⁴⁸ therefore at the high end of the negotiating range.¹⁴⁹ The proof that little bargaining now exists is that licensing is organized for administrative convenience.¹⁵⁰ Recording artists, on the other hand, are free to bargain,¹⁵¹ as are singer-songwriters and their controlled publishers.¹⁵²

¹²¹ Post Hearing Brief, p. 81.

¹²² Ibid, p. 78.

¹²³ Ibid, p. 77.

¹²⁴ Facts and Conclusions, p. 197-201.

¹²⁵ Ibid, p. 198.

¹²⁶ Ibid, p. 198 and 211.

¹²⁷ Post Hearing Brief, p. 82.

¹²⁸ Ibid, p. 48.

¹²⁹ Ibid, p. 71.

¹³⁰ Facts and Conclusions, p. 202-203.

¹³¹ Ibid, p. 207.

¹³² Post Hearing Brief, p. 83.

¹³³ Facts and Conclusions, p. 209.

In comparison with the income of artists, the income of songwriters is small,¹⁵³ and income from other sources such as print sales should not be considered because it is outside the bounds of the mechanical royalty.¹⁵⁴

The singer-songwriter is not relevant to the proceeding.¹⁵⁵ Their compensation, as well as that of the singer-songwriter-controlled publisher, is the result of free negotiation.¹⁵⁶

Publishers' profits are equally irrelevant,¹⁵⁷ in that the publisher is the assignee of the songwriter,¹⁵⁸ and the relation between them are determined by free negotiation,¹⁵⁹ which is shown by the fact that the split has evolved over the years in favor of the songwriter.¹⁶⁰

An increase in the mechanical rate will not have the serious effects the industry claims; in 1978 the mechanical increased and there were none.¹⁶¹ The effects of the 1979 recession are past.¹⁶² In comparison with other costs, mechanical royalties are trivial.¹⁶³ An increase will not have the effect upon the consumer the industry claims.¹⁶⁴ It can be counterbalanced by the reduction of other expenses, such as general and administrative costs, and these are already swollen and would not increase automatically with an increase in the mechanical anyway.¹⁶⁵ Retailers would not necessarily have to include any increase in the mechanical in their percentage markups.¹⁶⁶ Their flexibility in this regard is already proved by the existence of discounting.¹⁶⁷ Price increases have taken place in the past, and they have not been due to an increase in the mechanical.¹⁶⁸

The claims of financial woe on the part of the recording industry, according to the songwriters, are not justified.¹⁶⁹ The figures submitted by the industry do not reflect profits accurately.¹⁷⁰ There is no reliable profit information available,¹⁷¹ and industry revenues have not been matched to industry

¹²⁶ Post Hearing Brief, p. 56.

¹²⁷ Post Hearing Brief of American Guild of Authors and Composers and Nashville Songwriters Association International, Nov. 17, 1980, p. 7 and 18.

¹²⁸ Ibid, p. 32.

¹²⁹ Ibid, p. 22.

¹³⁰ Ibid, p. 2 and 29.

¹³¹ Ibid, p. 37.

¹³² Ibid, p. 29.

¹³³ Ibid, p. 27.

¹³⁴ Ibid, p. 28.

¹³⁵ Ibid, p. 28 and 29.

¹³⁶ Ibid, p. 2.

¹³⁷ Ibid, p. 40.

¹³⁸ Ibid, p. 41.

¹³⁹ Ibid, p. 18.

¹⁴⁰ Ibid, p. 2.

¹⁴¹ Ibid, p. 14 and 73.

¹⁴² Ibid, p. 45.

¹⁴³ Ibid, p. 23.

¹⁴⁴ Ibid, p. 56-57.

¹⁵⁵ Ibid, p. 25.

¹⁵⁶ Ibid, p. 21.

¹⁵⁷ Ibid, p. 4.

¹⁵⁸ Ibid, p. 53 and 54.

¹⁵⁹ Ibid, p. 3.

¹⁶⁰ Ibid, p. 51.

¹⁶¹ Ibid, p. 52.

¹⁶² Ibid, p. 52.

¹⁶³ Ibid, p. 12 and 74.

¹⁶⁴ Ibid, p. 52.

¹⁶⁵ Ibid, p. 5 and 73.

¹⁶⁶ Ibid, p. 77.

¹⁶⁷ Ibid, p. 77.

¹⁶⁸ Ibid, p. 79.

¹⁶⁹ Ibid, p. 80.

¹⁷⁰ Ibid, p. 78.

¹⁷¹ Ibid, p. 5.

¹⁷² Ibid, p. 62.

¹⁷³ Ibid, p. 58.

costs.¹⁷² The picture is further clouded, the songwriters contended, by the tax advantages of leaving profits in foreign subsidiaries.¹⁷³ The songwriters questioned the industry's break-even analysis, especially as it applied to small companies.¹⁷⁴

In order to satisfy the first statutory criterion and encourage the development of the necessary pool of creative musical talent there must be an increase in the rate.¹⁷⁵ The reduction of the number of good tunes that has occurred can be attributed to its current low level.¹⁷⁶ The songwriters considered that the most important criterion is the one requiring the Tribunal to afford the copyright owner a fair return.¹⁷⁷ The songwriters felt that as for affording the copyright user a fair income there was no guidance,¹⁷⁸ especially since in comparison with other costs the mechanical royalty is insignificant.¹⁷⁹ Only a rate that is high enough to produce bargaining will reflect adequately the relative roles of the copyright owner and copyright user.¹⁸⁰ In respect to such elements as investment and risk the relative roles cancel each other out.¹⁸¹ The Tribunal should minimize disruptive impacts, but it should not avoid all impact whatsoever if fair return is at stake.¹⁸²

The rate should be set as a percentage of suggested retail list price.¹⁸³ The administrative problems are not that great¹⁸⁴ and artist royalties are currently already calculated in that fashion.¹⁸⁵ The best base for any percentage rate is the suggested retail list price.¹⁸⁶ In its absence, the Tribunal should adopt an adjustment for the cost of living.¹⁸⁷

According to the songwriters, the percentage of the suggested retail list price should be set at 8%.¹⁸⁸ This would return the rate to the level that existed in the 1940's when bargaining was common,¹⁸⁹ and a 6% rate would not achieve this.¹⁹⁰ An 8% rate would approach the range at which royalties

are paid in Europe but would still not achieve it.¹⁹¹

Recording Industry

The recording industry argued that no increase in the rate was appropriate now.¹⁹² In retaining the compulsory license and creating the Tribunal,¹⁹³ Congress intended for the Tribunal, not the marketplace, to set the rate.¹⁹⁴ and in doing so, the Tribunal must adhere to the statutory criteria.¹⁹⁵ According to these criteria no increase is presently justified.¹⁹⁶ The compulsory license itself maximizes the availability of creative works to the public.¹⁹⁷

According to the recording industry, copyright owners are already doing extremely well under the current rate¹⁹⁸ and, including the traditional publishers, are doing better than copyright users.¹⁹⁹ Singer-songwriters who receive 50% to 60% of all mechanical royalties,²⁰⁰ dominate the industry,²⁰¹ and non-singer-songwriters, but composers who are successful are also doing well.²⁰² The recording industry argued that the Tribunal must consider "fair return" in terms of fair profit²⁰³ and considered that the studies submitted by both the songwriters and the music publishers were lacking as a basis on which to do so because they did not fully report all income.²⁰⁴

According to the recording industry, mechanicals on a per-tune basis have increased twice as fast as inflation²⁰⁵ and when taken in the aggregate have kept pace with, or exceeded, inflation in every year for which the recording industry has data.²⁰⁶ The recording industry stressed that in the Francis Report in England the importance of sales volume was recognized in the consideration of an equitable royalty rate.²⁰⁷ According to the recording industry, the issue is income, not the

royalty rate in the abstract.²⁰⁸ As a result, it is necessary to consider all income related to the recording of a song, such as performance rights, synchronization, and print sales,²⁰⁹ because the recording of a song is what its earning power is dependent upon.²¹⁰ These sources of income have increased and between 1974 and 1979 outpaced inflation.²¹¹

The recording industry stressed that any examination of the financial situation of the copyright owners must take into account the fact that mechanical royalties are concentrated in the hands of a few²¹² and argued also that in the arts skewed income distribution is to be expected.²¹³ The recording industry considered that the incomes of successful composers are both good²¹⁴ and higher than those of the general populations.²¹⁵ The Tribunal should not consider the income of poor songwriters, the industry argued,²¹⁶ and criticized the survey submitted by the songwriters as too biased towards them,²¹⁷ because no matter how much the royalty rate is increased the poor songwriter will not be helped.²¹⁸ The difficulty affecting the poor songwriter is the fact that his songs don't sell, not the royalty rate.²¹⁹ Those who would benefit most from an increase are the singer-songwriter²²⁰ and they are already thriving.²²¹

The recording industry considered also that music publishers are very profitable,²²² even when they serve only as administrators for singer-songwriters.²²³ Their income has kept pace with inflation,²²⁴ and the health of the industry is shown by their own survey.²²⁵ This is true not only for controlled publishers but also for traditional publishers as well.²²⁶ The recording industry suggested that the usual split between the songwriter and the publisher should therefore be reexamined.²²⁷ The recording industry argued that under the statutory criteria

¹⁷² Ibid, p. 51.

¹⁷³ Proposed Findings of Fact and Conclusions of Law of the Recording Industry Association of America, Nov. 17, 1980, p. 6.

¹⁷⁴ Ibid, p. 193.

¹⁷⁵ Ibid, p. 190-191 and Summary of Proposed Findings of Fact and Conclusions of Law of the Recording Industry of America, Nov. 17, 1980, p. 35.

¹⁷⁶ Summary, p. 1.

¹⁷⁷ Findings, p. 293.

¹⁷⁸ Ibid, p. 175 and CBS Inc. Findings of Fact, p. 4-7.

¹⁷⁹ Summary, p. 3 and Findings, p. 41.

¹⁸⁰ Summary, p. 16.

¹⁸¹ Findings, p. 10.

¹⁸² Ibid, p. 7.

¹⁸³ Ibid, p. 27.

¹⁸⁴ Ibid, p. 27.

¹⁸⁵ Ibid, pp. 35 and 81-89.

¹⁸⁶ Summary, p. 6 and Findings, p. 16.

¹⁸⁷ Findings, p. 14 and Summary, p. 6.

¹⁸⁸ Findings, p. 20.

²⁰⁸ Ibid, p. 25.

²⁰⁹ Ibid, pp. 20 and 24.

²¹⁰ Ibid, p. 21.

²¹¹ Ibid, p. 18.

²¹² Ibid, p. 10.

²¹³ Ibid, p. 38.

²¹⁴ Summary, p. 12.

²¹⁵ Ibid, p. 13.

²¹⁶ Findings, p. 30.

²¹⁷ Ibid, pp. 31 and 32.

²¹⁸ Summary, p. 13.

²¹⁹ Findings, p. 39.

²²⁰ Ibid, p. 158.

²²¹ Summary, p. 4.

²²² Findings, p. 41 and Summary, p. 4.

²²³ Findings, p. 13.

²²⁴ Ibid, p. 42.

²²⁵ Summary, p. 11.

²²⁶ Findings, pp. 11 and 12; and Summary, p. 6.

²²⁷ Findings, p. 40.

it is the music publishers' profitability that the Tribunal must consider.²²⁸ An increase in the mechanical would only provide them unearned windfall profits.²²⁹ Comparing incomes from 1974 to 1979,²³⁰ music publishing has been more profitable than the recording industry.²³¹ The profits of even traditional publishers have increased while recording industry profits have declined.²³² The recording industry argued that this comparison of profitability was one the Tribunal must take into consideration under the second criterion.²³³ Music publishers earned money regardless of whether or not the record company losses²³⁴ or breaks even²³⁵ and, continues to earn over a long period of time without any additional effort.²³⁶

The reliability of the financial data submitted by the music publishers was brought into question by the recording industry,²³⁷ in particular concerning the small amount of royalties distributed to controlled publishers.²³⁸ The recording industry argued that because income from foreign sources has become increasingly important to music publishers,²³⁹ if record companies must account for foreign license income, music publishers must also account for the foreign mechanical income from those same masters.²⁴⁰

According to the recording industry, the songwriter continues to make a significant contribution, but the role of the music publisher has declined,²⁴¹ and this has been caused by the growing importance of the singer-songwriter,²⁴² and the controlled publisher.²⁴³ Today, publishers are simply administrators,²⁴⁴ have minimal costs,²⁴⁵ and leave the promotion of a song up to the record company.²⁴⁶ Publishers rarely give advances to artists according to the recording industry,²⁴⁷ or spend significant sums to make music

available to the public.²⁴⁸ They therefore no longer fill their original role as discoverers of new talent.²⁴⁹ Music publishers bear little risk,²⁵⁰ and the relationship of their risk to their return is out of balance.²⁵¹ Their investment is minimal,²⁵² and the investment as well as risk even of artists is greater because they at least recover recording costs with their royalties.²⁵³

On the other hand, the recording industry fails to receive a fair income.²⁵⁴ Its pre-tax return has been below that of the Fortune 500,²⁵⁵ and its profitability has declined.²⁵⁶ The recording industry presented a study by the Cambridge Research Institute upon which to base its judgment about the industry,²⁵⁷ and the respondents to the study represent approximately 60% to 70% of domestic sales.²⁵⁸ In the view of the recording industry the study, if anything, overstates industry profits.²⁵⁹

The recording industry considered that it was important to take into account the year 1979 because it was a year in which the industry suffered severe losses.²⁶⁰ These were due to spiraling costs,²⁶¹ large volumes of returns,²⁶² consumer price resistance,²⁶³ the reduction in the number of albums sold per customer,²⁶⁴ sensitivity to price distributors as well as by customers,²⁶⁵ and piracy,²⁶⁶ counterfeiting, and home taping.²⁶⁷ The losses were not due to bad management.²⁶⁸ The heavy expenditures on sales that occurred was a decision that was based on experience,²⁶⁹ and it is always a gamble.²⁷⁰ In many instances the expenditures were demanded by the artists themselves.²⁷¹

The significance of 1979 was that it caused the industry to institute many changes which altered its character.²⁷¹

Costs were cut,²⁷² employees laid off,²⁷³ artist roster and new signings reduced,²⁷⁴ stricter policies adopted with regard to distributors and retailers,²⁷⁵ the number of releases cut,²⁷⁶ and prices lowered.²⁷⁷ Measures to combat counterfeiting were considered, but were found to be too costly.²⁷⁸ Artists agreed to accept lower royalties,²⁷⁹ but music publishers were not approached to do so because on the basis of its experience the recording industry did not expect the music publishers to agree.²⁸⁰ The present is a period of transition according to the recording industry,²⁸¹ and the industry stressed the significance of the structural changes that have occurred.²⁸²

Against this background the recording industry argued that in comparison with the copyright owner its role has expanded.²⁸³ The third statutory criterion requires that the relative contributions of the copyright owners and copyright user be compared, and the recording industry presented evidence to show its contribution is greater.²⁸⁴ Its role is vital in finding and producing talent,²⁸⁵ and continued to remain important in spite of the rise of the independent producer.²⁸⁶ Record companies develop artists' careers,²⁸⁷ introduce new technology,²⁸⁸ L.P.'s, stereo, tapes,²⁸⁹ reduce manufacturing costs,²⁹⁰ and bear the risk if new technologies don't succeed.²⁹¹ Recording companies make substantial capital investment,²⁹² bearing most costs,²⁹³ and these costs have risen faster than inflation.²⁹⁴ The risk borne by the recording industry²⁹⁵ can be measured by the fluctuation in profit levels,²⁹⁶ the volatility of returns,²⁹⁷ the

²²⁸ Ibid. p. 27.

²²⁹ Ibid. p. 159.

²⁷² Findings, pp. 59 and 64.

²⁷³ Ibid. p. 60.

²⁷⁴ Ibid. p. 60.

²⁷⁵ Ibid. p. 61.

²⁷⁶ Ibid. pp. 64-69.

²⁷⁷ Ibid. p. 65.

²⁷⁸ Ibid. p. 64.

²⁷⁹ Ibid. p. 66.

²⁸⁰ Ibid. p. 67.

²⁸¹ Ibid. p. 67.

²⁸² Ibid. p. 53.

²⁸³ Summary, p. 21.

²⁸⁴ Findings, p. 149.

²⁸⁵ Ibid. p. 97.

²⁸⁶ Ibid. p. 99.

²⁸⁷ Ibid. p. 100.

²⁸⁸ Ibid. p. 140.

²⁸⁹ Ibid. p. 141-142.

²⁹⁰ Ibid. p. 143.

²⁹¹ Ibid. p. 144.

²⁹² Ibid. p. 137-140.

²⁹³ Ibid. p. 111-118.

²⁹⁴ Ibid. p. 121.

²⁹⁵ Ibid. p. 126.

²⁹⁶ Ibid. p. 127.

²⁹⁷ Ibid. p. 127.

²³⁰ Summary, p. 20.

²³¹ Findings, pp. 134 and 130.

²³² Ibid. p. 137.

²³³ Ibid. p. 139.

²³⁴ Ibid. p. 135.

²³⁵ Ibid. p. 43.

²³⁶ Ibid. pp. 46-47.

²³⁷ Ibid. p. 45.

²³⁸ Ibid. p. 91.

²³⁹ Ibid. pp. 92-94.

²⁴⁰ Ibid. p. 94.

²⁴¹ Ibid. p. 43.

²⁴² Ibid. p. 47.

²⁴³ Ibid. pp. 47-48.

²⁴⁴ Ibid. p. 48.

²⁴⁵ Ibid. p. 50.

²⁴⁶ Ibid. p. 50.

²⁴⁷ Ibid. p. 51.

²⁴⁸ Ibid. p. 56.

²⁴⁹ Ibid. p. 57.

²⁵⁰ Ibid. p. 57.

²⁵¹ Ibid. p. 58.

²⁵² Findings, p. 59 and Summary p. 15.

wide variation in recording costs,²⁹⁸ and the number of firms leaving the industry.²⁹⁹ The riskiness of demand is increased because of the dependence for success upon a few albums,³⁰⁰ eighty percent (80%) of which don't break even.³⁰¹ Finally the recording industry claimed that it bears the responsibility for opening new markets.³⁰²

The recording industry argued that the mechanical royalty rate should not be changed because copyright owners are already earning a fair return,³⁰³ and the criteria under the statute are already satisfied.³⁰⁴ The current rate, according to the recording industry, maximizes the availability of creative works to the public.³⁰⁵ An increase in the rate would reduce this availability³⁰⁶ because it would cause the consumer to pay more, and the copyright owners would be those harmed.³⁰⁷ According to the recording industry, there is already an imbalance between the supply and demand of tunes,³⁰⁸ with the registration of tunes increasing³⁰⁹ and the number of releases declining.³¹⁰ No evidence exists that the number of tunes will increase if the rate is increased,³¹¹ but an increase in their price will reduce the recording industry's demand for them.³¹² Artist rosters would be reduced³¹³ and only those artists would be released who are already proven.³¹⁴ The most hurt would be smaller companies³¹⁵ and specialized music such as jazz.³¹⁶ The industry claimed that its marketing strategy would be jeopardized.³¹⁷ An increase in the mechanical rate, according to the recording industry, would therefore reduce the availability of creative works,³¹⁸ and from the standpoint of fair return, an increase in the rate would increase music publishers' profits without their being any economic need shown.³¹⁹

²⁹⁸ Ibid, p. 127.

²⁹⁹ Ibid, p. 128.

³⁰⁰ Ibid, p. 130-131.

³⁰¹ Ibid, p. 95, 96, and 131.

³⁰² Ibid, p. 146.

³⁰³ Ibid, p. 6 and 80.

³⁰⁴ Ibid, p. 293.

³⁰⁵ Summary, p. 25.

³⁰⁶ Findings, p. 161-167.

³⁰⁷ Ibid, p. 157.

³⁰⁸ Ibid, p. 174.

³⁰⁹ Ibid, p. 177 and 179.

³¹⁰ Summary, p. 26.

³¹¹ Findings, p. 179.

³¹² Ibid, p. 180-181.

³¹³ Ibid, p. 181.

³¹⁴ Ibid, p. 182.

³¹⁵ Ibid, p. 184.

³¹⁶ Ibid, p. 183.

³¹⁷ Summary, p. 32.

³¹⁸ Findings, p. 182.

³¹⁹ Ibid, p. 158-159 and CBS Findings, p. 22.

The recording industry claimed that an increase in the rate on the order of that proposed by the music publishers would produce a staggering impact and cost upon the industry.³²⁰ Cost increases have been supported in the past, but not of such a sudden magnitude.³²¹ Volume would drop,³²² and there would be a reduction in the number of releases.³²³ The increase could not be financed out of G & A expense, the industry claimed,³²⁴ manufacturing costs,³²⁵ or by negotiating reductions in artist royalties.³²⁶ The artist rather than bargain could go elsewhere.³²⁷ Higher prices would further stimulate piracy.³²⁸ According to the recording industry the cost could be as much as .83 cent per album,³²⁹ and the consumers pay \$335 million per year.³³⁰ There would also result a successive series of price rises.³³¹ Finally, the industry argued that as for the impact of an increase being lessened by bargaining this would not occur.³³²

The industry also opposed the concept that the mechanical rate should be set high enough so that it would encourage bargaining.³³³ The rate must be reasonable in order to meet the criteria, and if it is high enough to encourage bargaining, by definition it would be unreasonable.³³⁴ The recording industry argued that bargaining would still not occur even if the rate were increased.³³⁵ It does not occur on first releases now³³⁶ and the full rate is paid in the schlock market.³³⁷ The large majority of licenses are at the statutory rate the recording industry claimed,³³⁸ and language in licenses specifying the statutory rate has already been incorporated in them.³³⁹ In the past, rate reductions have been refused by music publishers,³⁴⁰ and it is to the statutory rate that the contracts of singer-songwriters are tied.³⁴¹ When the

³²⁰ Ibid, p. 150 and Summary, p. 27.

³²¹ Findings, p. 151.

³²² Ibid, p. 152.

³²³ Summary, p. 28.

³²⁴ Findings, p. 153.

³²⁵ Ibid, p. 154.

³²⁶ Ibid, p. 154.

³²⁷ Ibid, p. 155.

³²⁸ Ibid, p. 156.

³²⁹ Ibid, p. 167.

³³⁰ Ibid, p. 170.

³³¹ Ibid, p. 171.

³³² Ibid, pp. 206-208.

³³³ Ibid, p. 190.

³³⁴ Ibid, pp. 190-191 and Summary, p. 36.

³³⁵ Ibid, p. 194 and Ibid, p. 36.

³³⁶ Findings, 195.

³³⁷ Ibid, p. 196.

³³⁸ Ibid, p. 197.

³³⁹ Ibid, p. 198.

³⁴⁰ Ibid, p. 157.

³⁴¹ Ibid, p. 198.

rate went up to 2 1/4 cents, that was what the rate became.³⁴² The recording industry claimed that administratively tune-by-tune bargaining is impossible,³⁴³ and from the publishers' point of view makes no sense.³⁴⁴ The recording industry has no bargaining power because licensees traditionally are requested after a recording has already been made,³⁴⁵ and composing often takes place in the studio.³⁴⁶ It has been the Harry Fox Agency itself which has perpetuated the practice of not licensing until after a recording has been made.³⁴⁷ According to the recording industry bargaining on a tune-by-tune basis doesn't occur anywhere in the world.³⁴⁸

The recording industry argued that a historically effective rate has never existed.³⁴⁹ Rates today, according to the recording industry, range from 3.7% to 4.6% of suggested list price,³⁵⁰ and during the period 1955-1966 were approximately 4.6% to 5.2%, at no time reaching 6%.³⁵¹ As a percentage the rate has been further clouded by discounting.³⁵² The period 1955-1966 which, according to the recording industry, the publishers used on which to lose their historical comparisons bears no relationship with the industry today.³⁵³

The recording industry objected to the songwriters' proposal to increase the rate to 8% on the grounds that there is no basis for it.³⁵⁴ The true incidence of the Biem rate in Europe is not 8%³⁵⁵ but, according to the recording industry, significantly less.³⁵⁶ The recording industry objected further on the grounds that no study was made of the impact such a rate would have.³⁵⁷

The recording industry opposed changing the mechanical rate to a percentage.³⁵⁸ First of all, because there is the question as to the Tribunal's authority to do so,³⁵⁹ and second, because, a percentage rate would violate the statutory criteria.³⁶⁰ A

³²² Summary, p. 38.

³²³ Findings, p. 200.

³²⁴ Ibid, p. 202.

³²⁵ Ibid, p. 203.

³²⁶ Ibid, p. 204.

³²⁷ Ibid, p. 205.

³²⁸ Ibid, p. 202.

³²⁹ Ibid, p. 209 and Summary, p. 39.

³³⁰ Findings, p. 210.

³³¹ Ibid, pp. 212-213.

³³² Ibid, p. 211.

³³³ Ibid, p. 213 and CBS Findings, p. 37.

³³⁴ Ibid, p. 186 and Summary, p. 33.

³³⁵ Findings, p. 187.

³³⁶ Ibid, pp. 187-188.

³³⁷ Ibid, p. 189.

³³⁸ Ibid, p. 217 and CBS Findings, pp. 9-12.

³³⁹ Ibid, p. 258 and Summary, p. 48, and CBS Findings, pp. 9-12.

³⁴⁰ Findings, p. 217.

percentage rate would disrupt the industry and be unpredictable.³⁶¹ Royalty costs could not be predicted,³⁶² and the rate would be inflationary because royalties would be related to costs that are unrelated.³⁶³ To the extent the impact would be disruptive technological innovations would be discouraged.³⁶⁴ The cost to implement and administer would be great,³⁶⁵ involving new computer systems and increased input data;³⁶⁶ and all of these costs would have to be borne by the recording industry.³⁶⁷ the impact would be particularly great on small companies.³⁶⁸ The old flat rate would continue to exist with the new percentage rate, and therefore two systems would have to be maintained simultaneously.³⁶⁹

The recording industry argued that there is no comparison between a percentage rate for mechanicals and the practice of calculating artist royalties as a percentage.³⁷⁰ Royalties are not earned by artists until after their recording costs are recovered,³⁷¹ and artists bear other costs which are not born by composers.³⁷² Artists also play a marketing role that in the judgment of the recording industry composers do not,³⁷³ and their popularity is brief.³⁷⁴ The percentage system used for artists is not one the industry could adopt,³⁷⁵ primarily because many more calculations are involved in calculating mechanical royalties than with royalties for artists.³⁷⁶

The recording industry claimed that there is no relationship between the percentage rate proposed by the music publishers and practices in Europe.³⁷⁷ European mechanical royalties on a given record are not divided according to the time on that record a tune occupies,³⁷⁸ and in Europe the cost of administering the mechanical royalty system is born by the copyright owners.³⁷⁹ Complications have also arisen in establishing a base upon which

the percentage can be calculated,³⁸⁰ and a flat rate system is currently being contemplated.³⁸¹ The recording industry denied that there was any contradiction in its opposing a percentage mechanical royalty and at the same time advocating performance rights, in that the impact upon the American recording industry of introducing percentage mechanical royalty is dissimilar from that which would result if performance rights were adopted.³⁸²

The recording industry argued that the suggested list price would not be practical as a base.³⁸³ The increase of discounting and the issues raised concerning its legality cause it to be questionable that the suggested list price will still be in existence in 1987.³⁸⁴ According to the recording industry, wholesale prices would not serve as an alternative substitute.³⁸⁵ They vary between and within companies, and they change frequently.³⁸⁶ Because of the difficulty of determining what actual selling prices are, they also would not be a substitute.³⁸⁷

The recording industry opposed equally adjusting the mechanical royalty rate according to the Consumer Price Index,³⁸⁸ because changes in record prices were considered the fairest basis for any adjustment, not the CPI.³⁸⁹ No relationship exists between the CPI and record prices³⁹⁰ and with a cost of living adjustment no consideration would be given to the benefit to copyright owners of sales volume.³⁹¹ As a result, with a cost of living adjustment, the increase of mechanicals in the aggregate would be faster than inflation.³⁹² An increase in prices would be caused³⁹³ and this in turn would hamper industry growth.³⁹⁴ The recording industry questioned whether the CPI was an accurate measure of inflation,³⁹⁵ and argued finally that there is no relationship between it and the statutory criteria.³⁹⁶

Because the recording industry acknowledged that uncertainties do exist concerning the future and inflation, a

proposal was presented which was intended to meet these concerns.³⁹⁷ Under it, no change at present would take place with the current rate, but subsequent adjustments would occur in 1982 and 1985,³⁹⁸ proportional to the change in the average suggested list price of leading albums since 1980. The average price would be computed on the basis of the prices appearing during the year in *Billboard*, *Record World*, and *Cashbox*, and any disputes concerning the calculations would be resolved by a mutually acceptable public accountant.³⁹⁹ In the event suggested list prices are eliminated, other adjustments would be calculated on the basis of changes in average wholesale prices.⁴⁰⁰ The strength of this proposal, in the recording industry's judgments, was that, while not changing the current rate, it allowed for adjustments for inflation in the future.⁴⁰¹ Also, adjustments would be linked, not to an external index, but to one that reflects the condition of the industry.⁴⁰² The flat rate would be retained.⁴⁰³ The system would be self-executing.⁴⁰⁴ And no unlawful delegation of the Tribunal's authority, in the judgment of the recording industry, would occur.⁴⁰⁵ The recording industry considered that, as the year of the Tribunal's initial determination, the most appropriate base year was 1980.⁴⁰⁶ The lag in adjustment between the years would be compensated by sales volume.⁴⁰⁷

Economic Submissions of the Parties

Introduction

During the course of the mechanical royalty proceedings certain financial evidence was submitted by the parties. The evidence included six studies. The songwriters through AGAC and NSAI presented a study from Rinfret Associates, Inc., an economic consulting firm. The publishers presented studies by Robert Nathan Associates, an economic consulting firm and Praeger & Fenton, a certified public accounting firm. The RIAA representing the recording industry submitted a study of financial and operating performance. The Study was conducted by the Cambridge Research Institute, a management and economic research

³⁶¹ Ibid, pp. 217-218.

³⁶² Ibid, p. 220.

³⁶³ Ibid, p. 221.

³⁶⁴ Ibid, p. 223.

³⁶⁵ Ibid, pp. 227-245.

³⁶⁶ Ibid, pp. 229-230.

³⁶⁷ Ibid, p. 245.

³⁶⁸ Ibid, p. 242.

³⁶⁹ Ibid, p. 243.

³⁷⁰ Ibid, p. 224.

³⁷¹ Ibid, p. 224.

³⁷² Ibid, p. 224-225.

³⁷³ Ibid, p. 225.

³⁷⁴ Ibid, p. 225.

³⁷⁵ Ibid, p. 244.

³⁷⁶ Ibid, p. 245.

³⁷⁷ Ibid, p. 220.

³⁷⁸ Ibid, p. 220.

³⁷⁹ Ibid, p. 248.

³⁸⁰ Ibid, p. 252.

³⁸¹ Ibid, p. 248.

³⁸² Ibid, p. 229.

³⁸³ Ibid, p. 252.

³⁸⁴ Ibid, p. 252.

³⁸⁵ Ibid, p. 254.

³⁸⁶ Ibid, p. 254-255.

³⁸⁷ Ibid, p. 257.

³⁸⁸ Ibid, p. 264.

³⁸⁹ Ibid, p. 264.

³⁹⁰ Ibid, p. 265.

³⁹¹ Ibid, p. 266.

³⁹² Ibid, p. 268.

³⁹³ Ibid, p. 269.

³⁹⁴ Ibid, p. 270.

³⁹⁵ Ibid, p. 272.

³⁹⁶ Ibid, p. 273.

³⁹⁷ Ibid, p. 274.

³⁹⁸ Ibid, p. 274.

³⁹⁹ Ibid, p. 275.

⁴⁰⁰ Ibid, p. 276.

⁴⁰¹ Ibid, p. 276.

⁴⁰² Ibid, p. 277.

⁴⁰³ Ibid, p. 281.

⁴⁰⁴ Ibid, p. 279.

⁴⁰⁵ Ibid, p. 284.

⁴⁰⁶ Ibid, p. 287.

⁴⁰⁷ Summary, p. 61.

firm for the RIAA. The RIAA also submitted a study of Average Retail Prices of L.P.'s, Tapes, and Singles, and a study of Album Content and Tune Length.

Songwriters (AGAC and NSAI)

Rinfret Study

The Study by Rinfret Associates, Inc. (Rinfret Study) recommended an immediate upward adjustment of the statutory rate to at least eight percent of the suggested retail list price of phonorecords.⁴⁰⁸ The study rejected expressing the mechanical royalty as a flat cent rate, concluding that such rate is and would be unable to maintain its purchasing power under inflationary pressure.⁴⁰⁹

The Rinfret Study was based on economic data relating to inflation from 1909 to the present and on a survey of income data provided for the period 1974-1979 by 1017 songwriters in response to a questionnaire distributed to AGAC and NSAI members. Rinfret Associates conducted the survey in accordance with the Tribunal's Rules of Procedure. The underlying questionnaire responses were subsequently made available to counsel and the Tribunal for review. The questionnaire sought information with respect to the following categories: creative production of works; publishing history; recording history; recording sales success; songwriting income flow; songwriter publishing ownership interest; songwriter mechanical royalty share; sources of music related and other income; inflation protection; insurance benefits; and retirement provisions.⁴¹⁰

According to the study, in 1979 about 73 percent of the respondents received \$11,500 or less from music related sources of income, while 47.5 percent of respondents received up to \$11,500 total income from music and non-music related sources.⁴¹¹ Only 20 percent of the respondents claim to be able to support themselves as full-time songwriters, and 59 percent describe their income from songwriting as "completely unpredictable."⁴¹²

The Rinfret Study reports that the historical split of mechanical royalties among copyright owners has increased in favor of the songwriter's share. About 21 percent of respondents have complete ownership rights to the royalties generated by their copyrights; another

16 percent of respondents have more than a 50 percent interest.⁴¹³

The Rinfret Study shows that in real purchasing terms, the two cent statutory rate in 1909 had the equivalence of 14.5 cents of purchasing power in 1978 dollars based on the Consumer's Price Index.⁴¹⁴ The study also indicated that the 2 1/2 cent interim rate has also seriously eroded under inflationary pressure. In the period January 1978 (the effective date of the interim increase) to February 1980, the Consumer Price Index increased more than 20 percent; record and tape prices increased more than 10 percent; and the purchasing power of the price-fixed mechanical royalty decreased 18 percent.⁴¹⁵

The Rinfret Study contains data which show that while record companies are able to raise prices during periods of inflation, songwriters receive an ever-decreasing rate of return for their creative efforts.⁴¹⁶

The study recognizes that indexing a flat cent rate to changes in the cost of living would maintain some of the purchasing power of the intended adjustment. However, it regards the use of an index as less equitable than expressing the rate payable as a percentage of price. Under a cost-of-living adjustment, increases in the rate will always lag behind actual increases in inflation, thus perpetuating a built-in inequity.⁴¹⁷

The Rinfret Study concluded that data currently available strongly support an upward adjustment of the statutory rate and that the statutory royalty should be expressed as a percentage of the suggested retail list price of phonorecords in order to ensure a reasonable rate of return under existing economic conditions. The Study concluded that despite the availability of multiple sources of income, both music and non-music related, songwriting is a high risk occupation, deriving very low economic rewards, with few fringe benefits, and few protections against economic, financial and social adversity.⁴¹⁸ The Rinfret Study further concludes that a flat cent royalty is completely incapable of resisting inflationary pressure.⁴¹⁹

Publishers (NMPA)

Praeger & Fenton Study

The Tribunal requested NMPA and music publishers to assemble and

present data for the years 1977, 1978, and 1979 in the following areas: (a) Domestic and foreign revenues from mechanical royalties, performance fees, print license revenues, and revenues for administrative service to controlled publishers; (b) Expenses for mechanical, performance and print license payments; selling and promotion; general and administrative; and (c) Printing and miscellaneous income and total profit before tax. The Tribunal further directed "that the survey sample be structured so as to reflect the distinct roles of traditional and controlled publishers."

NMPA continues to maintain that the profitability of copyright owners is irrelevant to a fair determination under the criteria governing this proceeding. NMPA complied with the Tribunal's request for aggregate financial data and commissioned a financial survey of NMPA's 204 members and of 73 non-member music publishers considered to be associated with singer-songwriters for a total of 277.

The Survey of music publishers was conducted on behalf of NMPA by Praeger and Fenton, a certified public accounting firm. On October 1, 1980, NMPA submitted Aggregate Data Concerning the Financial Condition of Music Publishers to the Tribunal. Such data were based on the responses of 110 music publishers, 96 of which provided financial information. Accounting methods and reporting periods differed from response to response. The conclusion of the survey was that annual aggregate pre-tax income of traditional music publishers, based on revenues, ranged from 5% to 8.5%. Uncontroverted testimony demonstrated that even the modest return on revenues enjoyed by U.S. music publishers would be substantially lower if foreign-earned mechanicals were paid at the American rate. Based on the financial data submitted and allowing for market share and rate differentials, foreign royalties account for approximately 16 percent of U.S. publisher total revenues, 60 percent of which is paid out to songwriters. Foreign mechanical royalties would account for only seven percent of U.S. music publisher revenues if they were paid at the 2 1/2 cent U.S. rate.⁴²⁰

Analysis of the data submitted also shows that in 1979, U.S. music publishers would have earned not 8.5 but five percent return on revenues if foreign mechanicals has been paid at the American rate; in 1978, the seven percent return on revenues would have been reduced to 3.5 percent; and, in 1977, the 5.17 percent return on revenues

⁴⁰⁸ Rinfret Study, vol. 1, pp. 37-38.

⁴⁰⁹ Ibid, vol. 1, p. 35.

⁴¹⁰ Rinfret Study, vol. 1, pp. 4-5.

⁴¹¹ Ibid, vol. 1, pp. 11-13.

⁴¹² Ibid, vol. 1, pp. 6, 10, 15.

⁴¹³ Ibid, vol. 1, p. 10.

⁴¹⁴ Ibid, vol. 1, p. 27.

⁴¹⁵ Ibid, vol. 1, p. 35.

⁴¹⁶ Rinfret Study, vol. 1, pp. 22-34.

⁴¹⁷ Ibid, vol. 1, p. 36.

⁴¹⁸ Ibid, vol. 1, pp. 1, 35.

⁴¹⁹ Ibid, vol. 1, p. 1.

⁴²⁰ Tr. 10/9/80, Strauss, pp. 74-75.

would have been reduced to less than two percent.⁴²¹

Robert R. Nathan Associates, Inc. Study (Nathan)

Robert R. Nathan Associates, Inc. (Nathan) submitted analysis and data for the period 1909 to date on behalf of NMPA in accordance with the Tribunal's Rules of Procedure.⁴²²

The Nathan Study concluded that the statutory rate, historically equivalent to an effective rate of six percent of the suggested retail list price of phonorecords, has deteriorated to a level of little more than three percent of list price. The study further concludes that the compulsory license system no longer accommodates the proper function of the free market and denies copyright owners their right to negotiate royalties at a rate which fairly reflects the market value of their musical compositions.⁴²³

The Nathan Study indicates that during the period 1963-1974, record company gross revenues increased substantially, while the mechanical royalty rate declined as a percentage of record sales.⁴²⁴ The data presented illustrates that from 1963 to 1974, sales of recorded music increased from \$361 million to \$1,172 million.⁴²⁵ Those data further show that in the period from 1964 through 1974, aggregate royalties actually paid to copyright owners declined from an average of about 11.2 percent of record sales at wholesale to about 7.2 percent.⁴²⁶

The study indicates that in the period from 1964 through 1974, royalties paid by record companies to recording artists far outpaced mechanical royalties, rising to an average of 16.8 percent of record sales at wholesale.⁴²⁷

The study shows that between 1973 and 1979, the record industry experiences phenomenal sales growth, with record sales almost doubling, from \$2 billion to nearly \$4 billion at retail list price.⁴²⁸ It attributes such growth to two factors: an increase in unit sales (which may result in higher aggregate mechanical royalties) and an increase in the suggested retail list price of records (which does not). Unit sales of albums rose by 22 percent in the 1973-78 period, while the average suggested retail list price of albums and tapes rose 54 percent, and that of singles, 65

percent.⁴²⁹ Further, accompanying the increase in record prices was a continued decline in the number of songs per album, from twelve in 1965 to ten in 1979.⁴³⁰

The Nathan Study indicated the impact of inflation by stating that the original two-cent royalty of 1909 commands little more than one-tenth of its purchasing power today. Further, the study states that the 2 1/4 cent royalty presently in effect purchases today what the 2 cent royalty purchased in 1976. The study indicates a steady reduction in the number of songs per album. The volume of songs sold increased on average only two percent per annum in the period 1974-1979.⁴³¹

The Nathan Study further shows that the market position of copyright owners has deteriorated relative to that of others in the economy, including music arrangers, nonsymphony musicians, and industrial workers.⁴³² It shows that the market position of copyright owners has also deteriorated relative to that of performing artists. Available data show that average artist royalties range between ten and as high as twenty percent of list price.⁴³³

The Nathan Study does not regard increasing sales volume as an acceptable adjusting factor for inflation. The study shows that the increase in record sales volume has resulted in a mere two percent increase per annum in the volume of copyright songs sold to the public. Further, that aggregate mechanical royalties paid have not kept pace with record sales.⁴³⁴

The Nathan Study shows that mechanical royalties are paid at a higher rate abroad than in the United States. Moreover, in all countries (other than Canada and the Soviet Union), the royalty payable is expressed as a percentage of price.⁴³⁵

The Nathan Study concluded that the statutory royalty should be expressed as six percent of the suggested retail list price of phonorecords, to ensure that the royalty payable maintains its purchasing power under inflationary pressure.⁴³⁶ As stated in the Nathan report the royalty rate at the inception of the Copyright law was "at its ceiling rate of two cents per song thus came out to 24 cents per record . . . or six percent of the suggested retail list price."⁴³⁷

The Nathan Study strongly disapproves expressing the royalty as a

flat cent rate, for such rate would quickly reduce to a mere fraction of its intended purchasing power.⁴³⁸

The Nathan Study recognizes that indexing a flat cent rate to changes in the cost of living would maintain some of the purchasing power of the intended adjustment, but regards the use of an index as less equitable than a rate expressed as a percentage of price: Under a cost-of-living adjustment, increases in the rate payable always lag behind actual changes in inflation, thus perpetuating a built-in inequity.

In contrast, it finds that a royalty expressed as a percentage of price ensures that the compensation of songwriters and music publishers keeps pace not only with the price of records but also with the gross revenues generated by record sales.⁴³⁹

RIAA

Cambridge Research Institute Study (CRI)

CRI submitted data on behalf of RIAA covering the U.S. recording industry financial and operating performance. The CRI Study complements data derived from CRI's prior financial survey data of the recording industry which extends as far back as the 1950's. The current CRI Study updates the financial information for the period from 1977 through 1979 and also obtains information on current industry operations.

CRI's sample included label companies, which release top albums in the fields of pop, rock, jazz, folk, and classical. The sample included some major vertically integrated manufacturers, as well as a few very small and very large companies. In addition, the sample included representatives of some of the distribution patterns that exist in the industry.

The questionnaire was distributed in the summer of 1979 to all 68 RIAA member companies of which 14 recording companies responded. Not all companies supplied data for all the years requested.⁴⁴⁰

The CRI "Estimated Financial Statistics for the U.S. Recording Industry (1974-1979)" was based on the RIAA total industry sales figures which are generated by RIAA's Market Research Committee. The committee is composed of major recording companies executives. CRI used the committee's figures as a foundation, to expand its sample results to produce industry-wide aggregate financial figures.

⁴²¹ Tr. 10/9/80, Strauss, p. 76.

⁴²² Nathan Study, pp. 1, 6.

⁴²³ Nathan Study, p. 13.

⁴²⁴ Ibid, p. 14.

⁴²⁵ Ibid, p. 14.

⁴²⁶ Ibid, p. 14.

⁴²⁷ Ibid, p. 14.

⁴²⁸ Ibid, Table 1.

⁴²⁹ Nathan Study, p. 15.

⁴³⁰ Ibid, Table 2.

⁴³¹ Ibid, Table 11.

⁴³² Ibid, Table 9.

⁴³³ Ibid, Table 10.

⁴³⁴ Ibid, p. 44.

⁴³⁵ Nathan Study, pp. 40-41.

⁴³⁶ Ibid, p. 45.

⁴³⁷ Ibid, p. 10.

⁴³⁸ Ibid, Table 12.

⁴³⁹ Nathan Study, pp. 48-49.

⁴⁴⁰ CRI Study, p. 5.

The CRI Study produced an estimate of industry-wide profits which is more heavily weighted with larger firms.

To assemble a financial picture of the U.S. recording industry, CRI used estimation techniques to account for certain data that were not reported by individual respondents. The sample generated by the CRI Study produced an estimate of industry-wide profits.

The study shows that in terms of pre-tax profits (and losses), 1979 was the worst year for the recording industry in recent history. The CRI Study included a consolidated industry-wide income statement which was shown in two formats—one as a breakdown of each component in total dollars and the other format had the same components and totals expressed as a percentage of net sales. These formats excluded license income from U.S. masters licensed abroad.⁴⁴¹ Both statement formats were subsequently corrected because of tabulation error.⁴⁴²

The CRI Study contained data showing that for the years 1977-1979, the largest expense for the recording industry was production and manufacturing expenses (30.8%) and the second largest was artist and recording expenses (29.9%).⁴⁴³

CRI produced data on break-even points. It showed that more than 80% of most recordings fail to break even. CRI data on the profitability of artists' royalty accounts, showed that approximately 80% of the artists had unprofitable royalty accounts.

The CRI Financial and Operations Survey also included information on pricing of records; profile of recording sales; sales returns; and, personnel, artist, and singer/songwriters.

In addition to the Financial and Operations Survey, CRI conducted a survey of mechanical royalties on all tunes released by two respondent companies in 1978. The survey shows that the mechanical royalty rates are set at the statutory amount or a standard variation thereof for record club and budget/economy tunes.

Average Retail Prices Study

RIAA also submitted data reporting average retail selling prices of LP's, tapes, singles by type of distribution outlet for the period 1974-1979.

The retail price data in this study are based on information from a nationwide Consumer Panel maintained by an independent testing institute for CBS Records.

⁴⁴¹ CRI Study, Exhibits 1, 2, pp. 4-9.

⁴⁴² Fitzpatrick letter, July 17, 1980.

⁴⁴³ CRI Study, pp. 4-10.

The Consumer Panel consists of approximately 7,150 individuals, representing a sample of the record and tape buying public in the United States. Record and tape purchases of Panel members are monitored on a daily basis and the results are projected to national levels.

Each year, the reports of the Panel members are consolidated to produce average retail prices for that year by configuration and type of outlet.⁴⁴⁴ The Study shows that the suggested retail list price and also the actual selling price of LP's, tapes and singles has increased over the last six years. It showed that during the period 1974-1979, the average actual selling price of LP's increased from \$4.05 to \$5.79.

Album Content and Tune Length Study

RIAA submitted a Study of the top 150 albums listed in *Billboard* magazine's best-seller charts in order to obtain information about the composition and tune lengths of record albums.⁴⁴⁵ For purposes of the Study, RIAA selected at random the *Billboard* charts in the issues dated March 31, 1979 and January 19, 1980.⁴⁴⁶ The Study shows that the average number of songs per disk has continued to decline, from twelve tunes in 1965 to ten tunes in 1973, to nine tunes in 1979⁴⁴⁷ and that the majority of mechanical royalties on these 150 albums were paid at the statutory rate.⁴⁴⁸

The Study further shows that increased record sales volume has not compensated copyright owners for the increased length of their songs. Most recorded songs (77%) have an average playing time of less than five minutes.⁴⁴⁹

Legal Issues

Petition of the Music Arrangers

The American Society of Music Arrangers submitted to the Tribunal a petition on January 31, 1980 requesting a hearing on a proposal to require record companies to provide compensation to arrangers "in the form of a royalty to the arranger for every record sold, subject to the usual industry allowances for returns, promotion, etc."⁴⁵⁰ The Tribunal invited the parties to this proceeding to comment on this petition. Comments were submitted by AGAC, NMPA, and

⁴⁴⁴ Ibid, Exhibits 1, 2, 3.

⁴⁴⁵ Study, Appendix C.

⁴⁴⁶ Ibid, Appendix A, B.

⁴⁴⁷ Album Content and Tune Length Study, p. 3, line item 5.

⁴⁴⁸ Study, p. 5.

⁴⁴⁹ Ibid, p. 4, line item 12.

⁴⁵⁰ Letter of Eddy L. Manson, President, American Society of Music Arrangers, Jan. 31, 1980.

RIAA.⁴⁵¹ Each of these comments asserted that consideration of the petition would be beyond the jurisdiction of the Tribunal. After considering these comments and reply comments of ASMA,⁴⁵² the Tribunal rejected the petition.⁴⁵³ The Tribunal stated:

The Tribunal interprets 17 USC 115 as providing that the compulsory license royalty is to be paid only to the copyright owner of the original musical composition. Congress did not grant the Tribunal the statutory authority to create a new compulsory license. Rather the Congress, 17 USC 801(b)(1), expressly limited the Tribunal to the adjustment of reasonable copyright royalty rates as provided in Section 115.

The Mechanical Royalty Percentage Formulas Issue

The Tribunal on March 25, 1980 heard oral argument by the parties on a motion of RIAA requesting the Tribunal to issue an order declaring that any adjustment of the mechanical royalty rate to provide for the fixing of the royalty rate as a percentage of the price of the phonorecord would be beyond the jurisdiction of the Tribunal. We issued an order on March 27, 1980 stating in part:

The Tribunal has not found the arguments in support of the motion to be persuasive and the motion is therefore denied. The Tribunal will receive and consider evidence on proposed "mechanical royalty" percentage formulas.

The Tribunal has not in this proceeding adopted a royalty rate fixed as a percentage of the price of the phonorecord, therefore, it is unnecessary for the Tribunal now to further discuss this issue. We observe that our determination to retain a flat rate indexed to increases in record prices is not subject to RIAA's jurisdictional objections, and indeed, was urged upon us by RIAA.

The Issue of Burden of Proof

Our jurisdiction to provide for an adjustment of the mechanical royalty rate is derived from the same statutory authorization as our jurisdiction to adjust the royalty rate paid by operators of coin-operated phonorecord players (jukeboxes).⁴⁵⁴ We have analyzed the

⁴⁵¹ Letter of Alvin Deutsch, counsel for AGAC, Feb. 26, 1980; letter of Morris B. Abram, counsel for NMPA, Feb. 29, 1980; memorandum of RIAA, March 3, 1980.

⁴⁵² Reply Memorandum of American Society of Music Arrangers In Opposition To Memoranda Filed By the Recording Industry Association of America, the National Music Publisher's Association, and the American Guild of Authors and Composers, March 26, 1980.

⁴⁵³ Letter of Chairman Mary Lou Burg to Harris E. Tulchin, counsel, ASMA, April 7, 1980.

⁴⁵⁴ 17 USC 801(b).

issue of burden of proof in the opinion accompanying our final determination in the jukebox proceeding.⁴⁵⁵

17 USC 804(a)(1) mandated the institution of this proceeding. No party to this proceeding was required to sustain any general or specific burden of proof. Since it was obviously not possible for the Tribunal to hear simultaneous presentations of the direct cases of the parties, the Tribunal determined an order of presentation. In doing so, the Tribunal rejected any suggestion that the order of presentation implied any relationship to a burden of proof.

Likewise, the statutory language and the legislative history of the copyright revision bill excludes any presumptions concerning the "reasonableness" of the existing rate. Nor is the existing rate to be accorded precedential weight in the Tribunal's proceedings. The task of the Tribunal in this proceeding was to determine a "reasonable" royalty rate on the basis of the record before us and calculated "to achieve" the statutory objectives. Our findings and conclusions on these matters are set forth in considerable detail elsewhere in this document.

"Bargaining Room" Theory

It has been suggested during this proceeding that the Tribunal should adopt a royalty rate at the high level of a range within which there would be marketplace bargaining. RIAA has maintained that such action by the Tribunal would be contrary to law, as well as contrary to prevailing industry practice.⁴⁵⁶

The statute requires the Tribunal to establish a "reasonable" royalty rate calculated to achieve the statutory objectives. We adopt the view of RIAA that:

A rate that is deliberately fixed above the level that the market can bear—so that a lower rate can be negotiated in the marketplace—cannot be 'reasonable'. Such a rate would yield more than the 'fair return' to copyright owners mandated by the statute.⁴⁵⁷

In adjusting the mechanical rate, we excluded any consideration of the "bargaining room" theory.

The AGAC Motion To Strike

AGAC on July 15, 1980 filed a motion moving the Tribunal to strike from the record of this proceeding the economic study of the recording industry prepared by the Cambridge Research Institute, the reply comments of April 21, 1980

prepared by the Institute for RIAA, and the May 5, 1980 statement of David B. Kiser. AGAC subsequently expanded the basis for the motion because of the lack of access to certain Touche Ross market research information.

AGAC maintained that the refusal of RIAA to submit requested input data, including individual questionnaire responses, "violates the rules of the Tribunal (37 CFR 301.51), denies other parties the ability to conduct such cross examination as is necessary to disclose the facts fully and truthfully, and deprives the Tribunal of the ability to determine the accuracy, reliability, and truthfulness of the statements made in the CRI documents."⁴⁵⁸

Section 301.51(h) of the Tribunal's Rules of Procedure states in part that:

If requested, tabulations of input data shall be made available to the Tribunal.

AGAC has argued that it is impossible to establish whether statements contained in the Cambridge documents are reliable or accurate simply by questioning the author of the document. AGAC mentioned that it "is well settled that such studies should not be admitted in administrative proceedings unless the underlying questionnaires are made available."⁴⁵⁹

The Tribunal on October 14, 1980 denied the motion of AGAC.⁴⁶⁰ We were not persuaded that the granting of the motion was required by the Administrative Procedure Act, the case law, the Tribunal's Rules of Procedure or procedural fairness. The inability or failure of RIAA to disclose "confidential" input information in our view goes to the weight we should accord their evidence, not to its admissibility. This is particularly relevant to our proceedings since the Congress has not accorded the Tribunal subpoena power.

Determination of Royalty Rate

Preliminary Statement

The Tribunal held 46 days of hearings on the adjustment of the mechanical royalty rate. On the basis of the record in this proceeding, the Tribunal determined that an adjustment was appropriate.

Congressional Purpose

When Congress enacted the Copyright Revision Act of 1976 it specifically acknowledged the unfairness of the existing mechanical royalty rate: "(Although) a compulsory licensing system is still warranted as a condition

for the rights of reproducing and distributing phonorecords of copyrighted music . . . the present system is unfair and unnecessarily burdensome on copyright owners, and . . . the statutory rate is too low."⁴⁶¹

Congress mandated that the Tribunal commence rate adjustment proceedings on January 1, 1980 and publish its determination of a reasonable rate by year's end.⁴⁶² From review of the legislative history of the Act we find that Congress delegated plenary authority to this Tribunal to effect a reasonable rate payable under a compulsory license, and calculated to achieve the statutory objectives.

Congress increased the statutory rate to 2 1/4 cents per musical work made and distributed, or 1/2 of one cent per minute of playing time, or fraction thereof, effective January 1, 1978.

We find that the legislative history of the Act is clear that Congress did not find that the existing rate was fair as of 1976 or any other date. We further find that Congress did not intend the rate to be a precedent for the Tribunal nor to bind the Tribunal in any way.

The 1975 Senate Judiciary Committee Report on the copyright law revision stated:

The Committee does not intend that the rates in this legislation shall be regarded as precedents in future proceedings of the Tribunal.⁴⁶³

The House took the opposite view. The last sentence of section 801(b)(1) of the House amendment of the bill stated that the Tribunal's determinations adjusting mechanical royalty rates "shall be based upon relevant factors occurring subsequent to the date of the enactment of this Act."⁴⁶⁴

In conference, the House abandoned its position and the Senate view prevailed. The language in section 801(b)(1) restricting the Tribunal's consideration to events after 1976 was deleted, and the present criteria were inserted. The conference report stated:

The House receded on its language appearing in the last sentence of section 801(b)(1), and the conference agreed to a substitute for the language.⁴⁶⁵

From our review of the legislative history of the Act we conclude that Congress resolved the split between the House and the Senate to favor the Senate view that the rate of 2 1/4 cents was not a precedent for the Tribunal.

⁴⁵⁵ 46 FR 887, Jan. 5, 1981.

⁴⁵⁶ 17 U.S.C. § 804.

⁴⁵⁷ S. Rep. No. 94-473, 94th Cong., 1st Sess. p. 155 (1975).

⁴⁵⁸ H.R. Rep. No. 94-1476, p. 41 (1976).

⁴⁵⁹ H.R. Conf. Rep. No. 94-1733, p. 82 (1976).

⁴⁶⁰ AGAC Motion To Strike, p. 2.

⁴⁶¹ Ibid, p. 5.

⁴⁶² Tr. Oct. 14, 1980, pp. 270-271.

and that the Tribunal was not to limit its consideration to events after enactment of the Act. It is our opinion and we therefore find, that the legislative history of the Act shows that Congress delegated to the Tribunal sufficient authority to effect a *de novo* adjustment of the statutory rate, uninhibited by prior Congressional action, consistent with Section 801 of the Act.

Statutory Objectives

Our review of the legislative history of the Act indicates that the statutory criteria in section 801(b) originated with the suggestion of Professor Ernest Gellhorn and the Register of Copyrights that more definite criteria than "reasonableness" should be provided, in order to avoid a constitutional challenge to the Tribunal.⁴⁶⁶ Subsequently, the House Judiciary Committee included criteria in its report.⁴⁶⁷ The Conference Committee then included a revised version of the criteria in section 801.⁴⁶⁸

We therefore conclude that Congress drafted the criteria in the broadest terms that it could, consistent with its intent to prevent a challenge to the constitutionality of the Tribunal.

We also conclude, consistent with its Congressional mandate, that this Tribunal's adjustment must set a "reasonable" mechanical royalty rate designed to achieve four objectives, set forth in Section 801 of the Act:

- (A) To maximize the availability of creative works to the public;
- (B) To afford the copyright owner a fair return for his creative work and the copyright user a fair income under existing economic conditions;
- (C) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication;
- (D) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.⁴⁶⁹

Based on our review of the entire record in this proceeding and the legislative history of the Act, we have determined that a reasonable adjustment of the statutory rate must look to the application and operation of the regulatory system of which it is an integral part. We conclude from the record in this proceeding and the legislative history of the Act, that the

regulatory system was designed to remedy a perceived market deficiency, namely, attempts at monopolization by copyright users.⁴⁷⁰ We therefore find that the application of Section 115 is limited by the market deficiency which justifies its existence.

It is our opinion that the term reasonable in the statute is of dominating importance in reaching a final determination in this proceeding. Further we find by the express terms of Section 115 of the Act, that the compulsory license system is applicable only in the absence of a negotiated license.⁴⁷¹

We conclude that the Tribunal's authority to adjust the statutory rate payable under the compulsory license system is only limited by the fact that Section 115 of the Act operates on an individual and not an industry-wide basis. The legislative history of the Act makes it clear that Section 115 of the Act contemplates the compulsory use of an individual song, by an individual record manufacturer, after voluntary negotiation with an individual copyright owner has failed. Further that in exchange for that compulsory use, the Act contemplates a per-unit rate of compensation payable to the copyright owner on an individual basis by a copyright user.

Based on the entire record of this proceeding and the legislative history of the Act, we are of the opinion that the market then determines the total amount of royalties paid to each copyright owner for all uses. We thus conclude that under Section 115, the statutory royalty is designed to provide a reasonable rate of return on an individual per-use basis.

Further, consistent with the anti-monopoly purpose of the compulsory license system, a reasonable adjustment of the statutory rate should work to ensure the full play of market forces, while affording individual copyright owners a reasonable rate of return for their creative works.

To Maximize the Availability of Works

Section 801(b)(1)(B) of the Act mandates that the statutory rate payable under the compulsory license system be calculated "to maximize the availability of creative works to the public."

Under Section 115 of the Act, incorporated by reference in Section 801, the term "creative work" applies to the copyrighted non-dramatic musical composition subject to compulsory use. In our opinion the adjustment of the statutory rate payable under Section 115

of the Act is intended to encourage the creation and dissemination of musical compositions. This encouragement we find takes the form of an economic incentive and the prospect of pecuniary reward—royalties payable at a reasonable rate of return. The evidence shows that under the statutory objectives governing a reasonable adjustment of the statutory rate, the Tribunal must afford songwriters a financial and not merely a psychic reward for their creative efforts.⁴⁷²

RIAA argues that if the Tribunal were to grant a rate increase, recording companies would have to take serious steps to deal with these new costs, like reducing the number of releases, thereby reducing the quantity of creative works available to the public.⁴⁷³ They also argued that a rate increase might lead record companies to issue releases only by artists with a proven record of "home-run" albums, thereby reducing the variety of creative works available to the public.⁴⁷⁴ The Tribunal was not persuaded by these arguments.

The evidence in this proceeding shows that 2 1/4 cent statutory ceiling does not maximize the availability of commercially viable musical compositions to the public.⁴⁷⁵ It further shows that the 2 1/4 cent rate does not permit songwriters to maximize their creative outputs. We find nothing in this record which would justify any reasonable concern that the rate we have adopted will deprive the public of access to music.

Fair Return to the Copyright Owner and Fair Income for the Copyright User

Section 801(b)(1)(B) of the Act mandates that the statutory rate payable under the compulsory license system be calculated "to afford the copyright owner a fair return for his creative work and the copyright user a fair income under existing economic conditions."

We find that the *copyright owner's* right to receive a *fair rate of return* for the compulsory use of his song derives from Congress' decision to afford commercial protection to the author of a creative work.⁴⁷⁶ The evidence shows that in most instances, the rate of return afforded the copyright owner is determined on the free market. It further shows that in the case of the composer of non-dramatic musical composition, however, the rate of return from recordings is fixed under Section 115 of

⁴⁶⁶ 2nd Supp. Rep. of the Register of Copyrights (draft), Ch. XV, pp. 29, 31 (1975); 1975 Hearings, Part 3, pp. 1914, 1921-25.

⁴⁶⁷ H.R. Rep. 94-1476, p. 174 (1976).

⁴⁶⁸ H.R. Conf. Rep. No. 94-1733, p. 82 (1976).

⁴⁶⁹ 17 U.S.C. §801(b)(1)(A)-(D).

⁴⁷⁰ Knight Report, June 30, 1969, pp. 5-8.

⁴⁷¹ 17 U.S.C. § 115(b)(2).

⁴⁷² Tr. 7/31, p. 107.

⁴⁷³ RIAA Findings and Conclusions, p. 181.

⁴⁷⁴ Ibid. p. 182.

⁴⁷⁵ Tr. 7/8, pp. 44-48.

⁴⁷⁶ 17 U.S.C. § 102.

the Act. The statutory rate thus regulates the price of music.

The evidence shows that the copyright user's right to fair income under the compulsory license system derives from Congress' decision to permit entry into the music market by a potential copyright user.⁴⁷⁷ Accordingly, the statutory rate—triggered only after voluntary negotiations have failed—should work to permit any record companies to enter the market at will. Thus, Section 115 of the Act fixes a statutory rate as a royalty of reasonable resort.⁴⁷⁸

In our view, taking the entire record of this proceeding into consideration, including the available economic data and the relevant benchmarks of fairness, demonstrates that the statutory royalty payable under the compulsory license system should be adjusted upward to a rate of four cents, with an annual adjustment. The evidence shows that the current rate does not afford songwriters and music publishers, as copyright owners, a fair return for their creative work.⁴⁷⁹ The evidence also shows that adjustment of the mechanical royalty rate to four cents with annual adjustment will permit entry into the music market by a potential copyright user and will afford record companies the opportunity to earn a fair income.⁴⁸⁰

In our view the evidence did not demonstrate that a rate increase would prevent entry by record companies into the music market or that such an adjustment would fail to afford copyright users a fair income. We find the proponderance of the evidence was to the contrary. The evidence presented in our opinion confirms that the record industry flourished during the past decade. The evidence shows that during the past decade, the record industry developed into a four billion dollar enterprise, and sustained a high level of profitability, in every year but 1979.⁴⁸¹

It is our opinion, and we so find, that the evidence has failed to prove that a four cent rate will impede the industry's future growth or fail to afford its members an opportunity to earn a fair income.

Relative Roles of Owners and Users

The evidence shows that upward adjustment of the statutory rate to four cents with annual adjustment will best reflect the relative roles of the copyright

owner and the copyright user in the product made available to the public.

The evidence shows that the songwriter is the provider of an essential input to the phonorecord: The song itself. The music publisher collaborates with the songwriter in the creative process.⁴⁸² Sometimes the music publisher's role involves matching up a composer with a suitable lyricist,⁴⁸³ and sometimes matching up the singer and the song.⁴⁸⁴ The evidence shows that when independent producers are used, the role of the record company in the creative process is reduced.⁴⁸⁵

The record reflects that the role of music publishers and record companies is somewhat different in dealing with singer-songwriters—recording artists who record their own songs. We note that in that situation, sometimes it is the music publisher who finds and develops the singer-songwriter,⁴⁸⁶ and sometimes it is the record company. We find, however, that singer-songwriters are not subject to the mechanical royalty rate⁴⁸⁷ for the compulsory license, and instead negotiate total packages for their copyright performance package.

We determined from the evidence in this record, that on recordings which may be subject to the compulsory license, (i.e. not including singer-songwriter's recordings of their own songs) the creative contributions are made sometimes by the songwriter and music publisher, the copyright owners, as well as by the independent producer, and sometimes by the record company, the copyright user.

The evidence also shows that record companies also make a vital contribution to the production of a sound recording. They are engaged frequently in finding and signing the right talent; deciding on the material; directing the recording sessions; and in the development of artists' careers. In addition record companies' personnel are involved in packaging, graphics, marketing and promotion.

The evidence shows that record companies have substantial risks and cost. The evidence also shows that they have often succeeded in minimizing their risks and costs by transferring them to others. The evidence also shows that while the record company advances the money for recording costs, if the album achieves even moderate success, these recording costs are paid back to the record company, by the recording artist, before the artist receives any

actual royalties. The evidence also shows that once a recording artist has had one successful record, the record company has limited risk on subsequent records, because record company contracts with recording artist typically provide for cross-collateralization of recording artist royalties between different records.⁴⁸⁸ The evidence shows that record companies can cross-collateralize mechanical royalties with recording artist royalties—and charge recording costs against both types of royalties.

The evidence shows that at the manufacturing and distribution levels, record companies can minimize their risks through distribution systems which allow them to manufacture a very small number of records of a new release, before receiving indication of whether the release will have commercial success.⁴⁸⁹

It is our opinion and we so find that although the amount of money advanced by record companies as part of the recording process is significant, record companies have often succeeded in transferring the risk and cost of record production.

The evidence shows that new markets for creative expression and media for their communication may be opened through technological innovation, and through development of new types of music.

The evidence in the record shows that the development of different types of music is related to the geographic distribution of songwriters and music publishers, who are dispersed across the United States—unlike record companies which tend to concentrate in Los Angeles and New York City. A witness testified:

NMPA COUNSEL: So it's, in fact, important to have independent music publishers located across the nation; isn't that right?

THE WITNESS: Oh, I think so and they are, thank goodness. I think that we see music now coming from all over America. You've got * * * publishers in various sections of the country. (You've) got the music industry located in Miami. It's in Memphis. It's in Muscle Shoals, Alabama. It's in Birmingham, Alabama. It's in New Orleans, Louisiana. I'm talking South because I'm for the South. But I know it's in San Francisco, California; it's in Philadelphia, Pennsylvania. It's all over this country.⁴⁹⁰

The record reflects that the copyright owners rarely make any significant contributions in the way of technological innovation.

The record also reflects that record companies make contributions to the

⁴⁷⁷ Tr. 6/18, p. 21.

⁴⁷⁸ Tr. 5/14, pp. 36-37.

⁴⁷⁹ Nathan Study, pp. 45-50; Tr. 5/7, p. 108.

⁴⁸⁰ Nathan Study, pp. 7-23.

⁴⁸¹ Ibid, p. 21.

⁴⁸² Tr. 5/8, p. 50.

⁴⁸³ Tr. 6/12, pp. 89-115, 139-152, 155-158.

⁴⁸⁴ Tr. 6/26, pp. 118-119; Tr. 5/8, p. 63.

⁴⁸⁵ Tr. 5/8, pp. 49-77.

⁴⁸⁶ Ibid, pp. 32-33.

⁴⁸⁷ CBS Artist Contract, A-D, Tr. 7/22, p. 6.

⁴⁸⁸ Tr. 7/1, pp. 72-73.

⁴⁸⁹ Tr. 6/2, pp. 114-115.

opening of new markets through record clubs, mail order sales and television advertising campaigns. The record also reflects that the record companies make unique and distinctive contribution concerning technology, cost, risk and creativity.

We determined, however, that upward adjustment of the mechanical royalty rate to four cents, would best reflect, based on the evidence in the entire record, the relative contribution of copyright owners and copyright users, with respect to each of the criteria set forth in the Act: "creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication."

Disruption of the Industries

We determined that upward adjustments of the statutory rate payable under Section 115 of the Act to four cents with annual adjustment, will not have any disruptive impact on the structure of the industries involved or on generally prevailing industry practices.

We reject the contention that any immediate increase in the mechanical royalty payable to copyright owners, would be disruptive on the record industry. The record in this proceeding clearly shows that an increase in the compulsory license is necessary to afford copyright owners a fair return. We reject the argument that it would be difficult to pay that rate.⁴⁹⁰ We find the record void of any probative evidence to support that argument. On the basis of the record in this proceeding, we find that the record industry has been able to absorb other cost increases without any disruptive impact on the structure of the industries involved or on generally prevailing industry practices.

The record reflects that the record industry's ability to absorb other cost increases is demonstrated by comparison of record company costs in 1965 with record company costs in 1980. In 1965, evidence was submitted to Congress which stated that on a record listed at \$3.98, the record companies' total cost was \$1.26, of which 24 cents was attributable to the mechanical royalty rate (two cents x 12 songs).⁴⁹¹ In 1980, evidence was submitted to this Tribunal that on a record listed at \$7.98, the record companies' total cost was \$2.79, of which 27.5 cents was attributable to the mechanical royalty rate (2½ cents x 10 songs).⁴⁹² Thus,

between 1965 and 1980, all other record company costs went up from \$1.02 to \$2.51—an increase of 146 percent. At the same time, the mechanical royalty payments went up from 24 cents to 27.5 cents, an increase of 14.5 percent. The evidence shows that the rate of increase of all other record company costs during this fifteen-year period is ten times as great as the increase in the mechanical royalty rate.⁴⁹³

We determined that an increase in the mechanical royalty rate to four cents would produce a 40 cent royalty on a record listed at \$7.98. That would raise the mechanical royalty cost from 24 cents in 1965 to 40 cents in 1981—a 67 percent increase over fifteen years, during which time all other costs will have risen 147 percent. We note that if the record industry chose to absorb this 12.5 cent increase in mechanical royalties by reducing its profit margin from \$1.20 to 107.5 cents, the record company profit margin would still be 144 percent higher today than in 1965. This is 77 percent higher than the increase in mechanical royalties which would result from adjusting the rate to four cents.

We determined that the amount of the mechanical royalty increase to be absorbed or passed on by the record companies would not be disruptive of the industry. The evidence clearly shows that it would be substantially less than other cost increases which the record industry has been able to absorb, or pass on.

Erosion of the Statutory Rate

The evidence in this proceeding shows that the statutory rate has been seriously eroded by inflation, and does not afford copyright owners a reasonable return for their creative efforts. The evidence reflects that despite the astounding growth in market demand for music in the period 1974 to date, the return afforded copyright owners, as a proportion of record sales, has steadily declined.

The evidence shows that during the period 1963-1974, record company gross revenues increased substantially.⁴⁹⁴ The evidence also shows that in the period 1963 through 1974, sales of recorded music increased from \$361 million to \$1,172 million or 202 percent.⁴⁹⁵

The evidence also shows that in the period 1964 through 1974, aggregate royalties actually paid to copyright owners declined from an average of about 11.2 percent of record sales at wholesale to about 7.2 percent, thus relegating copyright owners to a

substantially weakened economic position vis-a-vis the users of their creative works.⁴⁹⁶

The evidence further shows that in the period 1964 through 1974, royalties paid by record companies to recording artists, negotiated on the free market, far outpaced mechanical royalties, rising to an average of 18.8 percent of record sales at wholesale.⁴⁹⁷

The record reflects that the available evidence shows that between 1973 and 1979, the record industry experienced growth, with record sales almost doubling, from \$2 billion to nearly \$4 billion at retail list price.⁴⁹⁸

The evidence shows that the increase in record sales volume has resulted in a two percent increase per annum in the volume of copyrighted songs sold to the public. Further aggregate mechanical royalties paid have not kept pace with record sales.⁴⁹⁹

The evidence in this record shows that all parties agree that the purchasing power of the statutory rate has seriously eroded under inflationary pressure. This erosion has become more severe since the 1950's, as inflation began to reach new levels.⁵⁰⁰ The evidence further shows that during the twelve-year period of copyright revision, the Consumer Price Index rose by 76 percent, thus reducing the purchasing power of the two cent flat fee to little more than half its value in 1965 dollars.⁵⁰¹ The record reflects that to restore the purchasing power which two cents had in 1965, when the Congressional hearings began, it would be necessary to set the mechanical royalty rate at more than five cents today.⁵⁰²

The evidence shows that the current rate has suffered a similar erosion. Congress enacted the 2½ cent interim rate on the basis of evidence describing conditions through the year 1974. In our opinion, and we so find, that even if the Tribunal were to ignore Congress' instruction that the existing rate have no precedential weight in the current proceeding, the evidence in this proceeding demands an immediate upward adjustment of the royalty to not less than four cents merely to restore the 2½ cents existing rate today to its effective purchasing power in 1974 dollars.

⁴⁹⁰ Ibid.

⁴⁹¹ Ibid.

⁴⁹² Ibid. p. 16.

⁴⁹³ Ibid. p. 44.

⁴⁹⁴ NMPA Chart A: Rinfret Study, Vol. 1, p. 22; Tr. 7/23, p. 90.

⁴⁹⁵ NMPA, Table 6.

⁴⁹⁶ NMPA Post-Hearing Brief, pp. 22-23.

⁴⁹⁷ RIAA Summary of Proposed Findings of Fact and Conclusions, p. 28.

⁴⁹⁸ 1965 CRI Report.

⁴⁹⁹ NMPA Exh. 54: RIAA Exh. BB.

⁵⁰⁰ NMPA Findings and Conclusions, pp. 167-168.

⁵⁰¹ Nathan Study, p. 13

⁵⁰² Ibid. p. 14.

Copyright Users

We note that the record industry claims that an increase in the statutory mechanical rates will bankrupt great record companies, will force others to drastically cut their operations, and will force increases of 300-700 million dollars to consumers. We reject all of these claims as we find no probative evidence in the record to support them.

The evidence in this record is clear that mechanical royalties are a small part of record industry costs; that when the mechanical royalty rate increased in 1978, the record industry did not reduce its other expenses, did not reduce the scope of its operations, and did not increase prices because of the change in mechanical royalties; and that the record industry has increased prices whenever it felt the market would bear it, even though mechanical royalties were frozen. The evidence shows that the impact of mechanical royalties on both the industry and consumers is trivial, compared to the effects of expenditures such as artists' royalties, promotional expenses, and general and administrative expenses, which are within the industry's control.

We have previously discussed our conclusions that the evidence indicates that any effect of changes in the mechanical rate are insignificant compared to the effects of costs within the industry's control, such as artists' royalties or selling, general and administrative expenses, or compared to the effects of general economic conditions. This is apparent from comparison of mechanical royalties to other record industry costs, from analysis of changes in various record industry costs, and from the events of 1978.

It is our opinion and we so find that the evidence also demonstrates that the adverse consequences of the 1979-80 recession were temporary and most of them have already been overcome.

The record shows that the record industry has introduced two kinds of evidence concerning its economic condition. The first was pessimistic testimony provided by representatives of the major companies. The evidence shows, however, that the testimony was contradicted by equally optimistic statements issued by the same companies (and in one instance by the same individual) to other audiences, such as stockholders, securities analysts and trade groups.⁵⁰³ We note that it is not unknown for corporations to plead poverty to regulatory agencies while

simultaneously making optimistic profit projections to their stockholders.

The second form of evidence introduced by the record industry, the CRI Economic Study, was subject to such deficiencies that it does not provide full data concerning the revenues, return on investment and the level of profit of the record industry. The record reflects that CRI's principal document was its revised Exhibit 1, attached to Mr. James Fitzpatrick's letter of July 7, 1980.

In our opinion the first major omission and uncertainty in this document is its starting figure for industry net sales, which is simply 50% of the RIAA estimate. The evidence shows that the estimate is produced by the RIAA Marketing Committee, which consists of a dozen representatives of large record companies. The evidence shows that they take an aggregate sales figure for the major record companies reported to them by Touche Ross, and adjust it by adding a guess at the sales of all other record companies.⁵⁰⁴ Without knowing either the figures reported by Touche Ross or the amount of the RIAA Marketing Committee "adjustment", one cannot know whether the estimates are based on Touche Ross' figures, or primarily reflect the "horseback guesses" of the marketing committee.

The record reflects that notwithstanding a request therefor, no evidence was submitted regarding the Touche Ross reports which purportedly underlay the net sales estimates reported in CRI Exhibit 1 for the years 1974-79.⁵⁰⁵ The evidence shows that there can be nothing confidential about the Touche Ross figures. They are aggregate figures, not individual company figures;⁵⁰⁶ they have been shown to representatives of the major competitors in the industry, who serve on the RIAA Marketing Committee.

The testimony of the record industry is consistent that their current practice is to request licenses from publishers only after an album has been recorded.⁵⁰⁷ The evidence shows that there is nothing in the process of recording albums that makes it impossible to decide upon a group of compositions in advance of recording, and to bargain with copyright owners for the most favorable rates on those compositions.

The evidence shows that at the present time, CBS artists' contracts require the artist to inform CBS of the compositions to be recorded several

weeks in advance of recording.⁵⁰⁸ One witness testified that compositions are selected before arrangements and instrumentation are chosen, before a studio is selected, before musicians are selected, and before recording begins.⁵⁰⁹

The evidence in the record shows that copyright users rarely invoke Section 115 of the Act. Further they exploit the statutory rate payable under a compulsory license to keep their mechanical royalty costs as low as possible, fixing the 2% cent royalty as a ceiling in all negotiations with copyright owners, even for first releases.⁵¹⁰

The record reflects that RIAA initially proposed that the Tribunal maintain the statutory rate at its current level, urging that increases in record sales, with consequent increases in total royalties payable to copyright owners as a group, compensate for the eroding effects of inflation.⁵¹¹ The Tribunal finds the record is void of any useful evidence to support that position.

The evidence shows that a copyright user who invokes the compulsory license for phonorecords pays the mechanical royalty rate directly to the individual copyright owner. What mechanical royalty fees are paid by the same copyright users, or other copyright users, to other copyright owner obviously has no effect on whether the individual copyright owner is receiving a fair return for the individual uses of his songs.

We conclude that it makes no difference to the songwriter, whose song is subject to the compulsory license for use on an album which sells 50,000 copies, that songwriters of best-selling albums receive more royalties, in the aggregate. In our view the fair return required by the statute is not to songwriters as a group but as individuals.

The evidence shows that from the standpoint of investment, risk, and technological innovation the record industry activities do often benefit the copyright owners. All these factors were taken into consideration in determining that the rate should be four cents and not higher.

The Tribunal concluded that while it was valuable for us to be aware of the financial status of both the recording industry and the copyright owners, the financial information received provided no clear guidance as to how to balance fair return as against fair income.

⁵⁰³ Tr. 7/30, pp. 106-109; CBS Artist Contracts, A-D, Tr. 7/22, p. 6.

⁵⁰⁴ Tr. 8/26, pp. 31, 34; RIAA Exh. G.

⁵⁰⁵ Tr. 8/18, pp. 22-23, 145; Tr. 8/19, pp. 78, 80; Tr. 8/25, p. 15.

⁵⁰⁶ Tr. 7/30, p. 122.

The Tribunal also concluded that while the rate must be viewed as payment on the individual basis and in principle royalty payments should not be considered in the aggregate, the size of the American market and the volume of records sold do constitute an advantage to the copyright owner. Therefore, although not on a one-for-one basis, volume can be taken into consideration when setting the rate, and for this reason the rate was not set as high as it is in Europe.

Copyright Owners

The record of this proceeding contains detailed analyses of the legislative history of Section 115. Our review of this history persuades us that Congress enacted the compulsory license as part of the Copyright Act of 1909 because it feared that the Aeolian Piano Roll Company would monopolize the music industry by entering into exclusive contracts with copyright owners. Accordingly, the Copyright Act provided that once a song was recorded, any record company—as a matter of right—could obtain a license at a statutory rate and record its own rendition of the musical composition.

As originally enacted, the compulsory license was thus intended to govern the relationship among copyright users—and not the relationship between copyright users and copyright owners. The compulsory license was intended to prevent formation of a "music monopoly" by guaranteeing to all mechanical producers full access to copyright music.

The evidence shows that the recorded music industry has experienced significant growth in the five-year period since Congress concluded its hearings on the compulsory license. It further shows that during that period, however, songwriters and music publishers, the copyright owners, have been limited to a mechanical royalty rate worth only a fraction of its former purchasing power, and yielding aggregate royalties equal to a decreasing percentage of record sales at the suggested retail list price. Further, that copyright owners have thus been relegated to a substantially weakened economic position.

The record reflects that between 1973 and 1979, sales of recorded music in the United States almost doubled, from \$2 billion to nearly \$4 billion. We note that sales growth was especially large in 1977, with a spectacular rise of 28 percent. Further, that in 1978, the industry enjoyed another huge growth increase—18 percent.

In our opinion, based on the evidence in this proceeding, the fortunes of the record companies, the copyright users,

have been enhanced in the last decade. The evidence shows that at the same time, the fortunes of songwriters and music publishers, the copyright owners—subject to a price-fixed mechanical royalty in a period of great inflation—have dwindled. We find that:

- The value of the fixed rate mechanical royalty has decreased under inflationary pressure. The 2 1/4 cent royalty enacted by Congress in 1976 is now worth only two cents in 1978 dollars. Thus, *the entire current increase has already been eroded by inflation.*
- The 2 1/4 cent ceiling rate is not paid to copyright owners across-the-board.
- The 2 1/4 cent mechanical royalty, as a rate of compensation, has not kept pace with the afforded performing artists, musicians, arrangers, and industrial workers.
- The 2 1/4 cent mechanical royalty rate is far less than comparable rates in England, Australia, Japan and Western Europe.
- Mechanical royalties paid in the period 1974-79 did not keep pace with record company gross revenues.⁵¹²

The evidence shows that in order to purchase today the same amount of goods which could have been purchased in 1909 for two cents, the copyright owner now needs 17.3 cents. The songwriter must have six songs recorded—if he is paid the full statutory rate of 2 1/4 cents—to earn the same purchasing power per song per record that Congress afforded his predecessors in 1909.⁵¹³

We note that nothing in the statute compels copyright owners to give any discounts to record companies. Nevertheless, the evidence shows that the copyright user in the past has successfully bargained for discounts from the statutory rate. The evidence shows that a majority of licenses are today issued at the statutory ceiling. The record reflects that pressures on copyright owners arising from the rampant inflation in the economy and the realization that their levels have fallen relative to those of other participants in the music industry, have made copyright owners more insistent on receiving ceiling and near-ceiling mechanical royalty rates for their musical compositions.

The Tribunal concurs with RIAA, that the NMPA Survey is not a reliable indicator of the financial condition or profitability of the music publishing industry. The survey may not include all income sources and the results may be

distorted because NMPA may have aggregated noncomparable data.⁵¹⁴

The record reflects that each exhibit of the study constitutes a separate study. Because each of the respondents did not fill out the entire questionnaire, there are inconsistencies and discrepancies from exhibit to exhibit. In addition, the number of total respondents to each exhibit differs;⁵¹⁵ the identities of the respondents differ from exhibit to exhibit;⁵¹⁶ and it is not possible to trace the financial statements from one exhibit to another for a single group of companies.⁵¹⁷

As discussed above, we conclude that while it was valuable for the Tribunal to be aware of the financial status of copyright owners and users, the information we did receive provided us with no clear guidance as to how to balance fair return as against fair income.

International Comparison

The evidence shows that mechanical royalties are paid at a higher rate abroad than in the United States. Further, that mechanical royalties per album in most European countries and Japan are approximately double the royalties paid in the U.S.⁵¹⁸ The Nathan Study found no economic or policy justification for this disparity. Moreover, in all countries (other than Canada and the Soviet Union), the royalty payable is expressed as a percentage of price, to ensure that the statutory or negotiated rate maintains its purchasing power under inflationary pressure.⁵¹⁹

We find that the foreign experience is relevant—because it provides one measure of whether copyright owners in the United States are being afforded a fair return.

The record reflects that the foreign comparison is relevant for a number of other reasons. First, rights of mechanical reproduction for sound recordings are licenses through most of the world as they are in the U.S., with copyright owners granting phonorecords nonexclusive rights to exploit copyright works in return for compensation in the form of royalties.⁵²⁰ Second, large record producers are predominant in Western Europe and other parts of the world, as in the United States.⁵²¹ Third, music publishers play a similar role abroad as in the United States—as "the one hundred percent associate of the writer.

⁵¹⁴ Tr. 10/18, pp. 36-37, 95-96, 117-118, 171-173.

⁵¹⁵ Ibid. pp. 122b-123a.

⁵¹⁶ Ibid. pp. 124-125.

⁵¹⁷ Ibid. pp. 123a-124.

⁵¹⁸ NMPA, Table 20.

⁵¹⁹ Nathan Study, pp. 40-41.

⁵²⁰ Tr. 6/3, pp. 13-14.

⁵²¹ RIAA Exhibit, 1, 2.

⁵¹² Nathan Study, p. 27.

⁵¹³ Ibid. p. 28.

He is the one that gets an assignment from the writer . . . and . . . performs the duty of exploiting the work by all means and not only nationally but internationally." ⁵²² Fourth, both here and abroad, the recorded music industry is dependent upon copyright owners for an essential input. The evidence in this proceeding shows that despite these substantial similarities, the market position of the copyright owner in the United States is much weaker than his colleagues abroad.

The evidence also shows that the actual royalty payable to copyright owners whose songs are used in each of the BIEM member nations provides a benchmark against which to judge the 2 1/4 cent rate—equivalent to a royalty of 27 1/2 cents per LP, assuming ten songs on a disc. The evidence was clear that against that benchmark, American copyright owners do not receive a fair return for the use of their creative efforts in their native land. ⁵²³

In reaching our determination in this proceeding, we found that an increase in the rate is justified in order to make the price paid for a tune in the United States comparable with what is paid elsewhere. There are differences between the markets in Europe and in the United States. Nevertheless, in Europe the rate is set by market forces, and this was seen as an indication that the U.S. rate has been too low.

Singer-Songwriter

The record industry has sought to make some point of the apparent earnings of the publishers controlled by singer-songwriters. ⁵²⁴ That position ignored the fact that singer-songwriters, who usually record the first and only use of their own songs, are not subject to the compulsory license in a legal or practical sense. The evidence shows that they can freely negotiate their entire royalty packages, including both artist royalties and mechanical royalties. As discussed above, by its terms the compulsory license system does not apply to the first release of a musical composition, and is triggered only in the absence of a negotiated license. ⁵²⁵

The evidence and history of the Act clearly shows that mechanical royalties received by singer-songwriters and their controlled publishers are not governed by the compulsory license. The evidence also shows that they are set by the contracts between singer-songwriters

and record companies, and are entirely the product of bargaining.

The Tribunal thus concluded that because mechanical royalties are only a small part of the total contractual package between record companies and singer-songwriters, and these packages are the result of free negotiation, the amount of royalties singer-songwriters receive was not considered an issue.

Interest of the Consumer

We reject the claim that increasing the mechanical royalty rate would automatically force record companies to raise suggested retail list price. That claim is not supported by any probative evidence in the record.

The record industry argued that increases in royalties are different from other costs. They also argued that cost increases at the wholesale level are passed through, with a multiplier effect, to the retail level. The Tribunal finds that these arguments are not supported by any evidence in the record.

As noted above, increases in mechanical royalties are no different than increases in other record company costs. The evidence shows that since 1965, record companies have been able to absorb or pass on other cost increases totaling \$1.49 per LP—during a time when mechanical royalties per LP increased only 3.5 cents, from 24 cents to 27.5 cents. The fact is, as a witness testified:

No specific cost results in a (price) increase. It's the aggregate of all of these costs that will generally contribute to a price increase. ⁵²⁶

It was claimed that increasing the mechanical royalty rate would be multiplied by the distribution chain, increasing cost to the consumer. ⁵²⁷ The evidence shows that increases at wholesale do not have an automatic multiplier effect through the distribution chain to the retail level. The evidence also shows that between 1965 and 1980, record companies increased their average margin per LP from 44 cents to \$1.20—an increase of 76 cents. The record does not show why a 76 cent increase in the average profit margin cost the consumer \$2.28 per album.

The evidence also shows that reductions in record company costs have not had a reverse multiplier effect, reflected in lower consumer prices. The record reflects what happened when 10 percent federal excise tax, levied on the wholesale price of phonograph records, was repealed by Congress in 1965. In 1965, the tax came to about 19 cents per album—10 percent of the \$1.90

wholesale price. The evidence shows that when Congress repealed the tax, its primary rationale looked to consumer protection, i.e. the tax was a regressive measure which had a disproportionate impact on low income consumers. ⁵²⁸

The evidence also shows that after repeal of the excise tax, according to RIAA's own analysis, record companies should have been able to lower the suggested retail list price by between 38 and 57 cents—based on RIAA's claims of a "multiplier" effect. The evidence shows that the industry did not pass the "multiplied" saving on to the consumer. Further that for a short time after repeal of the excise tax in June 1965, \$3.98 suggested retail list prices were reduced by precisely the amount of the cost deduction, 19 cents, to \$3.79.

The record reflects that there is not always an economic reason to increase suggested retail list price. ⁵²⁹ Stan Cornyn, of Warner Bros. Records testified:

Well, we have raised some prices. It's an obvious answer and in my experience records that were once \$3.98 or \$4.98 when I started buying albums, it seems that over the years they have gone up a magic dollar every once in awhile.

And I find something remarkably different happening at this time. Usually when they have gone up, one manufacturer has announced it and somehow within 48 hours, the whole industry seems to be at that next level almost like the raising or lowering of the price rate.

Somehow every bank in the country gets on that very quickly. And that happened when it went from \$4.98 to \$5.98. And clearly the viability of \$7.98 was on the table for us a year or year-and-a-half ago. ⁵³⁰

The evidence further shows that if record companies raise their prices, there is no reason to expect that distributors and retailers will add on their percentage markups to such increases, so as to multiply the amount passed on to customers. Further that distributors' and retailers' markups cover their operating expenses and their profits. The evidence shows that their operating expenses are principally labor and space charges, which do not change as the prices of their goods increase. ⁵³¹ Further that the same is true for retailers. The evidence also shows that like any businessmen, distributors and retailers increase their profits to the extent that competition and consumer price resistance will allow. ⁵³²

We find that there is no evidence in this record and no reason to believe that

⁵²² Tr. 6/31, pp. 37-38.

⁵²³ NMPA Table 20; Tr. 7/1, pp. 47-60; Tr. 7/4, p. 69.

⁵²⁴ RIAA Exh. VV.

⁵²⁵ 17 U.S.C. § 115.

⁵²⁶ H.R. Rep. No. 433, 89th Cong., 1st Sess. 25 (1965); S. Rep. No. 324, 89th Cong., 2d Sess. 29 (1965).

⁵²⁷ NMPA Exh. 67; Tr. 8/6, pp. 89-90.

⁵²⁸ Tr. 7/1, p. 89-90.

⁵²⁹ Tr. 7/30, pp. 91-94.

⁵³⁰ Ibid. p. 94.

record company price increases are dependent upon increases in mechanical royalties. Further it is clear that distributors and retailers do not automatically add a "markup" or "multiplier" to record company general price increases.

Determination of the Amount of the Royalty Adjustment

We determine that the evidence before this Tribunal conclusively demonstrates that there should be an immediate substantial increase in the mechanical royalty rate—to at least four cents per song—and that the rate should be adjusted annually to reflect increases in record prices.

The evidence shows that a comparison of evidence submitted to Congress during the period of copyright revision with evidence submitted to this Tribunal demonstrates that between 1955 and 1979 the "ceiling" of mechanical royalty payments—assuming that the statutory rate is paid on every song—declined. The record reflects that all parties agree that the purchasing power of the statutory rate has seriously eroded under inflationary pressure. Further that this erosion has become more severe since the 1950's, as inflation began to reach new levels.⁵³³

The evidence shows the market position of copyright owners has drastically deteriorated in absolute as well as relative terms. Likewise, the mechanical royalty rate has deteriorated relative to other record company costs. Evidence submitted shows that record company sales and promotion and general and administrative expenses have increased.⁵³⁴

Although we have concluded that aggregate statistics are less meaningful—because the rate must be fair on an individual basis—industrywide statistics confirm the deteriorating market position of the copyright owner. Evidence in the record shows that in 1955, mechanical royalties were \$11.04 million, slightly more than recording artist royalties of \$10.21 million. The evidence also shows that by 1979, mechanical royalties were \$117.7 million, barely one-fourth of recording artist royalties, which totalled \$466.2 million.⁵³⁵

The Tribunal concurs with Mr. Nathan's conclusion that increases in record sales volume do not compensate for the erosion of the mechanical royalty as a rate of return afforded copyright

owners for the individual use of their songs by record manufacturers.⁵³⁶

The record reflects that as a matter of economic fact, volume has not compensated for the erosion of the mechanical royalty rate. First, increases in sales volume in the period 1974 to 1979 have not kept pace with increases in the suggested retail list price of phonorecords. During that period, average list prices increased from \$4.91 to \$7.09—or 44 percent. Likewise, average actual consumer prices increased from \$4.05 to \$5.79—or 43 percent in the five-year period.⁵³⁷ Further shows that during the same five-year period, the number of songs sold increased from 4.5 billion in 1974 to 5.071 billion in 1979—barely two percent on average per annum.⁵³⁸

Second, the evidence shows that increases in sales volume in the period 1974 to 1979 have not kept pace with increases in the Consumer Price Index, which in that same five-year period increased from 147.7 to 217.4—or 47 percent.⁵³⁹ The evidence also shows that although the volume of songs sold increased on average only two percent per annum over the last five years, record prices and the Consumer Price Index increased on average nine percent.

The record reflects that an increase in the mechanical royalty rate as determined will have none of the dire effects predicted by the record industry. Further evidence is what happened in 1978 and 1979. The evidence shows that in 1978 the statutory rate increased for the first time in 69 years; the increase was approximately 40%. In 1979, a general recession began. The evidence shows that in 1979 there were budget cuts, firings, and reductions in the signing of new acts. In 1978 none of these things happened; indeed the evidence in this proceeding shows no adverse events at all in 1978.⁵⁴⁰

The record reflects the reason why the mechanical rate increase had no effect when compared to other industry expenses. The evidence shows that in 1979, *after* the statutory mechanical rate increase had become fully effective, other record industry expenses stood in the following relation to mechanical royalties;

Artists' royalties were 4 times as large. Production and manufacturing expenses were 5 times as large.

Selling and promotion expenses were 4% times as large.

General and administrative expenses were 2 times as large.⁵⁴¹

The evidence further shows that even a comparison of changes from 1977 to 1979, which gives undue emphasis to the single increase in the mechanical rate, indicates how trivial was that increase compared to other record industry expenses.⁵⁴² Taking the entire record of this proceeding into consideration, we find there is no reason for this Tribunal to consider that future increases in mechanical royalty rates would be any more significant to the record companies than was the 1978 increases.

The Adjusted Rate

The Tribunal has determined that the application of the statutory criteria to the evidence in this proceeding demonstrates that the mechanical royalty rate must be adjusted to either four cents, or three-quarters of one cent per minute of playing time or fraction thereof, whichever amount is larger, for every phonorecord made and distributed on or after July 1, 1981. We further determined that in order that the rate shall remain reasonable until this Tribunal may next convene rate adjustment proceedings in 1987, it is necessary to set the rate in a manner that will respond to changes in record prices.

A review of the entire record also shows that there is no evidence to support; no logic behind, and certainly no equity in, a rate which does not approach a reasonable rate. We, therefore, determined that any adjustment to the rate should and must be directly related to the retail list price of records, now and in the future.

Taking the entire record in this proceeding into consideration, we have determined to adjust the mechanical royalty upward from the rate adopted by Congress. The record shows that evidence was submitted to this Tribunal relating to changes in record prices since the last year for which Congress apparently had data to date.

We have determined that from the time that Congress apparently had such data, record prices increased substantially; we further determined that the 2 1/4 cent existing rate has also seriously eroded under inflationary pressure.⁵⁴³

⁵³⁶ CRI Exhibit 1-3.

⁵³⁷ AGAC Cross Exh. 2.

⁵³⁸ Economic Study of Average Retail Prices of LP's, Tapes and Singles from 1974-1979, submitted by RIAA, date April 7, 1980. Economic Study of the Record Industry for the Section 115 Rate-making Proceeding, prepared by Cambridge Research Institute for RIAA, April 7, 1980. NMPA Table 15.

⁵³³ NMPA Chart A; Rinfret Study, Vol. 1, p. 22; Tr. 7/23, p. 90.

⁵³⁴ Globet Report, pp. 47-48; James Fitzpatrick letter 7/17/80, Exh. 3.

⁵³⁵ NMPA Table 10; NMPA Chart G.

⁵³⁶ Tr. 5/14, p. 61.

⁵³⁷ NMPA Table 15, 16.

⁵³⁸ Nathan Reply Comments, Table 13.

⁵³⁹ NMPA Table 15, 16.

⁵⁴⁰ Cornyn, 7/1, pp. 21-22, 35-36, 54-55, 62-64; 7/2,

52-54; Butler, 8/26, pp. 72, 83, 88-90, 141-142;

McCracken, 7/15, pp. 25-26, 75-77.

The Tribunal recognizes that Congress intended that the rates in the Act should not be regarded as precedents in future proceedings of this Tribunal. We have not in our determination, considered the rates established by Congress as precedential but we have taken them into consideration as a "benchmark of reasonableness."

We thus determined under the governing criteria of the statute and the evidence in this record, that the rate of 2.75 cent or $\frac{1}{2}$ cent per minute of playing time, thereof established by Congress must be adjusted upward to either four cents, or three-quarters of one cent per minute of playing time or fraction thereof. The new rates shall become effective July 1, 1981 for every phonorecord made and distributed after that date.

We further determined that in order to ensure the copyright owners a continuous fair return, the above rate must be adjusted annually. The adjustment shall only take place if the record industry increases, during any 12 month period, the average suggested retail list price of records.

On December 1, of each year, beginning in 1981, the Tribunal shall publish in the *Federal Register* a notice of any further changes in the rate which shall be directly proportionate to the change, if any, in the average suggested retail list price of albums between the twelve-month period ending October 31, of the preceding year and the twelve-month period ending October 31 of the year in which the notice is published.

We determined from the evidence in this record that the use of suggested retail list price is a "total prevailing" industry practice in the United States record industry.⁵⁴⁵ The evidence before us did not disclose a single example of a single phonorecord made and distributed in the United States without a suggested retail list price.

The evidence shows that most record companies in the United States, including all of the major companies with the exception of CBS and Capitol, use suggested retail list price as the basis for computing royalties payable to recording artists and procedures.⁵⁴⁶ The evidence also shows that many record companies are currently obliged, by existing contracts, to maintain suggested retail list price at a fair level, consistent with its accepted meaning in the industry.

The record shows that the question has been raised regarding the possibility

that suggested retail list price will be abandoned in this country. The evidence shows, however, that the extensive use of suggested retail list price in artist royalty contracts and in marketing practices, makes that prospect highly unlikely. The record also shows that the record industry would disrupt its own industry practices if it chooses to abolish suggested retail list price.

The Tribunal determined that if a particular record company abandons suggested retail list price, the annual adjustment shall be based on change in the average wholesale price of albums for the corresponding periods.

We further determined that in the event a different configuration of phonorecords becomes the predominant configuration of phonorecords made and distributed in the United States, changes in the average suggested retail list price or average wholesale price of that configuration shall be used as the basis of the adjustment.

We further determined that the average suggested retail list price or average wholesale price shall be determined by the Tribunal from Tribunal conducted surveys and/or studies. Further, that persons affected by an adjustment will have the opportunity to submit comments, surveys, studies, or recommendations to the Tribunal for consideration. In addition, voluntary agreement on an adjusted rate by parties affected, can be submitted for the Tribunal's consideration.

The Tribunal determined that the transitional provision followed by Congress equitably balanced the interests of copyright owners and copyright users. We found that to apply the new rates to phonorecords made and distributed after the effective date of any royalty adjustment is less disruptive to the industries and is in accordance with current generally prevailing industry practices.

Conclusion

In considering a reasonable adjustment of the mechanical royalty rate for the compulsory license, the Tribunal considered all the relevant evidence in the record. We recognized that a still raging inflation has occurred since the last year for which Congress apparently had financial data.

We find that the record companies, the copyright users, are able to increase the price of their products to insure themselves a fair income. On the other side, however, the songwriters and their music publishers, the copyright owners, suffer an unreasonably low mechanical royalty, payable at an ever diminishing rate in real dollars. We, therefore,

conclude that as a matter of substantial evidence of record, the 2 $\frac{1}{4}$ cent statutory rate is unreasonably low and does not implement the statutory criteria.

Based on our consideration of the entire record of this proceeding: our consideration of the evidence which has occurred since the last year for which Congress apparently had financial data; our consideration of the average retail list price evidence; and our consideration of the inflationary rate evidence, we conclusively find that an adjustment of the royalty to four cents with annual adjustment is warranted as of July 1, 1981.

We conclude that while the Tribunal must seek to minimize disruptive impacts, in trying to set a rate that provides a fair return it is not required to avoid all impacts whatsoever. The fact that an increase in the rate will increase costs is not *per se* an argument against raising the rate. There have been benefits to others from cost and price increases in the past without any benefit to the copyright owner.

We further conclude that under the controlling criteria and substantial evidence of record that an upward adjustment to four cents with annual adjustment as adopted by this Tribunal in its final determination on December 19, 1980 and published in the *Federal Register* of January 5, 1981 (45 FR 891) is warranted.

Note.—Commissioners James, Brennan, Coulter and Garcia concurred in the above opinion. Commissioner Burg has written minority views.

Clarence L. James, Jr.

Chairman, Copyright Royalty Tribunal.
January 29, 1981.

Minority Views of Commissioner Burg

I disagree with and dissent in the decision to adjust the rate of royalty payable under compulsory license for making and distributing phonorecords to four cents for each work embodied in the phonorecord, or three-quarters of one cent per minute of playing time or fraction thereof, subject to annual adjustments based on the change, if any, in the average suggested retail list price of albums.

In my opinion an increase in the flat rate of this magnitude, more than 45% over a rate that has been in effect for three years, coupled with a yearly adjustment which in all probability will have an immediate multiplier effect, ignores the statutory criteria, particularly 17 U.S.C. 801(b)(1)(B) which admonishes the Tribunal "to afford the copyright owner a fair return for his creative work and the copyright user a fair income under existing economic conditions." I do not believe the function of this Tribunal, the 1980 royalty rate review as mandated by Congress, is to redress inequities, real or imagined retroactively. I am persuaded that

NMPA Table 2, NMPA's Dec. 15, 1980 letter to Commissioners Brennan and Coulter.

⁵⁴⁵ Tr. 6/19, pp. 18-19.

⁵⁴⁶ Tr. 7/2, pp. 86-89.

when Congress enacted the 37 1/2% increase in the mechanical rate in 1976 it was aware of and took into consideration the 1978 effective date of the revised legislation, and the subsequent review by the Tribunal in 1980. The evidence in this proceeding is incontrovertible that Congress reviewed the financial data of the record industry through calendar year 1974, and set the 2 1/4 cents rate accordingly.

Therefore, my initial preference was to designate 1978 or 1980 as the base year, increase the mechanical rate to 3.25 cents per tune effective January 1, 1982 and provide upward adjustments in 1984 and 1988. Consequently in an effort to embrace the resolution I indicated I would accept 1975 as the base year, a year which also can be supported by the evidence in this proceeding, and a year which would have produced a rate of 3.8 cents per tune. I would have accepted periodic adjustments reflecting the change in record prices. However I am opposed to annual adjustments as being unavoidably disruptive on generally prevailing industry practices, which in my opinion ignores the statutory criteria, 17 U.S.C. 801(b)(1)(D).

Furthermore the package increase adopted by the majority will without question be borne by the consumer, triggering a substantial and unnecessarily excessive cost impact.

To conclude I strongly believe this mechanical rate increase to 4 cents per tune with yearly adjustments cannot be supported by the record in this proceeding and is indefensible in the light of commercial realities.

[FR Doc. 81-3832 Filed 2-2-81; 8:45 am]

BILLING CODE 1410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-4-FRL 1743-8]

Georgia's Application for Phase I Interim Authorization of a State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of final determination.

SUMMARY: The purpose of this notice is to announce the final determination that has been made in regard to an Application for Phase I Interim Authorization submitted by the State of Georgia.

The Environmental Protection Agency has reviewed Georgia's Application for Interim Authorization and has determined that Georgia's Hazardous Waste Program is substantially equivalent to the Federal program as defined by regulations promulgated

under the Resource Conservation and Recovery Act of 1976 (RCRA). The State of Georgia is hereby granted Interim Authorization to operate its Hazardous Waste Management Program in lieu of Phase I of the Federal RCRA Subtitle C Hazardous Waste Management Program. This issuance of Interim Authorization is in accordance with Section 3006(c) of RCRA, implementing regulations found in 40 CFR Part 123, Subpart F, and EPA Delegation 8-7.

EFFECTIVE DATE: Interim Authorization, Phase I, for Georgia shall become effective February 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Heather M. Ford, Residuals Management Branch, U.S. EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881-3018.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, Federal Register (45 FR 33083), the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), to protect human health and the environment from the improper management of hazardous wastes. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive Final Authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program will be implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Georgia submitted its Draft Application for Phase I Interim Authorization on August 8, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration. The State subsequently made revisions to its Application for Phase I Interim Authorization in order to clarify those aspects of its program which had been questioned during the EPA review.

On October 31, 1980, Georgia submitted to EPA a Final Application for Phase I Interim Authorization under RCRA. An EPA review team consisting of both Headquarters and Regional Office personnel made a detailed analysis of Georgia's Hazardous Waste Management Program. The following issues were raised by the review team:

(1) The State Attorney General's Statement discusses 90 day storage requirements for transporters. The State regulations (391-3-11-09(2)) require transporters to comply with storage requirements only after a 90 day period.

(2) The State EPD had not stated how it will inspect transporters handling *intrastate* shipments of hazardous waste for compliance with State regulations incorporating U.S. DOT packaging, labeling, marking, and placarding requirements. The U.S. DOT will enforce those standards against interstate transporters.

(3) The Attorney General did not adequately provide assurances of public participation procedures in the State. Concern was expressed that State law does not allow citizen intervention as a right.

(4) The State law and regulations provide a mechanism for variance procedures. The State needs to provide additional information on how variances and Interim Status Standards will be handled.

To resolve these issues the State provided the following documentation:

(1) The State Attorney General clarified the interpretation of this regulation in a December 12, 1980, submittal to EPA. The State acknowledges that transporter storage for less than 90 days without compliance with Interim Status Standards is less stringent than EPA. The Attorney General states that this storage must be a *necessary incident* to the transportation of hazardous waste; otherwise, it would be considered a storage facility and compliance with Interim Status Standards would be required. By letter dated January 9, 1981, Georgia amended the Authorization Plan to include a commitment to revise the transporter storage standard to ensure substantial equivalence to the Federal requirement which has a ten day limitation.

(2) EPD stated in a letter dated December 12, 1980, that the State will inspect interstate and intrastate transporters to determine compliance with those standards through inspection activities associated with generators and operators of TSD facilities and investigations of hazardous waste spills. An agreement with U.S. DOT will be sought to avoid duplication of effort and

to exchange information. In order to receive Interim Authorization, State programs need not provide for administration and enforcement of packaging, labeling, marking, and placarding standards (see *Federal Register* dated May 19, 1980, at pp. 33392-33393). By a letter dated January 9, 1981, Georgia has committed to amend the MOU with DOT for Final Authorization.

(3) A memo dated December 12, 1980, from Arthur K. Bolton, Attorney General in the State of Georgia, clarified this point as follows: The EPD has stated they will not oppose intervention in enforcement actions by applicant parties on the grounds that the applicant's interest is adequately represented by existing parties. The Attorney General's office will support this decision and legal enforcement actions will be consistent with it.

(4) The Georgia Act defined "existing facilities" as facilities which meet the four criteria as specified in the Act. These criteria, if met, allows the facility to continue operation until the Director of EPA acted on the application submitted for a Hazardous Waste Facility Permit. The Attorney General stated that the variance procedure will be used to require compliance with Interim Status Standards and therefore, compliance with the requirements of 40 CFR Part 265.

Responsiveness Summary

As noticed in the *Federal Register* on November 13, 1980 (45 FR 63888), EPA gave the public until December 22, 1980, to comment on the State's application. EPA also held a public hearing in Atlanta, Georgia, on December 15, 1980. At the public hearing the State submitted clarifications to the application as part of the public record. The comment period then was extended until December 29, 1980. The oral comments received at the public hearing and written comments submitted directly to EPA are summarized below along with EPA's responses.

Public Hearing and Comment Period

The *Federal Register* on November 13, 1980, listed the comment period as ending on December 22, 1980. EPA review of the Final Application raised four points which needed further clarification. At the Public Hearing on December 15, 1980, the State submitted these clarifications as part of the public record. The comment period then was extended until December 29, 1980. The oral comments received at the public hearing and written comments submitted directly to EPA are summarized below along with EPA's response.

There were eight individuals who spoke at the public hearing. Their comments and EPA's responses are presented below.

Comment: Two of the speakers made statements which supported the State's hazardous waste program as it was submitted in their Final Application.

EPA Response: No response needed.

Comment: One speaker felt that the Georgia EPD laboratory program does not have the capability to monitor all the hazardous waste in the State.

EPA Response: All facilities in Georgia are required to test their waste materials and keep records of this testing on file. These records will be reviewed for compliance during inspections by EPA and EPD. In the application the Program Description discusses the laboratory facilities and staff in detail and shows that the State has the capability to take samples and perform the required analyses. EPA has determined the program satisfies the requirements for Phase I Interim Authorization.

Comment: One speaker stated that State law will be in effect in a State which receives Interim Authorization. The speaker was concerned that potential State politics could influence any decisions made by EPD.

EPA Response: The intent of the Resource Conservation and Recovery Act (RCRA) was for EPA to provide the legislative and regulatory framework for the hazardous waste program. Substantially equivalent State programs may operate in lieu of the Federal program. When Interim Authorization is granted, State laws and rules will apply. EPA retains an oversight capacity in all areas of the program and may enforce the State requirements. Georgia will be required to submit detailed reports on the progress of the program. (These are outlined in the Memorandum of Agreement). Georgia EPD will be working closely with the EPA, especially during the period of Interim Authorization.

Comment: One speaker felt that steps should be taken to eliminate all toxic wastes, regardless of the cost.

EPA Response: RCRA does not ban the generation of hazardous waste. Hazardous wastes which are generated must be handled in an environmentally sound manner. EPA, State agencies, and industry must work together to ensure adequate protection of human health and the environment during the handling, transportation, treatment, storage and disposal of hazardous waste.

Comment: One speaker argued that EPA's decision on the State application should await the outcome of a lawsuit

challenging the constitutionality of State law and regulations. Local laws on the siting of facilities may preempt State law.

EPA Response: RCRA requires that EPA determine whether a State program, which is in existence pursuant to State law, is substantially equivalent to the Federal program. EPA must rely upon the constitutionality of the State law as presently enacted. Any decision by a State court that would affect existing hazardous waste laws and/or regulations will be reviewed by EPA and appropriate action taken. More stringent site selection requirements, imposed by States or their political subdivisions, are not prohibited by Federal law. A decision on whether State or local bodies may set those requirements must be made by State courts.

Comment: One speaker stated that the Georgia program failed to comply with Federal requirements for public participation in the State enforcement process.

EPA Response: State law may impose more stringent requirements than either subsections (i) or (ii) of 40 CFR 123.178(f)(2) which contain minimum guidelines for public participation in the enforcement process. EPA has determined that the Georgia plan for public participation in the State enforcement process is more stringent than the second option, subsection (ii). Georgia law provides a conditional right to intervene in civil actions to citizens unless their interests are adequately represented by existing parties (GA. Code Ann. 81A-124). The State enforcement authority has provided assurances that efforts to intervene will not be opposed on the ground that the State adequately represents the interest of the citizen.

Comment: Several speakers were concerned with the permitting process. One speaker stated that the Georgia application did not adequately address groundwater concerns and requested a one year moratorium on permitting these sites. There was specific concern for a permit to operate a proposed hazardous waste disposal site in Heard County, Georgia.

EPA Response: The Federal program, at this time, does not include technical standards or procedures for permitting new facilities, including groundwater monitoring. These will be addressed in Phase II regulations. Before the State may permit new facilities, Georgia must amend its Application for Interim Authorization and show that its permit standards and procedures are substantially equivalent to the Federal Phase II program. Georgia's Application

for Phase II Interim Authorization will go through the same type of public review and comment period as the Application for Phase I Interim Authorization. RCRA requires that EPA issue a permit where the applicant has demonstrated compliance with the applicable facility standards.

In addition to the oral comments received at the public hearing, written comments were received from nine individuals or organizations during the review period. The written comments and EPA's responses are summarized as follows:

Comment: Four commenters supported the State's request for Interim Authorization and expressed the feeling that a State agency could implement and manage the program more effectively than a Federal agency.

EPA Response: No response needed.

Comment: One commenter supported the State's request for Interim Authorization, but was concerned with the State's ability to regulate and monitor intrastate transportation of hazardous waste on railroads, rivers, or State-funded roadways.

EPA Response: State standards for transporters of hazardous waste have been determined to be substantially equivalent to the requirements of the Federal program. Transporters of bulk shipments by rail or water are required to include specific information on the shipping paper which accompanies the waste instead of a manifest. The Georgia Attorney General has certified that EPD is authorized to enter vehicles and premises and to inspect, monitor, or otherwise investigate compliance with State program requirements (GA Code Ann. § 43-2911 and Rule 391-3-11-12). Since the U.S. DOT regulates transporters of hazardous materials under Public Law 93-633, they may enter into an agreement with the State to avoid duplication of efforts and to share information in enforcement activities.

Comment: The above commenter also expressed concern with the amount of funds requested by Georgia for public participation activities. The individual felt that the total amount allocated in the budget should be increased and suggested these additional funds should be used for planning, assisting citizens groups, operating workshops, and funding a full time public participation officer.

EPA Response: The budget outlined in the Georgia application for Interim Authorization has been approved by EPA for 1981. The funds for additional activities in future years will be aimed at implementing activities which the commenter mentioned. A full time EPD staff member coordinates the public

participation activities as outlined in Appendix IV in the Georgia application.

Comment: One commenter was concerned with a legal requirement under 3006(c) of RCRA that a State hazardous waste program must be in existence within ninety days after the date of promulgation of Federal regulations.

EPA Response: The Federal regulations were promulgated on May 19, 1980, and a State hazardous waste program must have been in existence by August 17, 1980. The *Federal Register* of May 19, 1980, p. 33387, interprets "program" as meaning enabling legislation only. Although RCRA does not require States to have more than legislative authority in place, all aspects of the State program must be substantially equivalent to the Federal program when Interim Authorization is actually granted. The Georgia legislation was in existence prior to August 17, 1980, and EPA has determined its program is substantially equivalent to the Federal program.

Comment: The above commenter stated that EPA should require that Georgia adopt Federal transporter rules as they may be amended. The commenter feels the State regulations should be revised to indicate that the storage period begins when the hazardous waste is removed from the transport vehicle.

EPA Response: Georgia will amend State regulations when Federal standards are revised. This administrative procedure was outlined in the Authorization Plan, Chapter IV, in the application.

Comment: Two commenters expressed concern about the State's regulations being inconsistent with the Federal regulations now and in the future.

EPA Response: Georgia regulations require that the State standards be consistent with the intent of the State Act and with the Federal law and regulations promulgated thereunder. If EPA regulations are revised, then Georgia must also revise State regulations. This procedure is outlined in the Authorization Plan submitted in the application.

Dated: January 9, 1981.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 81-3930 Filed 2-2-81: 8:45 am]

BILLING CODE 6560-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18, Parts 3, 4, and 5

Procurement Regulation Directive 80-10 (Dated December 22, 1980) Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 80-10 concerning the following areas:

1. Prenegotiation Review Policies and Procedures.
2. Contract Negotiation Memorandum.
3. Utility Services.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION:

1. In Part 3, a new 3.804-5, "Prenegotiation Review Policies and Procedures" is added to foster a greater degree of uniformity and consistency between procurement offices in preparing for negotiations. This revision requires each NASA installation to establish a formal system for prenegotiation review of proposals which exceed the dollar thresholds specified in 3.804-5(c). Additionally, approval of the prenegotiation position by the Director of Procurement is required prior to entering into negotiation on all procurement actions selected for Headquarters review.

2. In Part 3, 3.811 is revised to make corollary changes associated with the new prenegotiation coverage in 3.804-5 and to recognize that negotiation of a contract encompasses more than just price considerations.

3. Part 4.50 and Part 5.8 are revised to (1) recognize additional types of utility services such as natural gas, fuel oil used in stationary plants, refuse and wood products when purchased for use as an energy source; (2) revise the procedures for determining the requirements for utility services by technical personnel; (3) require the preparation of a "Utility Service Narrative" by the Contracting Officer prior to the initiation of negotiation procedures; and (4) to update references to NASA offices in accordance with changes in organizational designations.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans,

Director of Procurement.

Part 3—Price Negotiation Policies and Techniques

1. In Part 3, Table of Contents, 3.804-5 is added to read as follows:

3.804-5 Prenegotiation Review Policies and Procedures..... 3-818C

3.850 and 3.851 (Amended)

2. In Part 3, Table of Contents, 3.850 and 3.851 are amended by adding an "A" after each page number.

3. In Part 3, 3.804-5 is revised to read as follows:

3.804-5 Prenegotiation Review Policies and Procedures.

(a) Prenegotiation Position Memorandum.

Prior to the conduct of negotiations requiring Center or Headquarters review (see (c) and (d) below), contracting officers, or their representatives, shall prepare a Prenegotiation Position Memorandum setting forth the technical, business, contractual, pricing, and other aspects to be negotiated. Matters for negotiation may result from proposal evaluations, contractor requests, unique Center requirements, and other Government agencies' requirements, among others.

(b) Content of the Prenegotiation Position Memorandum.

The Prenegotiation Position Memorandum should fully explain the Contractor and Government positions on any open issues as well as identify and justify the elements that are acceptable as proposed. Since the Prenegotiation Position Memorandum will ultimately become the basis for negotiation, it should be so structured that it provides an audit trail to the Contract Negotiation Memorandum (3.811). Generally, the Prenegotiation Position Memorandum should address the following subjects in the order presented:

(1) **Introduction.** Included under this heading should be a brief description of the procurement and a brief history to indicate the extent of competition and results thereof. The identification of the contractor and the place of performance (if not evident from the description of the procurement) shall be included. In addition, the negotiation schedule should be addressed, and the Government negotiating team identified by name and position.

(2) **Special Features and Requirements.** In this area, discuss any special features of the procurement including such items as: (1) Letter contract or precontract cost

requirements, (2) Government property to be furnished, (3) contract option requirements, (4) contractor/Government investment in facilities and equipment (and any modernization thereof to be provided by the contractor/Government), and (5) any deviations, special clauses or conditions anticipated. Discussion of each such special feature or requirement should include an identification of any potential cost impacts.

(3) Cost and Profit/Fee Analysis.

Included under this heading should be a parallel tabulation by element of cost and profit/fee of the contractor's proposal, the Government's negotiation objective, and maximum position. For each element of cost, compare the contractor and Government estimate and explain how each was developed, including the estimating assumptions and projection techniques employed. Further, explain how historical costs, including costs incurred under a letter contract (if applicable), were used in developing the negotiation objective. Significant differences between the field pricing report (including any audit reports) and the negotiation objectives and/or contractor's proposal should be highlighted and explained. Also, technical evaluation results which caused the Government's cost negotiation objectives to significantly differ from the contractor's proposed cost, such as differences in staffing, etc., should be highlighted and explained. Further, there should be an identification and a brief discussion of each major subcontract involved, citing the type of subcontract, and stating the degree of analysis performed on the subcontract cost estimate. In addition, the rationale for the Government's profit/fee objectives, and a completed copy of the NASA Form 634, where appropriate, should be included.

(4) Type of Contract Contemplated. Explain the type of contract contemplated and the reasons for its suitability. For an incentive contract, including an award fee, describe the planned structuring arrangement in terms of profit/fee patterns, share lines, ceilings, etc.

(5) Negotiation Approval Sought. Indicate the specific approvals sought, e.g., dollar parameters, special clauses/conditions not constituting deviation (NOTE: Requests for Deviation must be processed in accordance with 1.109-3), type of contract, fee objectives, etc.

(c) Center Reviews. Each procuring activity shall establish a formal system for the prenegotiation review of any proposal over \$250,000 (\$100,000 at National Space Technology Laboratories, Jet Propulsion Laboratory,

Wallops Flight Center, and Headquarters Contracts and Grants Division). The scope of coverage, exact procedures to be followed, levels of management review and contract file documentation requirements, should be directly related to the dollar value and complexity of the procurement and will be determined by each Center. The primary purpose of these reviews is to ensure that the negotiator, or negotiating team, is thoroughly prepared to enter into negotiations with a well conceived, realistic, and fair plan.

(d) Headquarters Reviews. Approval of the prenegotiation position by the Director of Procurement is required prior to entering into negotiations on all procurement actions selected for Headquarters review. Generally, at the time a procurement is processed as a Master Buy Plan (MBP) action, in accordance with 20.5100, a decision will be made as to whether the prenegotiation position will be subject to Headquarters review and approval. However, prenegotiation positions on MBP procurement actions where the prenegotiation position was not initially selected for Headquarters review and approval, and other non-MBP procurement action prenegotiation positions, may be selected for Headquarters review and approval at any point in the procurement cycle prior to actual negotiations.

(1) Scheduling of Presentation. When a prenegotiation presentation is required by Headquarters or requested by the Center, scheduling of the presentation will be arranged by the Office of Procurement, Program Operations Division (Code HS-1), in consultation with appropriate Headquarters program officials. It is the responsibility of the Center to notify the Office of Procurement sufficiently in advance of the desired presentation date in order to permit scheduling and preparation by Headquarters staff.

(2) Advance Information. Not less than ten working days in advance of the scheduled prenegotiation presentation, the Center shall provide Code HS-1 with the following:

(i) Five copies of the Center's Prenegotiation Position Memorandum which sets forth in narrative form the negotiating team's objectives.

(ii) Five copies of any briefing charts and/or vu-graphs to be used in the presentation. Briefing charts and/or vu-graphs shall summarize key points/factors identified in the Prenegotiation Position Memorandum and should be grouped, in the same manner as presented in the Memorandum. Only key words or expressions should be

used on the charts or vu-graphs—complete sentences are not necessary.

(iii) One copy each of the contractor's proposal, the Government technical evaluation, and all pricing reports (including any audit reports).

(3) *Waiver.* The Director of Procurement may waive the presentation requirement where, based on Headquarters review of the advance information provided under (2) above, it is clear that Center personnel are thoroughly prepared to enter into negotiations.

(4) *Safeguarding Prenegotiation Material.* Prenegotiation data is very sensitive in nature and should be handled accordingly. Close coordination with Program Operations Division (HS-1) personnel should be maintained to ensure that prenegotiation material is not compromised during transit. Distribution of prenegotiation data shall be made on a need-to-know basis.

4. In Part 3, 3.811 is revised to read as follows:

3.811 Contract Negotiation Memorandum.

(a) At the conclusion of each contract (see 1.207) negotiation, contracting officers or their representatives shall promptly prepare a Contract Negotiation Memorandum. This memorandum serves as a detailed summary of (1) the technical, business, contractual, pricing and other aspects of the contract negotiated, and (2) the methodology and rationale used in arriving at the final negotiated agreement.

(b) Normally, the Contract Negotiation Memorandum is a "stand alone" document. However, when a Prenegotiation Position Memorandum has been prepared, under 3.804-5, the subsequent Contract Negotiation Memorandum need explain (1) only the differences between the prenegotiation position and the final negotiated settlement, and (2) the areas identified in paragraphs (c) and (d) below.

(c) Each Contract Negotiation Memorandum should include an explanation of why cost or pricing data was, or was not, required (see 3.807) and, if it was not required in the case of any price negotiation in excess of \$100,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data were submitted and a certificate of current cost or pricing data was required (3.807-6), the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data

submitted and the extent to which this data was not used by the contracting officer in determining his total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which the contracting officer recognized in the negotiation that any cost of pricing data submitted by the contractor was inaccurate, incomplete, or noncurrent; the action taken by the contracting officer and the contractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the final negotiated settlement differs significantly from the prenegotiation position, the memorandum shall explain this difference.

(d) As part of the requirement in (a) above, determination of the profit or fee objective, in accordance with 3.806, shall be fully documented.

(e) After completing a negotiation that exceeds \$100,000, the contracting officer shall forward a copy of the Contract Negotiation Memorandum to both the cognizant audit and contract administration offices. The memorandum should aid both offices in improving the usefulness of their input. Where appropriate, the Contract Negotiation Memorandum should include or be supplemented by information on how these offices can achieve this objective.

Part 4—Special Types and Methods of Procurement

5. In Part 4, Table of Contents, 4.5000 through 4.5009-3 are revised to read as follows:

Subpart 50—Utility Services

4.5000 Scope of Subpart.....	4-50:1
4.5001 Definitions.....	4-50:1
4.5002 Policy.....	4-50:2
4.5003 Determination of Requirements.....	4-50:4
4.5004 Headquarters Participation in Negotiations.....	4-50:4
4.5004-1 Communications Services.....	4-50:4
4.5004-2 Utilities Except Communications.....	4-50:5
4.5005 Contract Requirements.....	4-50:6
4.5005-1 Procurement Without Contract.....	4-50:6
4.5005-2 Memorandum of Understanding.....	4-50:7
4.5005-3 CSA Area-Wide Public Utility Contracts.....	4-50:7
4.5005-4 DoD Area-Wide Utilities and Communications Contracts.....	4-50:7
4.5005-5 Negotiated Utility Services Contracts.....	4-50:7
4.5006 Contracts Requiring Headquarters Approval.....	4-50:7
4.5007 Headquarters Requirement for Copies of Contracts.....	4-50:7
4.5008 Changes in Rates.....	4-50:7
4.5009 Sales of Utility Services.....	4-50:8

4.5009-1 Eligible Purchasers.....	4-50:8
4.5009-2 Prerequisites.....	4-50:9
4.5009-3 Headquarters Participation in Negotiations.....	4-50:9

6. In Part 4, 4.5000 through 4.5009-3 are revised to read as follows:

Subpart 50—Utility Services

4.5000 Scope of Subpart. This Subpart prescribes policy and procedures for the procurement and sale of utility services.

4.5001 Definitions. As used in this Subpart, the following terms have the meaning stated below:

(a) *Utility Services* include electric, natural gas, fuel oil used in stationary plants, coal, steam, refuse, wood or wood products when purchased for use as an energy source, water, sewage, and communications services.

(b) *Communication Services* include without limitation the transmission, emission, or reception of signals, signs, writings, images, soundings, or intelligence of any nature by wire, radio, optical, or any electrical or electromagnetic means.

(c) *Telecommunications Facilities* includes equipment (modems, cable, terminal and switching facilities) used for such modes of transmission as telephone, telegraph teletypewriter, data, facsimile, radio, video, audio, and such corollary items as card transceivers, magnetic tape terminals, TV cameras, monitors, distribution systems and communication security facilities.

(d) *Communications Security Facility* is any facility which is used for the operation, maintenance, and/or storage of any cryptographic document, device or equipment associated with transmission security, cryptosecurity or physical security measures.

(e) *Operational Communications* are those lines and facilities carrying mission related information for the conduct of NASA technical missions, programs, and projects. They interconnect such facilities as NASA's foreign and domestic tracking, telemetry, and command control sites; launch areas; test sites; and, mission control centers.

(f) *Administrative Communications* are those lines and facilities carrying non-operational information for the conduct of day-to-day business. They interconnect NASA Headquarters, field installations, and other activities. Also included in this definition are local facilities and field installation communications systems, but not self-contained services such as local fire alarms, warning systems, paging devices, etc.

(g) *General Purpose Communications* are administrative or operational communications used to meet ordinary requirements for which rates have not been established.

(h) *Special Purpose Communications* are administrative or operational communications used to meet unique, one of a kind, or project oriented requirements for which rates have not been established.

(i) *Long Lines* refers to communication lines extending beyond the boundaries of the installation as opposed to "Local Support" which refers to communications within the boundaries of the installation.

(j) *Standard Services* are those services where communications charges are governed by tariff or are otherwise controlled or regulated by a Government agency (either domestic or foreign) or where a previously executed contract is in effect with NASA or another Government agency which defines the services to be provided and the rates to be charged.

(k) *Non-Standard Services* are those services where communications charges are not governed by tariff or are not otherwise controlled or regulated by a Government agency (either domestic or foreign) or where there is not a previously executed contract in effect with NASA or another Government agency which defines the services to be provided and rates to be charged. Non-standard services also include those services provided by a company for a single customer and are usually one-of-a-kind.

4.5002 Policy.

(a) It is NASA policy to obtain utility services from existing sources when such sources are adequate and economical arrangements can be made for their use. In each case and after fully investigating all sources, the required services shall be obtained at the lowest possible cost to the Government. To the extent consistent with this policy, use should be made of:

(i) General Services Administration area-wide utility contracts (see Part 5, Subpart 8).

(ii) Department of Defense area-wide communication contracts (see Part 5, Subpart 8).

(iii) Utilities services available from other Government agencies, on a cross-servicing basis.

(iv) Department of Defense area-wide fuel oil and other energy source contracts (see Part 5, Subpart 8).

(b) Administrative long-line telephone communications will be obtained by NASA through General Services Administration's Federal

Telecommunications System (FTS) (see paragraph (d)(2) below).

(c) Generally, leased communication services will be procured from a franchised communication common carrier whenever possible. However, in those areas where non-regulated industry offers the same communications services or equipment as offered by the regulated common carriers, full consideration must be given to competitive procurement.

(d) NASA's policy for providing certain communications services to contractors is as follows:

(1) NASA may provide administrative and operational telephone communications services to industrial and scientific organizations conducting research and development, fabrication of equipment, or operation and maintenance of facilities for NASA.

(2) Where the requirement is for administrative long-line telephone service, the service will be provided through the General Services Administration's Federal Telecommunications System, and may be furnished at no cost to the above mentioned contractors when it is determined to be in the best interest of the Government. The following criteria must be met prior to requesting the extension of FTS service to a NASA contractor:

(i) the total amount of the contract will be in excess of five million dollars;

(ii) the contract will be long term; two or more years (including options);

(iii) the contract must be of a type that permits the contracting officer to adjust its terms and charges to allow for the fact that the Government is providing this service at no cost; and

(iv) FTS is required and will be used in direct support of the contract and is not to be used for non-NASA business. The contractor shall submit a letter certification to this effect to the contracting officer.

If it is determined that all four criteria are met, the request should be referred to the Office of Space Tracking and Data Systems, NASA Headquarters (Code TS). The Office of Space Tracking and Data Systems will make the necessary implementation for FTS with the General Services Administration.

(3) When long-line communications services, other than administrative long-line telephone communications services, are furnished at no cost, the contractor will use the services for the conduct of NASA business between:

(i) locations of the same contractor;

(ii) the contractor and other NASA contractors; and

(iii) the contractor and NASA or other Government agencies.

(4) Local support services to be used solely for the conduct of business may be provided at no cost when it is determined to be in the best interest of the Government. The Office of Space Tracking and Data Systems will also coordinate the implementation for local service as applicable under NASA Management Instruction 2520.1. "Communications System Management Responsibilities."

(5) Communications services may be provided to contractors in the conduct of NASA business at a minimum total cost consistent with requirements for capacity, effectiveness, efficiency, reliability, and security. The decision to provide communications services to contractors will be made in accordance with the policies established by the NASA installations.

(e) The provisions of paragraph (a) through (d) above do not cover the procurement of communications security facilities. Such facilities, other than crypto equipment will be procured under the supervision of the Director, Institutional Operations (Code NI-1). Crypto equipment will be obtained from and through the NASA Crypto Custodian (Code NHS-25). Reference manual NPC 106 (classified), "Manual for Safeguarding of Crypto-material" and NASA Management Instructions 1136.10, "Administrative Services Division" and 1136.4, "Security Division."

4.5003 Determination of Requirements. Requirements for utility services shall be determined by technically qualified personnel who will assist the contracting officer, as required. Prior to soliciting technical assistance outside of the agency, technical personnel will contact the NASA Headquarter's Network Systems Division (Code TS-1) for communications assistance and the Facilities Division (Code BX) for other utilities.

4.5004 Headquarters Participation in Negotiations.

4.5004-1 Communications Services.

(a) Except as provided in paragraphs (b), (e), and (f) below, the contracting officer shall submit the following information on a proposed procurement to the Office of Space Tracking and Data Systems (Code TS), prior to initiating negotiation procedures:

(i) lease versus purchase considerations. The guidelines as prescribed by the Office of Space Tracking and Data Systems will apply to all lease versus purchase considerations;

(ii) in the case of leased communications services from regulated common carriers, information relative to

a common carriers submission of a special construction proposal; the application of the special assembly feature of a tariff; the application of estimated rates (pending tariff filing); and, action taken to cancel or terminate services subject to a termination liability; and

(iii) in the case of communications services, information relative to the installation consideration that a separately negotiated contract is more advantageous to the Government than the General Services Administration (GSA) or Department of Defense (DoD) area-wide communication contracts along with a request for a waiver of the requirement to use either the GSA or DoD area-wide communications contract. In determining whether a GSA or DoD area-wide communications contract is adequate to meet the requirement of the using installation, consideration should be given to (A) the area-wide contract rates viewed in light of the magnitude of the services required, (B) any unusual characteristics of the service required, (C) any special equipment or facility requirements, and (D) any special technical contracts.

(b) NASA installations are authorized to execute call orders under DoD or GSA area-wide contracts for general purpose or special purpose communications provided:

(i) charges for communications services do not exceed \$150,000 for either non-recurring charges or termination liability costs;

(ii) the annual recurring charge does not exceed \$500,000; and

(iii) the requirement for such services has previously been approved by the Associate Administrator for Space Tracking and Data Systems.

(c) Based upon a review of the information submitted in accordance with paragraph (a) above, the Office of Space Tracking and Data Systems will promptly notify the contracting officer of the desirability of NASA Headquarters participation in the negotiation proceedings in an advisory capacity.

(d) Each NASA installation is responsible for providing the Office of Space Tracking and Data Systems its administrative telecommunications requirements in accordance with NASA Management Instruction 2520.1C.

(e) All NASA installations requiring general purpose communications services contracts will submit a written request for the services to the Office of Space Tracking and Data Systems (Code TS) where:

(i) an area-wide contract is not available;

(ii) an area-wide contract exists but service requirements involve recurring

charges in excess of \$500,000 annually, or \$150,000 for non-recurring or termination liability costs; or

(iii) rates have not been filed and approved by a federal, state, or foreign regulatory body.

Where requirements are not within the above limitations, NASA installations are authorized to enter into general purpose contracts. For administrative communications services, the Office of Space Tracking and Data Systems will coordinate with the General Services Administration and two copies of such contracts will be furnished. For operational communications services, a single copy of the contract will be furnished.

(f) All NASA installations requiring special purpose communications services contracts will submit a written request for the services to the Office of Space Tracking and Data Systems (Code TS) where:

(i) an area-wide contract is not available;

(ii) an area-wide contract exists but requirements are for non-standard or special services involving recurring charges in excess of \$500,000 annually, or non-recurring or termination liability charges in excess of \$150,000;

(iii) it involves new rate centers; or

(iv) it involves the filing and approval of new tariffs.

Where requirements are not within the above limitations, NASA installations are authorized to enter into special purpose contracts. For administrative communications services, the Office of Space Tracking and Data Systems will coordinate with the General Services Administration and two copies of such contracts will be furnished. For operational communications only one copy will be furnished.

4.5004-2 Utilities Except Communications.

(a) Except as provided in paragraph (c) below, the contracting officer shall submit a Utility Service Narrative for proposed procurements for new utilities services, renegotiations or extensions of existing utility services, or existing contracts that require a negotiation for change of rate schedules, to the Office of Procurement (Code HS-1), NASA Headquarters, prior to initiating negotiation procedures. The Utility Service Narrative shall include:

(i) brief technical description of the service required or being furnished;

(ii) reasonableness of the proposed rate and/or the monetary extent of the rate change compared to the last typical year of service;

(iii) description outline of the field installation's proposed negotiation

tactics, basis for position, and any alternate position;

(iv) an estimate of the annual cost of service; and

(v) other related items, as applicable, such as: connection charges, termination liability, facilities charges, requirement for Government capital costs, or any other unusual factors affecting the procurement.

(b) The Office of Procurement (Code HS-1), with the coordination of the Facilities Division (Code BX-9), NASA Headquarters, will review the information submitted in accordance with subparagraph (a) above. If NASA Headquarters participation in the negotiation proceedings in an advisory capacity to the contracting officer, is considered desirable, the Office of Procurement (Code HS-1), NASA Headquarters, will inform the contracting officer not later than 30 calendar days from the receipt of the Utility Service Narrative.

(c) The requirements of subparagraph (a) are not applicable when:

(i) the estimated annual cost of the services to be procured is \$500,000 or less for electrical service; or \$250,000 or less for other utilities services; or

(ii) the proposed connection charge, termination liability, or any other facilities charge to be paid (whether or not refundable) is estimated to be \$50,000 or less.

4.5005 Contract Requirements.

4.5005-1 Procurement Without Contract.

(a) Utility services may be procured without a written contract when all the following conditions apply:

(i) the services are to be furnished at rates, terms, and conditions based on an established rate schedule approved by a Federal, State, or other public regulatory body;

(ii) the estimated annual cost of the services to be procured is \$10,000 or less;

(iii) a connection, termination, installation, or similar charge, or a deposit other than a meter deposit required of all customers, is not involved, or if involved, the total cost thereof does not exceed \$5,000;

(iv) the utility supplier does not require the execution of a contract or application form; and

(v) it is not deemed advantageous to the Government to negotiate and execute a contract.

4.5005-2 Memorandum of Understanding. A memorandum of understanding, specifying the services to be provided and the conditions under which they will be supplied, shall be used when procuring utility services from another Government agency by

cross-servicing. A Utility Service Narrative shall be submitted in accordance with the provisions of 4.5004-2.

4.5005-3 GSA Area-wide Public Utility Contracts. Policies and procedures governing the procurement of utility services by use of General Services Administration area-wide public utility contracts are set forth in Part 5, Subpart 8.

4.5005-4 DoD Area-Wide Utilities and Communications Contracts. Policies and procedures governing the procurement of communications services by use of the DoD area-wide utilities and communications contracts are set forth in Part 5, Subpart 8.

4.5005-5 Negotiated Utility Services Contracts. When the conditions set forth in paragraphs 4.5005-1 through 4.5005-4 are not applicable to a proposed procurement of utility services, a separate contract may be negotiated using the contract clauses set forth in Part 7, Subpart 50, and the contract forms prescribed in Part 16, Subpart 5, except in that the contract forms are not applicable to contracts for communications services.

4.5006 Contracts Requiring Headquarters Approval. Contracts and supplemental agreements for utility services shall be submitted to the Office of Procurement, NASA Headquarters (Code HS-1) for approval in accordance with the Master Buy Plan procedures (20.5100).

4.5007 Headquarters Requirement for Copies of Contracts. Except for communication services, the contracting officer shall forward, promptly after execution, one copy of each contract, service authorization form, memorandum of understanding, or any modification thereto, to the Office of Procurement, NASA Headquarters (Code HS-1) and to the Facilities Division, NASA Headquarters (Code BX-9). Documents relating to utility services exempt under the provisions of 4.5004-2(c) need not be furnished.

4.5008 Changes in Rates.

(a) Except for communications services when the contractor furnishes written notice to the contracting officer of a filing of an application for rate changes, as provided for in the clause entitled "Public Regulation and Change of Rates" (7.5001-11), or whenever the contractor requests that rate changes be negotiated, as provided for in the clause entitled "Change of Rates," (7.5003-2), the contracting officer will notify the Office of Procurement, NASA Headquarters (Code HS-1) and the Facilities Division, NASA Headquarters (Code BX-9). If the rate change affects communications services, he will notify

the Office of Space Tracking and Data Systems, NASA Headquarters (Code TS). The notification shall include sufficient information to permit a determination of the monetary effect of the proposed changes and a recommendation of action to be taken under paragraph (1) or (2) below, and the basis therefor.

(1) When a notice is received of a filing of an application for rate changes before the local regulatory body, the contracting officer will make a recommendation as to whether or not the Government should intervene in the hearing on the application. If it is recommended that the Government intervene in the hearing, the recommendation shall be accompanied by a statement setting forth the basis for such intervention and the extent to which the installation can support the intervention through the presentation of testimony, preparation of exhibits, and the furnishing of legal counsel.

(2) When a notice is received that the contractor requests that rate changes be negotiated, the contracting officer will make a recommendation as to the position to be taken by the Government with respect to the rate changes and the extent to which installation personnel are available to support this position.

(b) The Office of Procurement, NASA Headquarters, with the technical assistance of the Facilities Division, NASA Headquarters, for utilities other than communications, will furnish the contracting officer a recommendation concerning the proposed rate changes and the extent to which NASA Headquarters will participate in the intervention before the local regulatory body or in negotiations with the contractor. For proposed communication rate changes, the Office of Space Tracking and Data Systems, NASA Headquarters, will furnish the necessary guidance to the contracting officer. Prior to recommending any action concerning the proposed rate changes, the Office of Procurement, NASA Headquarters, will, as necessary, coordinate with other staff offices or divisions, or other Government agencies. The contracting officer shall await the recommendations of the Office of Procurement, NASA Headquarters, or the Office of Space Tracking and Data Systems, NASA Headquarters for at least 30 calendar days prior to taking any action concerning the proposed rate changes.

4.5009 Sales of Utility Services. Utility services may be sold under the conditions specified in the following paragraphs.

4.5009-1 Eligible Purchasers. The eligibility to buy utility services from a

NASA installation is determined as follows:

(a) Any federal agency, mixed ownership (Government) corporation (as defined in the Government Corporation Control Act, 31 U.S.C. 856), or any bureau or office thereof, located at or in the immediate vicinity of a NASA installation is an eligible purchaser.

(b) The Office of Procurement, NASA Headquarters (Code HS-1) will determine the eligibility of all other prospective purchasers. Requests for furnishing utility services to other purchasers, together with complete justification, shall be forwarded to the Office of Procurement, NASA Headquarters (Code HS-1) for decision.

4.5009-2 Prerequisites. All of the following conditions must be met before an installation is authorized to enter into a specific agreement for the sale of utility services to an eligible purchaser:

(i) the sale will not disrupt present or contemplated service to the installation;

(ii) all modifications to existing facilities and installations of additional facilities required to provide service to the purchaser will be made at the purchaser's expense;

(iii) the rate charged to the purchaser will cover at least the increased cost to the installation of supplying the service and must also include burdens such as administrative expenses, maintenance and operation costs, component charges for any capital costs or repairs, and any other reasonable cost incurred as a result of providing the utility service.

(iv) the sale of utility services is not prohibited by the contract under which the installation purchases the services; and

(v) the sale of utility services is confined to sales for consumption, not for resale.

4.5009-3 Headquarters Participation in Negotiations.

(a) The contracting officer will notify the Office of Procurement, NASA Headquarters (Code HS-1) whenever it is desired to sell utility services.

(b) The Office of Procurement, NASA Headquarters (Code HS-1) will provide the necessary guidance to consummate the sale.

(c) Each proposed agreement shall be submitted to the Office of Procurement, NASA Headquarters (Code HS-1) for approval.

Part 5—Interdepartmental Procurement

7. In Part 5, Table of Contents, 5.850 is revised to read as follows:

• • • • •
5.850 Use of DoD Area-Wide Utilities and Communications Contracts..... 5-8.2
• • • • •

8. In Part 5, 5.800 through 5.850 are revised to read as follows:

5.800 Scope of Subpart. This Subpart prescribes policy and procedures for the procurement of certain utility services by use of General Services Administration (GSA) area-wide public utility contracts and Department of Defense (DOD) area-wide utilities and communications contracts.

5.801 General.

(a) **The General Services.**

Administration enters into indefinite delivery type area-wide contracts with various utility companies for the furnishing of electric, natural and manufactured gas distributed by pipes, steam sewage, water, telephone, and teletypewriter services to all, or substantially all, Government agencies located within specified areas. GSA area-wide public utility contracts provide that the contractor will, upon receipt of an order in the form prescribed by the contract, furnish without further negotiation as to rates and charges the services involved in accordance with such of his established and filed rate schedules as are applicable to the service.

(b) The Department of Defense enters into indefinite delivery type area-wide contracts with various communication companies for the furnishing of communications to all, or substantially all, Department of Defense installations. DOD area-wide communications contracts provide that the contractor will, upon receipt of an order in the form prescribed by the contract, furnish, without further negotiations as to rates and charges, the service involved in accordance with such of his established and filed rate schedules as are applicable to the service. The DOD also enters into area-wide fuel oil and other energy service contracts.

5.802 Distribution of CSA Area-wide Public Utility Contracts and Related Publications. A list of the utility services obtainable under GSA area-wide public utility contracts, including the area served and the name of the contractor involved, is contained in GSA Circular No. 61, Revised. GSA also has available copies of the area-wide public utility contracts which include the required order form. Copies of GSA Circular No. 61 and GSA area-wide public utility contracts may be obtained, upon request, from General Services Administration, Transportation and Communication Service, Public Utilities Division, Washington, D.C., 20405.

5.803 Use of GSA Area-Wide Public Utility Contracts.

(a) Where GSA area-wide public utility contracts are adequate to meet the requirements of NASA installations

for utility services, such services will be procured thereunder. In determining whether a GSA area-wide public utility contract is adequate to meet the requirements of the using installation, consideration should be given to (i) the area-wide contract rates viewed in light of the magnitude of the service required, (ii) any unusual characteristics of the service required, (iii) any special equipment or facility requirements, (iv) any special technical contract provisions required, and (v) any other special circumstances.

(b) Where an installation considers that a DOD area-wide communications contract is more advantageous to the Government than the GSA area-wide public utility contract, a request for a waiver of the requirement to use the CSA area-wide public utility contract will be submitted to the Office of Space Tracking and Data Systems (Code TS). The request will explain why the use of the DOD area-wide contract is considered to be more advantageous to the Government than the GSA area-wide contract.

(c) Where an installation considers that a separately negotiated contract is more advantageous to the Government than the GSA area-wide public utility contract, for a utility service other than communications, a request will be submitted to the Office of Procurement, NASA Headquarters (Code HS-1), for a waiver of the requirement to use the GSA area-wide public utility contract. The request shall explain why the separately negotiated contract is considered to be more advantageous to the Government than the area-wide contract.

(d) Where an installation considers that a separately negotiated contract for communications services is more advantageous to the Government than the GSA area-wide public utility contract or the DOD area-wide communications contract, a request for a waiver of the requirement to use the CSA contractor or the DOD contract (in that order) will be submitted to the Office of Space Tracking and Data Systems (Code TS). The request shall explain why the separately negotiated contract is considered to be more advantageous to the Government than either the GSA or DOD area-wide contracts.

5.804 Ordering Under GSA Area-Wide Public Utility Contracts. When utility services are procured under GSA area-wide public utility contracts, the method of ordering prescribed in the appropriate GSA area-wide contract will be used. The form prescribed for ordering may be modified to satisfy fiscal and administrative requirements

of NASA, and to contain such additional contract provisions as may be contemplated or permitted by the GSA area-wide contract, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034.

5.850 Use of DOD Area-Wide Utilities and Communications Contracts. When the decision is made to procure communications or energy services under DOD area-wide contracts, e.g. in accordance with 5.803(b), the method of ordering prescribed in the appropriate DOD area-wide contract will be used. The form may be modified to satisfy fiscal and administrative requirements of NASA, and to contain such additional contract provisions as may be contemplated or permitted by the DOD area-wide contract, except that it shall not be modified for use as a public voucher in lieu of Standard Form 1034.

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41 CFR Ch. 18, Parts 3 and 20 and Appendix E

Procurement Regulation Directive 80-9 (Dated December 12, 1980)
Procurement Regulations; Miscellaneous Amendments

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 80-9 concerning the following areas:

1. Determinations and Findings Below the Administrator Level.
2. Letter Contracts.
3. Price Negotiation Policies and Techniques.
4. Master Buy Plan Procedure.
5. Contract Financing (Progress Payments).

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Procurement Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 202-755-2237.

SUPPLEMENTARY INFORMATION: The major changes are summarized as follows:

1. Part 3, 3.303(a)(ii) is revised to be consistent with 3.303(a)(iii). Paragraph 3.303(a)(iii) authorizes the contracting officer to make the determinations and findings for modifications to a contract which requires an increase in the

amount of advance payments provided that the work called for in the modification is within the scope of work set forth in the determination authorizing the advance payment under the basic contract.

2. Part 3, 3.408(d) is revised to insert a new subparagraph (vii) and renumber existing subparagraphs (vii) through (x) accordingly. Additionally, paragraph 3.408(e) is revised to insert a new subparagraph (v) and renumber existing subparagraph (v) to read (vi). These revisions are intended to ensure that requests for authority to issue letter contracts and modifications include information on performance periods for initial letter contracts and letter contract modifications. Failure to provide this information delays the processing of these requests.

3. Part 3, 3.807-8(a), "Forward Pricing Rate Agreements", is revised to delete "Department of Defense Administrative Contracting Officer" and add "contract administration office" and spell out the acronym ACO.

4. Part 20, 20.5105 is revised to establish procedures for processing at the installation level procurement documents that are not selected for Headquarters review and approval. This revision is intended to ensure that there are appropriate review and approval requirements for all procurement actions that are subject to the Master Buy Plan Procedure.

5. Appendix E.503-1 through E.503-3, and E.511-2 through E.511-4 are revised to delete previous paragraph E.503-1 "Uniform Standard Percentages Contracts Existing Before April 1, 1968;" revise the text under previous paragraph E.503-2 "Uniform Standard Percentages Contracts made on or after April 1, 1968" and designate the revised paragraph as E.503-1 "Uniform Standard Percentages." Additionally, references to "new" contracts and "on or about April 1, 1968 (E.503-2)" are deleted in paragraph E.511-2, E.511-3 and E.511-4. These revisions are intended to eliminate unnecessary wordage and make the subject matter easier to understand.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(c)(1).

Stuart J. Evans,
Director of Procurement.

Part 3—Price Negotiation Policies and Techniques

1. In Part 3, 3.303(a)(ii) is revised to read as follows:

3.303 Determinations and Findings Below the Administrator Level.

(a) * * *

(ii) for the basic contract and for modifications to a contract which require an increase in the amount of advance payments, the determination required by 10 U.S.C. 2307(c) and 2310(b); *provided* that the work called for in the modification is not within the scope of work set forth in the determination authorizing the advance payment under the basic contract.

* * *

2. In Part 3, 3.408(d) (vii) through (x) are redesignated (viii) through (xi) and a new (vii) is added to read as follows:

3.408 Letter Contract.

(d) * * *

(vii) performance period of letter contract;

* * *

3. In Part 3, 3.408(e)(v) is redesignated (vi) and a new (v) is added to read as follows:

3.408 Letter Contract.

(e) * * *

(v) performance period of modification; and

* * *

4. In Part 3, 3.807-8, the first and second sentences of paragraph (a) are revised to read as follows:

3.807-8 Forward Pricing Rate Agreements (FPRA's).

(a) FPRA's shall be negotiated by the cognizant contract administration office on its own initiative, on the request of the contracting officer, or on request of the contractor. In determining whether or not to establish such an agreement, the Administrative Contracting Officer (ACO) should consider whether the benefits to be derived from the existence of the agreement are commensurate with the effort necessary to establish and monitor it. * * *

Part 20—Administrative Policies and Procedures

5. In Part 20, 20.5105 is revised to read as follows:

20.5105 Procedures for Procurements not Selected for Headquarters Review and Approval.

(a) Procurements which are not selected for Headquarters review and approval shall be processed at the installation level. For such procurements, the following documents, to the extent applicable, shall be approved by the Head of the installation: procurement plans, justifications for noncompetitive procurements, and prenegotiation positions. If the procurement is subject to the Source Evaluation Board Manual, the Head of the installation shall sign the source evaluation board appointment letter and shall be the

Source Selection Official. For those installations whose monetary limitation under the Master Buy Plan Procedure is \$2,500,000, if the procurement is between \$2,500,000 and \$5,000,000 and is, therefore, not subject to the Source Evaluation Board Manual, the Head of the installation shall be the Source Selection Official and may redelegate this authority to cognizant management officials. The Head of the installation may redelegate the authority to approve procurement plans and justifications for noncompetitive procurements and to sign source evaluation board appointment letters to his Deputy or Associate Director (the title "Associate Director" means a full Associate Director and not an Associate Director for . . .). The Head of the installation may redelegate the authority to approve prenegotiation positions to the level of his Procurement Officer. If the procurement is subject to the Source Evaluation Board Manual, the request for proposals shall be reviewed and approved in accordance with paragraph 403 of that manual. In all other procurements, requests for proposals shall be approved as directed by the Procurement Officer, commensurate with the sensitivity or significance of the procurements. Contracts (including supplemental agreements) and leases that are not selected for Headquarters review and approval under the Master Buy Plan procedure, shall be approved by the Procurement Officer. The signing of those documents by the Procurement Officer, as the contracting officer, constitutes such approval. The approvals set forth above, may not be further redelegated.

(b) Procurements that are authorized to be processed at the installation level will be subject to after-the-fact reviews by Headquarters personnel during normal procurement surveys or as the situation may otherwise indicate, through special reviews.

Appendix E—Contract Financing

6. In Appendix E, Table of Contents, the titles in E.503-1 through E.503-4 are revised to read as follows:

E.503-1 Uniform Standard Percentages.....	E-5:2
E.503-2 Indefinite Quantity Contracts-Basic Ordering Agreements.....	E-5:2
E.503-3 Administration.....	E-5:3

7. In Appendix E, E.503-1 is deleted and E.503-2 is redesignated E.503-1 and is further revised to read as follows:

E.503-1 Uniform Standard Percentages. The uniform standard progress payment rate is 80 percent of

total costs for firms which are not small business concerns, and 85 percent of total costs for small business concerns. This 85 percent rate applies to all contracts awarded to small business concerns, whether or not awarded pursuant to formal advertising. Higher percentages will be regarded as unusual (E.505) and not within the category of customary progress payments. No percentage higher than the uniform standard progress payment rate may be offered by or in connection with any solicitation for a bid or proposal unless such higher percentage has had prior approval in conformity with the standards and procedures of E.505 for unusual progress payments.

E.503-3 and E.503-4 (Amended)

8. In Appendix E, E.503-3 and E.503-4 are amended by redesignating the paragraph numbers to read E.503-2 and E.503-3 respectively.

9. In Appendix E, E.511-2, E.511-3 and E.511-4 are amended by deleting the words "new" and "on or after April 1, 1968 (E.503-2)" in the first sentence of each paragraph.

[PR Doc. 81-3735 Filed 2-2-81; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

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

Correction

In FR Doc. 81-2397 appearing on page 7350, in the issue of Friday, January 23, 1981, make the following correction.

The last sentence of the document reading, "Therefore, it is in the national interest that these amendments be effective January 23, 1981," should have read: "Therefore, it is in the national interest that these amendments be effective upon publication."

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

(Service Order No. 1270-A)

The Chesapeake and Ohio Railway Company Authorized To Operate Over Tracks Abandoned by Grand Trunk Western Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1270-A.

SUMMARY: This order vacates Service Order No. 1270, which permitted The Chesapeake and Ohio Railway Company to operate over tracks abandoned by Grand Trunk Western Railroad Company, due to the acquisition of this trackage by The Chesapeake and Ohio Railway Company has been consummated, pursuant to F.D. 29299.

EFFECTIVE: 11:59 p.m., January 30, 1981.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275-7840.

Decided: January 28, 1981.

Upon further consideration of Service Order No. 1270 (42 FR 38379; 43 FR 2725, 36639; 44 FR 3716 and 42696), and good cause appearing therefor:

It is ordered, § 1033.1270 The Chesapeake and Ohio Railway Company authorized to operate over tracks abandoned by Grand Trunk Western Railroad Company, Service Order No. 1270 is vacated effective 11:59 p.m., January 30, 1981.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald, Jr.

Agatha L. Mergenovich.

Secretary.

[PR Doc. 81-3738 Filed 2-2-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

National Forest Timber Sales; Export and Substitution Restrictions

AGENCY: Forest Service, USDA.

ACTION: Deferral of effective date of final rule.

SUMMARY: The scheduled effective date of revised regulations on the export of timber from National Forest Systems

and the use of such timber in substitution for private timber which is exported by a purchaser was February 3, 1981. Pursuant to President Reagan's memorandum of January 29, 1981, on postponement of pending regulations, the effective date of these regulations is being deferred until March 30, 1981.

EFFECTIVE DATE: Deferred until March 30, 1981.

FOR FURTHER INFORMATION CONTACT:
George M. Leonard, Timber Management Staff (Rm. 3209-South Bldg.), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, Telephone: 202-447-4051.

SUPPLEMENTARY INFORMATION: On December 5, 1980, a final rule was published at 45 FR 80526 on export and substitution restrictions for National Forest timber sales. This document was corrected on January 12, 1981, at 46 FR 2811. The effective date for this final rule was to be February 3, 1981. However, in accordance with President Reagan's moratorium on the issuance of final rules, the effective date is being deferred.

[Sec. 14, Pub. L. 94-588; 90 Stat. 2958, as amended; (16 U.S.C. 472a); Sec. 301, Pub. L. 96-126, 93 Stat. 979; Sec. 1, 30 Stat. 35, as amended. (16 U.S.C. 55.1)]

Douglas Leisz,

Acting Deputy Assistant Secretary for Natural Resources and Environment

February 2, 1981.

[PR Doc. 81-4107 Filed 2-2-81; 12:16 pm]

BILLING CODE 3410-11-M

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Adoption of the 1981 Edition of the National Electrical Safety Code—ANSI C2; Proposed Revision of REA Bulletin 40-7

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), the Rural Electrification Administration (REA) proposes to revise REA Bulletin 40-7, National Electrical Safety Code—ANSI C2, 1977 Edition, issued April 29, 1977. The proposed revision of this bulletin would change the standards to which all REA-financed construction must comply from the provisions of the 1977 edition of the National Electrical Safety Code to the 1981 edition.

DATE: Public comments must be received by REA no later than April 3, 1981.

ADDRESS: Interested persons may submit written data, views or comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director, Engineering Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 447-7040. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: A copy of the proposed bulletin may be secured in person or by written request from the Director, Engineering Standards Division. The proposal has been reviewed under the USDA criteria

established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should be classified "not significant" under those criteria. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: January 26, 1981.

*Joseph Vellone,
Acting Administrator.*

[FR Doc. 81-3623 Filed 2-2-81; 8:45 am]
BILLING CODE 3410-15-M

Food Safety and Quality Service

7 CFR Part 2851

Proposed Shelled Peanut Standards: Solicitation of Information

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Solicitation of Information.

SUMMARY: The Food Safety and Quality Service is seeking information from all interested members of the public to advise on several technical points of disagreement concerning the proposed U.S. Standards for Grades of Shelled Peanuts. Following publication of the proposed rule in the FEDERAL REGISTER on December 14, 1979, the Agency received comments from major industry associations, particularly shellers and processors, objecting to several points in the proposed standards. Prior to deciding whether to proceed to final rule or withdraw the proposal, the Agency will consider all comments in response to this notice.

DATE: Comments and information must be received on or before March 5, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, ATTN: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2637, South Agriculture Building, Washington, D.C. 20250. (For additional information on comments, see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Canon, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2093.

Federal Register

Vol. 46, No. 22

Tuesday, February 3, 1981

SUPPLEMENTARY INFORMATION:

Significance

The proposed rule has been reviewed under the USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant."

Comments

Interested persons are invited to submit comments and information concerning this notice. Written comments must be sent in duplicate to the Regulations Coordination Division and should bear reference to the date and page number of this issue of the FEDERAL REGISTER. All comments submitted under this notice will be made available for public inspection in the office of the Regulations Coordination Division during regular business hours.

Background

On December 14, 1979, the Agency published in the FEDERAL REGISTER (44 FR 72599—72802), a proposed rule, U.S. Standards for Grades of Shelled Peanuts. This publication, which was widely disseminated throughout the peanut industry, proposed combining the three current U.S. grade standards for shelled Virginia, Runner, and Spanish type peanuts into a single U.S. Standard for Grades of Shelled Peanuts.

The Southeastern Peanut Association, the Southwestern Peanut Shellers Association, and the Virginia-Carolina Peanut Association requested revision to bring the standards in line with current marketing practices and to promote uniformity of requirements in the standards. The proposed U.S. grade standards provide additional kernel size classifications and changes in various tolerances for split kernels, kernel defects, undersize and oversize kernels, and grades to be used in export trading. The proposed standards would apply to shelled peanuts in the raw state, prior to final processing into food products. Standards used only as a basis for trading before processing are exempt from the requirements of the uniform grade nomenclature policy. These grades do not carry through to the consumer.

Comments received by the Agency concerning the proposed U.S. Standards for Grades of Shelled Peanuts have been reviewed and evaluated. Several provisions in the proposed U.S. grade standards lack industry agreement.

Therefore, the proposed U.S. grade standards need further examination and comment from growers, shellers and end-users, such as nut salters and peanut-butter manufacturers, before Agency officials decide whether to proceed to final rule or withdraw the proposal. The major points of disagreement, taken from public comments received in the Regulations Coordination Division are described below.

Tolerance for Oversize Kernels

It is recognized that errors in shelling and handling peanuts occur, and even the most up-to-date quality control measures cannot economically or efficiently remove all defects.

Tolerances are provided in the form of percentages to allow for errors incidental to proper handling and processing. Peanuts are collected as "lots" for storage, shipping and processing and usually consist of several thousand pounds. Peanut kernel quality is determined by analyzing a sample representative of the lot; the results are reported as percentages on an official USDA certificate.

A tolerance for oversize kernels provides more uniformly-sized peanut kernels within a lot by specifying a maximum kernel size in addition to the minimum size. A 25 percent tolerance for oversize kernels was proposed for U.S. Medium, U.S. Select and U.S. No. 1 Runner grades. Proctor and Gamble Company, a candy and peanut butter manufacturer, endorsed the need for uniform kernel size, but considered the proposed 25 percent tolerance to be excessive, and requested a 10 percent tolerance for oversize kernels. One sheller organization requested that all tolerances for oversize kernels be eliminated. This Agency proposes reducing the tolerance for oversize kernels from the current proposal of 25 to 15 percent, and requests public comments on this alternative.

Tolerances for Damage

The proposed standards include a 2.00 percent tolerance for all kernel defects and within this amount is a tolerance of 1.25 percent for damaged kernels. Defects are generally classified as "minor" if only affecting appearance, and "damage" when more severe. The 2.00 percent total-defects tolerance applies to all U.S. No. 1 or better grades of peanuts except for U.S. Extra Large Virginia grade, which has a tolerance of 1.75 percent for total defects, including 1.00 percent for damaged kernels.

A sheller organization and several growers protested the 1.75 percent total kernel defect tolerance in the U.S. Extra

Large Virginia grade as compared to the 2.00 percent defect tolerance permitted for the U.S. Jumbo Runner grade. They requested uniform tolerances for similar grades to bring other grades in line with the tolerances for U.S. Extra Large grade. The Peanut Butter and Nut Processors Association also request that the proposed total defects tolerance be lowered from 2.00 to 1.75 percent and the damage tolerance be lowered from 1.25 to 1.00 percent. They cited consumer benefits and industry technological progress in removing kernel defects as reasons to lower the tolerances. This Agency proposes to reduce the damage tolerance from 1.25 to 1.00 percent in all U.S. No. 1 and better grades. The total defects tolerance would remain 2.00 percent. This would achieve uniformity among these grades and benefit consumers with a better product.

Split or Broken Kernels

The proposed tolerance for sound split or broken kernels is 4.00 percent, an increase from 3.00 percent in the current U.S. standards. Peanut kernels, without defects, that have broken into halves or pieces are classified as "sound split or broken" kernels. These have less market value; therefore, a tolerance is provided to prevent large amounts from being included in whole kernel lots.

The shellers requested an increase from 3.00 to 4.00 percent in the tolerance resulting from incidences of sound kernels splitting during normal shelling and processing. The Peanut Butter and Nut Processors requested that the tolerance remain at 3.00 percent, citing the low value of these kernel halves and pieces.

This Agency proposes reducing the proposed tolerance from 4.00 to 3.50 percent.

Export Grades

Shelled peanuts are normally marketed in this country on the basis of kernel size; however, foreign buyers purchase on the basis of the number of kernels per ounce or pound. U.S. grades applicable to lots for export are proposed that have the same quality and size requirements as the domestic U.S. No. 1 grades, but in addition to meeting the minimum kernel size, the size must be stated in count per pound or ounce. U.S. grades, both for export and domestic markets, have the same minimum kernel size which is determined by passing kernels through a sizing screen.

Two sheller organizations and several grower groups commented that the "export" grades represented a lowering of quality levels and would jeopardize

sales to foreign markets. Industry's comments indicate a misunderstanding of the proposed export grades, as the quality and minimum size requirements for export are identical to U.S. No. 1 grade requirements except kernel count would be specified.

The Agency proposes removing the "export" designations. Instead, count per pound or ounce could be specified in connection with any U.S. No. 1 or better grade. Kernel size requirements and minimum diameters would remain unchanged; however, exporters would have the flexibility to market shelled peanuts on a kernel count basis without an "export" grade designation.

Undersize Tolerances

The proposed standards would provide several new size categories requested for Runner type peanuts, including U.S. Jumbo and U.S. Medium Runner type peanuts. The tolerance for undersize kernels in the U.S. Jumbo Runner grade is 5.00 percent, including not more than 3.00 percent which pass through an $1\frac{1}{16}$ x $\frac{1}{4}$ inch sizing screen.

Peanut kernels are sized by metal screens having $\frac{1}{4}$ inch slotted openings of a specified width such as $2\frac{1}{16}$, $1\frac{1}{16}$, or $1\frac{1}{4}$ inches. The double tiered tolerance for undersize includes a provision for kernels smaller than $2\frac{1}{16}$ inches in diameter and kernels smaller than $1\frac{1}{4}$ inches in diameter. This provision was made at industry request due to difficulties experienced in processing large size kernels accurately and to provide more uniform kernel sizes for Runner type peanuts.

One sheller organization objected to the additional 2.00 percent undersize tolerances for medium and jumbo size classifications of Runner type peanuts, and urged uniformity within the standards. The Agency proposes lowering the undersize tolerance for U.S. Jumbo Runner and U.S. Medium Runner type peanuts from 5.00 to 3.00 percent to promote uniformity within the standards. This action would make the size tolerances for the three types of peanuts the same.

Foreign Material

The tolerance for pieces or loose particles of any substance other than peanut kernels or skins (foreign material) is 0.1 percent in the present standards. The Peanut Butter and Nut Processors Association presented data on foreign material levels occurring in shelled peanut shipments. They requested that the current 0.1 percent tolerance be lowered to 0.05 percent. They also requested that the number of pieces of foreign material be reported on

the inspection certificate representing the peanut shipment.

Discussions with USDA research personnel concerning foreign material indicates modern technology has not progressed to a point where a lower tolerance could be met by peanut shellers. A tolerance of 0.05 percent is considered overly restrictive for shellers.

The Agency proposes to leave the tolerance unchanged at 0.1 percent. However, the number of pieces of foreign material found during the sample analysis would be recorded on the inspection certificate.

U.S. Jumbo Spanish

The proposed standards do not

include a U.S. grade for jumbo size Spanish peanuts. The Peanut Butter and Nut Processors, as well as peanut brokers, pointed out in comments to the Agency that USDA Market News quotes trading information on "Jumbo Spanish" peanuts. The shelled peanut industry lacks a definition of "Jumbo Spanish." A U.S. Jumbo Spanish grade is proposed to promote uniformity in marketing. All quality requirements would be consistent with the U.S. No. 1 Spanish grade. The minimum kernel size would be $1\frac{1}{4}$ inches determined by sizing with a screen having openings $1\frac{1}{4} \times \frac{3}{4}$ inches.

A brief summary of the areas lacking agreement are listed below with a summary of preferences and the alternative the Agency proposes.

Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments regarding poultry products inspection regulations to Mr. H. J. Barth, (202) 447-5850.

FOR FURTHER INFORMATION CONTACT:
Mr. H. J. Barth, Staff Officer, Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5850. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION:

Significance

The proposal was received under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and was classified "significant."

Background

On November 7, 1980, the Department published a proposed rule (45 FR 73947) to amend the Federal meat and poultry products inspection regulations by establishing standards and procedures for the accreditation of non-USDA laboratories to analyze official meat and poultry samples for (1) residue of particular chemicals, or classes of chemicals, and (2) protein, moisture, fat and salt content. It appears that a permanent program adopting standards and procedures for accreditation of non-USDA laboratories would provide an equitable and efficient method for meeting the increased usage demand for testing facilities.

The Department's Food Safety and Quality Service received a request from the American Meat Institute to reopen the comment period to allow additional time to study the proposal and submit comments. The Agency is interested in receiving additional data on this proposal and has determined that there is sufficient justification for reopening the comment period for 30 days.

Done at Washington, DC, on January 29, 1981.

Donald L. Houston,
Administrator, Food Safety and Quality Service.

[FR Doc. 81-3846 Filed 2-2-81; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 318 and 381

Accredited Laboratory Program

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On November 7, 1980, the Department published a proposal to amend the Federal meat and poultry products inspection regulations to establish standards and procedures for

the accreditation of non-USDA laboratories used to analyze official meat and poultry samples. In response to a request for additional time for commenting on the proposal, the Department's Food Safety and Quality Service is reopening the comment period for 30 days.

DATE: Comments must be received on or before March 5, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, Room 2837, South

Done at Washington, DC, on January 29, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-3846 Filed 2-2-81; 8:45 am]

BILLING CODE 3410-DM-M

**NUCLEAR REGULATORY
COMMISSION**

10 CFR Part 50

(Docket No. PRM-50-29)

**Electric Utilities; Supplement to
Petition for Rulemaking**

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of supplement to petition for rulemaking PRM-50-29.

SUMMARY: The Nuclear Regulatory Commission has received a supplement to the petition for rulemaking filed by Electric Utilities concerning an Unresolved Safety Issue, Anticipated Transient Without Scram (ATWS). The supplement, which is dated January 5, 1981, contains a proposed appendix to 10 CFR Part 50 which the petitioner asks the Commission to consider in connection with its petition, PRM-50-29, which was published in the **Federal Register** for comment on November 4, 1980 (45 FR 73080). The petitioner's proposed appendix addresses the issue of Criteria for Evaluation of Scram Discharge Volume Systems for Boiling Water Reactors.

ADDRESSES: Copies of the supplement and the petition for rulemaking, PRM-50-29, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. A copy of both documents may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301-492-7211.

Dated at Washington, D.C., this 28th day of January 1981.

For the Nuclear Regulatory Commission,
Samuel J. Chilk.

Secretary of the Commission.

[FIR Doc. #1-3229 Filed 2-2-81 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Challenges to Certification of Eligibility by Interested Companies Pursuant to Section 8(d) of the Small Business Act

AGENCY: Small Business Administration.

ACTION: Proposed rules.

SUMMARY: These proposed rules and regulations set forth standards and procedures for challenges by third parties and government prime contractors to certification of eligibility by interested companies pursuant to section 8(d) of the Small Business Act.

DATES: These rules are hereby published in proposed form. The public is welcome to comment upon them by April 6, 1981.

ADDRESS: Comments should be submitted in duplicate to the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Berkeley Boyd, Office of Minority Small Business and Capital Ownership Development, 1441 L Street, N.W., Washington, D.C. 20416, Phone: (202) 653-6549.

SUPPLEMENTARY INFORMATION: Pursuant to section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), the Administrator for SBA is authorized to make such rules and regulations as he deems necessary to carry out the authority vested in him pursuant to the Small Business Act. Accordingly, the following amendments to Part 124 of 13 CFR are hereby published in proposed form.

Public comments upon these proposals will be accepted and evaluated, and certain SBA rules and regulations will be amended thereafter in order to carry out the provisions of the Small Business Act to which they relate.

Dated: January 6, 1981.

A. Vernon Weaver,
Administrator.

It is proposed to add new § 124.4-1 to read as set forth below:

§ 124.4-1 Section 8(d) eligibility challenges.

(a) General. These regulations apply in the case of a challenge concerning the eligibility of a small business to participate in SBA's subcontracting program on the basis of its eligibility as a socially and economically disadvantaged owned firm.

(b) For purposes of qualifying as a socially and economically disadvantaged business owner(s) under the subcontracting program, SBA will presume members of the following groups are socially and economically disadvantaged. The groups are Black Americans; Hispanic Americans; Native Americans; Asian Pacific Americans; other groups identified by SBA, and any individual(s) who has been determined

by SBA to be socially and economically disadvantaged under the section 8(a) Program.

(c) An interested party challenging a small business' eligibility to participate in the 8(b) subcontracting program, on the grounds that the business is not owned and controlled by socially and economically disadvantaged individual(s), will provide the SBA district office having jurisdiction over the geographical area where the challenged business has its principal place of business, with specific and relevant information to support its allegations. The eligibility determination will be based primarily on facts and allegations supplied by the parties to the SBA. If deemed necessary or appropriate, SBA may utilize other information in its files and may make inquiries including requests to the parties or other persons for additional specific information. The burden of establishing its social and economic disadvantaged status by submitting full information to SBA shall be upon the concern whose disadvantaged status is under consideration.

(d) Once the district office has received all of the information it requires, it will make a recommendation to the SBA regional office within 7 working days. The regional office will then review the district office recommendation within 5 working days of receipt and render a written decision. An interested party adversely affected by the regional office decision may appeal to the SBA Central Office 8(a) Eligibility Committee within 10 days of receipt of the decision. If the decision is appealed, the regional office will then forward the entire file to the 8(a) Eligibility Committee in the SBA Central Office. The Committee will make a recommendation to the Associate Administrator for Minority Small Business and Capital Ownership Development (AA/MSB&COD). The AA/MSB&COD will then render a final decision on the eligibility of the challenged business for participation in the section 8(d) Subcontracting Program. Once this final determination has been made there will be no right of appeal within the SBA organizational structure.

(e) Whenever a protest challenges the size status of an alleged small business, SBA will utilize the size procedures set forth in 13 CFR 121.3-5.

[FIR Doc. #1-3883 Filed 2-2-81 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Improving Government Regulations;
Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.
ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published to comply with the Federal Trade Commission Improvement Act of 1980, Pub. L. 96-252. Each item reflects each operating bureau's assessment of events that it expects will occur in the listed proceedings sometime during the coming year. No Commission determination on the need for or on the substance of a trade regulation rule or any other procedural option should be inferred from inclusions.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item is based on projected timing of future Commission action. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

FOR FURTHER INFORMATION CONTACT:
Richard C. Foster, Deputy Director for Operations, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3355.

Food Advertising

(39 FR 39842, Nov. 11, 1974; 40 FR 23086, May 28, 1975; 41 FR 8980, Mar. 2, 1976)

The Rule

The rule would promote accuracy in food advertising claims by standardizing certain terms and requiring disclosure of material information in the following areas: Natural food claims; energy and weight control claims; and fat, fatty acid, and cholesterol claims. Foods could be advertised as natural, if such foods contain no artificial or synthetic ingredients and are more than minimally processed. If a food has been more than minimally processed, it could nonetheless be advertised as natural, if either the processed ingredients or the processes themselves are disclosed. Additionally, natural foods could not be advertised as inherently superior simply because they are natural.

Advertisements making energy claims would have to disclose that the claim means that the food provides calories. Weight control claims would have to

disclose the number of calories in a serving of the advertised food (unless the food meets FDA standards for a "low calorie" food).

Finally, the rule would deal with two types of fatty-acid and cholesterol claims: content claims, which simply state the content (e.g., no cholesterol), and health-related claims which refer to heart or artery disease. As to content claims about cholesterol or fatty acids, the rule would require disclosure of either the amounts of the other dietary constituents thought to be related to heart and artery disease or, in broadcast media, a disclosure that the advertised food contains these other components and the label may be consulted for precise information.

As to health related claims, the rule would prohibit certain claims that are unsubstantiated or false. All remaining claims in this area may be made, so long as the advertisement discloses the existence of a scientific controversy concerning the relationship between fat and cholesterol in the diet and the risk of heart or artery disease.

The staff is presently writing a statement of basis and purpose and related documents.

Objectives

The rule is designed to ensure that consumers have accurate and reliable information on nutrition quality by preventing deception in food advertising. The "natural food" section is intended to remedy the deceptive use of the claim that a food is "natural". The energy section would prevent consumers from being misled into believing that something special in the food provides energy, when, in fact, it is the caloric content of the food which determines the energy it provides. Weight control claims would trigger a disclosure to consumers that would permit them to choose foods based on accurate information. Fatty acid and cholesterol claims would be limited to prevent deceptive claims relating to heart or artery disease. Advertisers would be prevented from deceptively overstating the health benefits of particular foods.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15, & 18, 15 U.S.C. 45, 52, 55 & 57(a).

Timing

Final Commission Action—March, 1981.

Responsible Person

Melvin H. Orlans, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade

Commission, Washington, D.C. 20580, (202) 724-1529.

Amendment to Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defenses ("Holder-in-Due-Course Rule")

(16 CFR Part 433 (40 FR 53506, November 18, 1975))

The Amendment

The original rule, which took effect in May of 1976, requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans (loans made to finance a purchase from a seller with whom the lender has a working relationship directed at consumer sales) contain a provision which makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller.

The amendment would extend to creditors who make purchase money loans or purchase retail installment contracts the obligation to ensure that credit contracts contain the required provision. The amendment also would make a number of technical revisions in the rule, including:

1. The definition of "purchasing money loan" and certain associated terms would be clarified but the underlying meaning would not be changed.
2. The language of the required contract provision would be changed to make it more readable and to make explicit the idea that the provision only preserves claims and defenses related to the sale financed by the creditor contract. The legal meaning of the contract provision would not be changed.
3. Lenders would be permitted to add to the required contract provision a specified clause which frees them from liability for claims and defenses where a consumer tells them that loan proceeds will be spent at a seller with which they are affiliated, but actually spends the proceeds at a different, unaffiliated, seller.
4. The amendment would add a provision indicating that businesses violate the rule only if the violative actions are engaged in with actual or implied knowledge that they are prohibited by the rule.
5. The minimum size of type in which the required contract provision would have to be printed would be reduced, in order to lessen the amount of space the provision would take up on contract forms.
6. In credit contracts required by law to be in Spanish, a Spanish version of

the required contract provision would have to be used.

The staff is presently drafting a statement of basis and purpose and related documents.

Objectives

The underlying objective of the amendment is the same as that of the original rule—to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform as promised when consumer sales are financed by third party creditors or purchase money lenders.

The extension of compliance obligations to creditors is intended to encompass within the rule all parties to the practices covered by the rule. It should also enhance enforcement of the rule because in many transactions covered by the rule creditors play an important or even dominant role in determining the content of contracts. The technical changes made in the rule by the amendment should make the rule easier for consumers and businesses to work with and understand.

Legal Authority

Federal Trade Commission Act sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Final Commission Action—March 1981.

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1100.

Used Motor Vehicles

(41 FR 1089, January 6, 1976)

The Rule

The rule would require dealers to post a window form on used cars sold to consumers which discloses, in plain language, information regarding the condition of certain mechanical systems (e.g., what defects are known to the dealer, which systems have passed any inspection), the warranty coverage offered (if any), certain other important information. The form would also inform consumers that oral promises are often legally unenforceable, and would explain the circumstances in which buyers lose the additional protection of implied warranties created by State law ("as is" sales).

The rule would leave to dealers the decision of whether to inspect, and, when inspecting, what inspection procedures to follow. A dealer could use any reasonable inspection procedure as

long as a vehicle system marked "OK" meets standards set out in the rule. Dealers would be required to inspect before they could mark a system "OK".

The Commission tentatively adopted the rule on May 16, 1980, Commissioners Clanton and Pitofsky withholding their support. The rule then was published for further public comment. The staff is presently drafting a summary of the comments and its final recommendations.

Objectives

The rule is designed to define and prevent deceptive and unfair practices in the sale of used cars by dealers that may result in substantial consumer injury. These deceptive and unfair practices include oral misrepresentations by dealers about the mechanical condition of used cars (e.g., false claims about condition, failures to disclose known defects, claims about condition made without a reasonable basis), and oral misrepresentations about warranty coverage (e.g., misrepresentation of the terms of a warranty, failures to disclose the meaning of warranties and warranty disclaimers prior to sale).

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a); Magnuson-Moss Warranty Act, section 109(b), 15 U.S.C. 2309(b).

Timing

Final Commission Action—March 1981.

Responsible Person

Susan Liss, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20480, (202) 523-1670.

Funeral Industry Practices

(40 FR 39901, August 29, 1975)

The Proposed Rule

In 1979 the Commission tentatively approved in substance a trade regulation rule to govern funeral industry practices. The proposed rule is substantially modified from the rule originally proposed in 1975. The Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252, placed certain limits upon the Commission's authority to regulate the funeral industry. According to Section 19 of the Act, the Commission may issue the funeral rule only to the extent that the rule mandates disclosure of fees or prices and prohibits or prevents: (1) Misrepresentations, (2) use of threats or boycotts, (3) conditioning the furnishing of any

funeral goods or services to consumers upon the purchase by those consumers of other funeral goods or services, and (4) furnishing funeral goods or services for a fee without prior approval. The Act also requires that any revised rule limited in accordance with section 19 be published for public comment before the Commission makes a final determination on whether or not to adopt the rule.

In January 1981, the Commission published a revised version of the 1979 proposed rule. The proposed rule has the following central features:

1. Price disclosures—The rule would require that consumers be provided with itemized price lists (a general price list, casket price, and outer burial container price list) in the funeral home before entering into discussions about particular services or merchandise. It would also require that itemized price information be provided over the telephone upon request. Consumers also would have to be given a written statement listing charges for the services and merchandise they selected.

2. Misrepresentations—It would be a violation of the rule to misstate legal or cemetery requirements.

Misrepresentations that funeral services or merchandise can preserve the body for extended periods of time would also be prohibited. Other misrepresentations banned by the rule would be claims that a casket is required for cremations and claims that cash advance items (items obtained from a third party) were being provided at cost when they were not. The rule would also require funeral providers to make certain disclosures to inform consumers whether goods and services such as embalming are required or not.

3. Unfair or Deceptive Practices—The rule as proposed would prohibit embalming without explicit prior permission from family members in ordinary circumstances, would prohibit persons covered by the rule from requiring caskets for cremation, and would require that they make alternative containers available.

4. Market Restraints—Use of group boycotts or threats to restrain competition within the funeral industry (such as competition by advertising prices or by providing alternative funeral arrangements) would be prohibited.

A revised rule has been published for public comment. Based on comments received, the Commission will consider further revisions, such as clarification of the definitions of "casket" and "alternative container," revisions to the casket-for-cremation provisions, and reevaluation of the need for the rule.

provision prohibiting the use of threats or boycotts to restrain competition.

Objectives

The proposed funeral rule is intended to reduce the substantial injury to funeral purchasers resulting from inadequate access to price and other information needed in shopping for and purchasing those items which they believe best meet their individual needs, at the best price available. The project is also intended to reduce the extent to which providers may interfere with rational consumer choice by (1) misrepresenting the utility of and need for certain goods and services, (2) providing and then billing for services without asking for or receiving permission to provide them and (3) requiring consumers to purchase certain goods they neither want nor need. Finally, the rule attempts to reduce the extent to which providers, through group threats or boycotts, unlawfully interfere with the businesses of other providers who advertise or offer low cost or alternative forms of dispositions.

Legal Authority

Federal Trade Commission Act sections 5 and 18, 15 U.S.C. 45 and 57(a), as limited by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252, 94 Stat. 374, section 19.

Timing

Publication of revised rule for public comment and rebuttal—January, 1981.

Comment period ends—Sixty days after publication of the revised rule.

Rebuttal period ends—Twenty days after close of the comment period.

Oral presentation before the Commission—thirty days after close of rebuttal period.

Final Commission action—June, 1981.

Responsible Person

Robert A.M. Schick, Program Advisor, Federal Trade Commission, Room 263, 6th and Pennsylvania Ave., NW, Washington, DC 20580, (202) 523-3885.

Amendment to Care Labeling of Textile Wearing Apparel Rule, 16 CFR Part 423

(41 FR 3747, January 26, 1976)

The Proposed Amendment

An existing rule, effective since July, 1972, requires that all consumers' wearing apparel and piece goods used to make wearing apparel contain a "care label" which informs consumers about proper procedures for such things as cleaning, drying, and ironing.

The amendments that were proposed would extend the rule to cover all textile products including carpets and rugs.

upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedure, the use of standardized care terminology and the establishment of a basis of accuracy for each care procedure prescribed in a label.

Objective

The rule and its amendment seek to inform consumers what care procedures should be used to make certain that the utility and appearance of purchased textile products will not be impaired. In addition, the information thus made available would permit an informed choice among competing products.

Legal authority

Federal Trade Commission Act sections 5 & 18, 15 U.S.C. 45 & 57 (a).

Timing

Publication of revised proposed amendments for technical comments—January 2, 1981.

Public Comment—February 2, 1981.
Final Commission Action—March, 1981.

Responsible Person

Earl Johnson, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1362.

Proprietary Vocational and Home Study School

(39 FR 39385, August 15, 1974); Final Rule published (43 FR 60796, December 28, 1978); set aside and remanded by Court of Appeals in *Katharine Gibbs (School), Inc. v. FTC*, 612 F.2d 658 (2d Cir. 1979).

The Rule

The Rule as originally issued required Proprietary Vocational and Home Study Schools to provide pro rata refunds to students who withdraw from their courses; to provide information to prospective students concerning the schools' graduation and placement records and to provide an initial fourteen day cooling-off period in which students can cancel their enrollment contracts and receive full refunds. The Court of Appeals expressed disagreement with the breadth of the pro rata refund requirement and the manner in which the Rule required disclosure of placement and earnings information. The Court also found the Rule to be procedurally deficient for not specifying the unfair or deceptive trade practices the Rule seeks to prevent.

The Commission is presently considering staff's recommendations in the remanded proceedings.

Objectives

The Rule's objectives are to create economic incentives for schools to avoid abusive sales practices, to prevent deception by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act sections 5 & 18, 15 U.S.C. 45 & 57 (a).

Timing

Republish rule, revised to respond to Court of Appeals order of remand—February, 1981.

Public comment—After publication of proposed revised rule.

Final Commission Action—August, 1981.

Responsible Person

Walter C. Gross III, Division of Marketing Abuses, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3911.

Over-the-Counter Drugs

(40 FR 52631, Nov. 11, 1975)

The Proposed Rule

The proposed rule is directly linked to regulations affecting labeling for OTC (non-prescription) drugs that will result from the Food and Drug

Administration's comprehensive review of the safety and efficacy of those drugs. The proposed FTC rule would prohibit claims in advertising for OTC drugs that would be prohibited by FDA in labels or labeling for those same drugs. The rule would also require that, where FDA limits certain types of claims to specific approved language on the label, only the FDA approved terminology be used in making those claims in advertising.

The Commission is presently considering final staff recommendations.

Objectives

The objective of the rule is to prevent inconsistency between claims in advertising and labeling and to avoid the use of advertising claims that may limit the effectiveness of FDA's review program for OTC drugs, and thereby to prevent deceptive claims for OTC drugs in advertising.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15 and 18, U.S.C. 45, 52 and 57(a).

Timing

Final Staff Recommendation to the Commission—December, 1980.

Oral Presentation to the Commission—January 28, 1981.

Commission Consideration of Rule—February, 1981.

Responsible Person

Joel Brewer, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1530.

Hearing Aids

(40 FR 26646, June 24, 1975)

The Proposed Rule

The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to reasonable service charges. In addition, the proposal would prohibit advertising claims that a hearing aid will halt or retard hearing loss or that it will restore normal hearing.

The staff is analyzing the rulemaking record for further consideration by the Commission.

Objectives

The purpose of this proposal is to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that the device will provide no significant benefit to the user.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15 and 18, 15 U.S.C. 45, 55 and 57(a).

Timing

Commission Consideration of Staff Analysis—April, 1981

Final Commission Action—May, 1981

Responsible Person

W. Benjamin Fisherow, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1511.

Protein Supplements

(40 FR 41144, September 5, 1975)

The Proposed Rule

The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure

would be a required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule as presently proposed would require a general disclosure in the advertising and labeling of these products to the effect that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports are now being analyzed by the staff.

Objectives

The proposed rule was developed to limit misrepresentations in advertising and labeling and to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants). The rule was also proposed to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet.

Legal Authority

Federal Trade Commission Act, sections 5, 12 and 18, 15 U.S.C. 45, 52 and 57(a).

Timing

Final Staff Recommendations—March, 1981.

Possible Oral Presentation before the Commission—April, 1981.

Commission Consideration of Staff Recommended Rule—May, 1981.

Responsible Person

Harrison Sheppard, San Francisco Regional Office, Federal Trade Commission, P.O. Box 36005, 450 Golden Gate Ave., San Francisco, CA 94102, (415) 556-1270.

Mobile Home Sales and Services

(40 FR 28334, May 29, 1975)

The Proposed Rule

Pursuant to § 1.13(g) of the Commission's Rules, a staff report has been placed on the public record for post record comment. The report recommends a rule concerning warranty practices in the mobile home industry. This recommended rule contains substantial modifications and deletions from the originally proposed rule. It would set 30 day time limits within which the warrantor must complete warranty repairs and require manufacturers or their service agents to perform pre-occupancy inspection of the home. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate

a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs which specify who is responsible for making the repairs. Under the rule, written warranties must include specific time deadlines for service; set up and transportation damage cannot be excluded from coverage; and repairs cannot be contingent on return of the home to the factory or return of a registration card.

Based on a review of the written comments being received on the recently released staff report, there will be a further evaluation of the need for each of the provisions of the recommended rule. The recommended rule seeks to set performance standards for warranty service and service systems, but the appropriate degree of flexibility for each rule provision remains to be resolved. A possible alternative to specific time deadlines for warranty repairs would allow individual manufacturers and dealers to set their own deadlines, so long as they were disclosed in their warranties.

The recommended rule sets out eight issues that must be addressed in the written service agreement between the manufacturer and dealer. If specific service deadlines and related requirements are retained in any final rule that is promulgated, they may obviate the need for the written agreement to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

Consideration will also be given to the need for a pre-occupancy inspection by the warrantor or its agent and whether responsibility for set up and transportation damage should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. An alternative may be to have manufacturers select their own monitoring devices, rather than require the use of a questionnaire.

Objectives

Most mobile home manufacturers offer a one year written warranty to cover defects in the materials and workmanship of the home. This warranty obligates them to repair defects, yet the rulemaking record indicates that many do not do so in an adequate or timely manner. The purpose of the recommended rule is to create

incentives for warrantors to fulfill their warranty obligations by providing services or repairs within a reasonable period of time.

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Close of post-record comment on Final Staff Report and Presiding Officer's Report—February 13, 1981. Final Staff recommendations—July, 1981.

Oral presentation before Commission—September, 1981.

Responsible Person

Allen W. Hile and Eloise Gore, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580, (202) 523-3935.

Credit Practices

[40 FR 16347, April 11, 1975]

The Proposed Rule

Pursuant to § 1.13(g) of the Commission's Rules, a staff report has been placed on the public record for post record comment. The staff's recommended rule, which modifies the originally proposed rule, addresses the use in consumer credit transactions of a variety of legal devices which creditors use to collect debts. Remedies now being recommended by the rulemaking staff include the following:

1. Confession of judgment—The debtor signs a form which authorizes the creditor to obtain a court judgment against him or her without notice to the debtor and without any opportunity for the debtor to appear and defend himself. The debtor thus loses due process rights, such as the ability to contest disputed claims. The rule would prohibit the use of confessions of judgment.

2. Waivers of state property exemptions—The debtor waives the right, granted by state law, to keep certain minimal property if a court judgment is obtained against him or her. The rule would prohibit the use of such waivers.

3. Wage assignments—The debtor authorizes the creditor to seize a portion of his wages without first obtaining a court judgment. The debtor loses the ability to contest disputed claims. Moreover, some debtors may be subject to disciplinary action or firing by employers who do not want to divide employee wages between a creditor and an employee because of the accounting costs this imposes. The rule would

prohibit the use of wage assignments unless they are revocable.

4. Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. Because in many instances such goods may have little resale value, it appears that creditors may use these security interests primarily to threaten the debtor and deter default, rather than to actually secure the debt. The rule would prohibit the use of security interests in household goods except to secure credit used to finance the purchase of such goods.

5. Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from that merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase. The rule would prohibit cross-collateral security interests unless collateral was released from the security agreement as the consumer pays for it, in the order it was purchased.

6. Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for deficiency, i.e., the difference between their sale price of the product and the amount the consumer owes. The evidence shows that sale prices of repossessed collateral are frequently very low, resulting in large deficiencies. The rule would prohibit collection of deficiencies unless the debtor is credited with the fair market retail value of the collateral.

7. Attorney's fee provisions—The provisions require the debtor to pay the creditor's attorney's fees. These provisions may thus tend to inhibit debtors from defending themselves against payment of disputed debts. The evidence indicates that, in some instances, attorney's fees assessed by courts may be larger than actual court costs or the cost of actual service provided. The rule would prohibit attorney's fees clauses in consumer credit contracts.

8. Late charges—Late charges are penalty fees that the creditor assesses when the debtor fails to pay an installment on time. The rulemaking record shows that sometimes they are "pyramided", i.e., a creditor allocates payments in such a way that a single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments. The rule would prohibit pyramiding of late charges.

9. Third party contacts—The record indicates that some creditors make contracts for debt collection purposes

with third parties, such as relatives, neighbors, or the debtor's employer. Such contacts may tend to invade privacy and may harm a debtor's employment relationship and lead to job loss. The rule would require creditors to agree in credit contracts not to engage in third party contacts except to locate debtors or verify debtor assets.

10. Cosigners—Creditors sometimes have the debtor obtain one or more cosigners who agree to pay the debt if the principal debtor defaults. The evidence shows that cosigners frequently do not understand that the obligation they undertake is substantial. The rule would require creditors to give cosigners a notice informing cosigners of their obligation, along with copies of documents relating to the debt. Creditors would also have to notify cosigners of serious delinquency on the part of the principal debtor and to make serious efforts to collect from the principal before collecting from a cosigner. When a person is solicited to be a cosigner after an account is in default, the potential cosigner would have to be given a 3-day cooling off period to evaluate his or her obligation.

When the above described recommended rule was issued for public comment, it was accompanied by a memorandum from the Director of the Bureau of Consumer Protection which did not make specific recommendations but which invited public comment on alternatives to a number of proposed rule provisions. These include: substituting a "loser pay" approach to attorney's fees for the proposed ban on provisions that require a debtor to pay attorney's fees; limiting the prohibition against third party contacts to contacts with employers, and dropping proposed protections for cosigners that go beyond disclosure. In addition, the Bureau Director's memorandum suggests that the Commission may wish to consider some optimal mix of rule provisions, perhaps modeled on consumer credit laws that are already in effect in Connecticut, Iowa, and Wisconsin. These three States have laws that are similar in many respects to the proposed rule, and the rulemaking developed extensive information about how these State laws have worked in practice.

Finally, a memorandum from the Commission's Bureau of Economics concerning the recommended rule was made available to the public. The Bureau of Economics memorandum suggested alternative rule provisions in a number of areas, including elimination of the prohibition on security interests in household goods; elimination of the cross-collateralization provision of the

rule; substitution of a "loser pays" approach to attorneys' fees; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider the alternatives recommended in the staff report, as well as those raised by the Bureau Director, the Bureau of Economics and various participants in the proceeding, and will decide what form of rule, if any, it ultimately should promulgate.

Objectives

When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict substantial injury on debtors that is disproportionate to their economic value. The recommended rule would address nine such remedies. The injury caused by these practices includes not only dollar losses, but also non-pecuniary harm, such as emotional distress and loss of privacy.

Legal Authority

Federal Trade Commission Act
sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Deadline for public comments on Staff Report and Presiding Officer's Report—January 16, 1981.

Final staff recommendations to Commission—May, 1981.

Oral presentation to Commission—June, 1981.

Commission Consideration of Staff Recommendation—July, 1981.

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. (202) 724-1100.

Antacid Advertising

(41 FR 14534-25, Apr. 6, 1976)

The Proposal

The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling on non-prescription antacids should also appear in the advertising for such products. The proceeding has explored and considered various alternatives,

including no warnings whatsoever, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of particular risks), and various combinations of general and specific warnings. A decision by the staff on the final form of a recommended rule has not yet been made.

Objectives

Any rule in this area would be designed to prevent deceptive advertising claims for over-the-counter antacid products. In particular, a rule would be aimed at preventing the deceptive implication that antacid products are safe and can be taken by anyone without any adverse effects.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15, & 18, 15 U.S.C. 45, 52, 55 and 57(a).

Timing

Publication of Staff Report—February, 1981.

Public Comment—After release of the Staff Report.

Final Staff Recommendations to Commission—July, 1981.

Oral Presentations to Commission—October, 1981.

Responsible Person

Joel Brewer, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. (202) 724-1530.

Health Spas

(40 FR 34615; [August 18, 1975])

The Proposed Rule

The proposed rule would require that health spa membership contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty, during a three-day cooling-off period. If the contract is with a seller whose facilities are not yet fully operational, the proposed rule would provide that the consumer's right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, however, the seller would be allowed to retain a cancellation fee not in excess of 5% and a pro-rata portion of the contract price based on the period of

time the facilities were available to, or used by, the consumer. The balance of the contract price would have to be refunded to the consumer within ten business days after cancellation of the contract.

Other provisions of the proposed rule prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-term contracts, and prohibit the receipt of more than 5% of the contract price from consumers if a spa is not fully operational and available for use.

The staff is presently completing its analysis of the rulemaking record and its report.

Objectives

The Rule's objectives are to create economic incentives for health spas to avoid unfair or deceptive sales practices and to provide consumers with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Publication of Staff Report—June, 1981.

Public Comment on Staff Report—until September, 1981.

Responsible Person

John A. Crowley, Federal Trade Commission, New York Regional Office, 26 Federal Plaza, New York, New York 10278, (212) 264-1213.

Children's Advertising

(43 FR 17987, April 27, 1978)

The Proposed Rule

The Commission did not propose a rule at the onset of this proceeding. Rather than making a specific proposal, the rulemaking was aimed at determining whether television advertising directed to children is unfair or deceptive and, if so, what remedies are appropriate.

The Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252 suspended this proceeding until the Commission votes to publish the text of a proposed rule. Additionally, any further action in the proceeding could be based only on acts or practices which are "deceptive". By order of June 18, 1980, the Commission requested the staff to analyze the rulemaking record and submit by October 15, 1980 its recommendations and evaluation of courses of action available to the Commission. This deadline was postponed to February 15, 1981 so that

the staff could conduct further discussions of alternatives to rulemaking with all interested persons. By the new date, the staff is to submit the previously requested report or a status report describing the progress of informal meetings.

Objectives

The objective of this rulemaking is to examine whether measures are necessary to reduce any deception that may arise when children are too young to understand the selling purpose of television advertising directed to them. It is also intended to examine ways of reducing any deception that arises when television advertising of sugared products directed to older children omits to inform them of the health consequences of sugar consumption.

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a); Federal Trade Commission Improvements Act, Pub. L. 96-252, 94 Stat. 378, § 11.

Timing

Staff recommendations—by February 15, 1981.

Commission decision as to appropriate action—March, 1981.

Responsible Person

Susan Elliott, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1456.

Standards and Certification

(43 FR 57289, Dec. 7, 1978)

The Proposed Rule

The rule that was proposed in 1978 would require standards developers to provide notice of their standards-setting proceedings to representatives of all interests that are likely to be affected and to assure all interested persons fair opportunity to participate in the proceeding. Further, it would require the establishment of challenge and appeal mechanisms to resolve complaints about deceptive or unduly restrictive standards. Certifiers covered by it would be responsible for the truthfulness of their certifications, and would be obligated to take action to stop misuse of their seals of approval by producers.

This rulemaking is affected by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252. More specifically, the Commission's authority to issue the standards and certification rule with respect to "unfair

or deceptive acts or practices" under § 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the Act to issue a rule with respect to "unfair methods of competition."

In addition to rulemaking there are a variety of possible alternatives to issuance of a rule under consideration. Industry guides or statements of enforcement policy could be issued and then these could be enforced in a case-by-case basis. Also under review are other government activities which affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is implementation of OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Standards.

Objectives

Activity in this area is intended to reduce the incidence and severity of injuries to competition that may result from private standards development and product certification activities. Some 20,000 product standards are set by trade associations, technical and professional societies, product testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring such things as the safety, fitness, and energy efficiency of products. However, substantial injury to competitors and consumers can occur if standards development or certification activities block the use of superior or lower cost technology, prevent businesses from competing in profitable industries, establish inadequate or inappropriate product safety levels, inflate product prices, or deceive consumers about the quality of products.

Legal Authority

Federal Trade Commission Act, sections 5 & 6, 15 U.S.C. 45 & 46. Federal Trade Commission Improvements Act, Pub. L. 96-252, 94 Stat. 374, section 7.

Timing

In response to passage of the Improvements Act, staff has recommended that the most efficient way to determine what Commission actions, if any, are necessary with

respect to standards and certification activities is to complete analysis of the rulemaking record gathered to date. Staff's recommendation is pending with the Commission. If staff's recommendation is approved, timing would be as follows:

Staff Report—Summer 1981.

Presiding Officer's Report—60 Days after Staff Report.

Post-Record Comments—After Presiding Officer's Report.

Responsible Person

Robert J. Schroeder, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3936.

Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans

(ANPR 45 FR 17019, March 17, 1980)

The Proposal

In April 1979, the staff of the Bureau of Competition submitted to the Federal Trade Commission a staff report entitled "Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans," which noted that many members of the boards of directors of such prepayment plans frequently have been selected by medical societies and other groups of physicians whose services are paid for by the plan. The staff report concluded that there is reason to believe that control or participation in control of open-panel medical prepayment plans by physician organizations impairs competition among physicians and between physicians and non-physician providers of health care services, and thus may be an unfair method of competition in violation of § 5 of the Federal Trade Commission Act. The staff accordingly recommended to the Commission that it initiate rulemaking proceedings to determine whether a rule should be promulgated that would prohibit a physician organization from directly or indirectly controlling or participating in the control of any open-panel plan. The rule proposed for comment by the staff defined control as, *inter alia*, the selection or participation in the selection of any member of the plan's governing body.

In November 1979, the Commission's Bureau of Economics published a staff study entitled "Physician Control of Blue Shield Plans." The results of the study, which assessed the relationship between medical society participation in plan governance and reimbursement rates for selected medical procedures, were that (other factors being equal)

Blue Shield reimbursement rates in 1977 were 16 percent higher where a local medical society selected plan board members.

The Commission has not decided whether to take action on the basis of the recommendations set forth in these staff reports, but the Commission did conclude that the reports raise a number of important issues, especially in light of the rapid escalation in the cost of health care. Before considering these issues, however, the Commission decided to solicit comments on its staff's analyses, on the facts dealt with by the reports, and on certain specific areas of concern. Therefore, on March 17, 1980, the Commission issued a Request for Comment and Advance Notice of Proposed Rulemaking. One of the issues upon which the Commission specifically sought public comment was upon the procedures it should use to further explore these issues. One procedural option would be rulemaking, but the Commission noted that such alternatives as issuance of an industry guide or case-by-case enforcement are also possible approaches.

Objectives

Whether the Commission determines that it should proceed by rulemaking or should adopt an alternative procedural approach, the objective of any Commission action would be to promote competition in the market for health care services. If the Commission takes action—whether by rule, by guide, or by case enforcement—the Commission's objective would be to remedy whatever problems may result from medical control of prepayment plans such as Blue Shield. The staff reports suggest that such control reduces competition among physicians who participate in or are paid by such plans, and between such physicians and other health care providers. This impairment of competition may, as the Bureau of Economics study indicates, result in higher health care costs. The issue is important because Blue Shield plans make up the largest system of open-panel medical prepayment plans in the Nation, and other open-panel plans—variously called medical service bureaus, foundations for medical care, and/or individual practice association-type health maintenance organizations—cover a small but rapidly growing portion of the Nation's population.

The staff has not yet been able to calculate specific cost savings that would result from Commission action but believes that such cost savings would be substantial. An effect of action by the Commission in this area would

be to clarify existing law with respect to whether and to what extent the antitrust laws permit physician organizations to participate in controlling medical prepayment plans.

Legal Authority

Federal Trade Commission Act, sections 5-6, 15 U.S.C. 45-46.

Timing

The Bureau of Competition staff anticipates that it will forward to the Commission its recommendation among various procedural options in the Winter of 1980-81. Should the Commission decide to proceed with rulemaking, notice to that effect will be published in the *Federal Register* during Winter/Spring 1981.

Responsible Person

Walter T. Winslow, Jr., Assistant Director, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1062.

Amendment to Eyeglasses Rule and Eyeglasses II

(16 CFR Part 456)

The Proposal

The Staff has written a report recommending proposed amendments to the Eyeglasses Rule (16 CFR Part 456) concerning release of eyeglasses and contact lens prescriptions following the dispensing of the goods, and new trade regulation rule provisions which would remove State-imposed restrictions on (1) lay or corporate employment of optometrists and opticians, (2) locations of practice, (3) branch offices and (4) use of trade names. The Commission has made no determination on the findings and recommendations of the staff; hence, no formal rulemaking has been initiated.

The Commission has issued an Advance Notice of Proposed Rulemaking (ANPR) (45 FR 79823-831, Dec. 2, 1980) requesting public comment on the staff's analysis and recommendations and on alternative courses of action which the Commission might take. At the conclusion of this comment period, the Commission will decide what action is appropriate.

In addition to the staff recommendations, the Commission is considering alternative courses of action. One of the alternatives is a publication of a Commission report along with a model State law for review by the States. Such a model statute might, for example, permit optometrists and opticians to practice in commercial settings but at the same time ensure

protection of quality care by including minimum standards for eye examinations and equipment and the protection of the doctor-patient relationship.

Another alternative would be the issuance of a voluntary guide, including some or all of the provisions recommended by the Commission's staff for rulemaking. A guide could define, for example, the kinds of private restrictions on commercial practice that the Commission believed unjustifiably inhibited competition among eye care providers or consumer access to alternative, low cost eye care goods and services.

Objectives

The objective of the Commission's investigation is to reduce public and private restraints which increase consumer prices and limit accessibility to vision care but which do not appear necessary to protect the public health and safety. The principal question the Commission is exploring is the impact of the restrictions noted above on the price, quality and availability of vision care. The investigation has sought, through the development of statistically valid market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result for these restrictions.

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Public comment period on ANPRM—until February 2, 1981.

Commission decision on appropriate action—April, 1981.

Responsible Person

Christine Latsey, Division of Professional Services, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3426.

Amendment to Labeling and Advertising of Home Insulation Rule, 16 CFR Part 460

(42 FR 59678, 1977)

The Amendment

The Commission's home insulation trade regulation rule became effective on September 29, 1980. The rule requires manufacturers of insulation products sold for residential use to test their products to determine insulating ability ("R-value"), and to disclose R-values and related information on product labels and on fact sheets to be made

available to consumers by retailers and installers. It requires disclosure of R-values and related information by insulation installers and new home sellers. It requires advertisers to have a reasonable basis for energy savings claims they make about specific insulation products, and to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-value or price.

The Commission will reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. The Commission has temporarily delayed the effective date of those disclosure requirements pending the initiation and completion of these amendment proceedings.

Amendment proceedings may also be necessary to consider whether changes in procedures for testing thick insulation samples to determine their insulation quality should be incorporated into the rule. The Commission has temporarily delayed the effective date of the rule's requirements for testing thick insulation samples.

Objectives

These amendment proceedings are in response to an earlier court order and changes in test technology. After the Commission promulgated the rule on August 31, 1979, an appeal was filed in the United States Court of Appeals for the Tenth Circuit. The Commission and the petitioners agreed to ask the Tenth Circuit to remand the rule to the Commission. On January 4, 1980, the Court approved the joint stipulation and remanded the rule to the Commission for further rulemaking proceedings concerning thick sample testing and television advertising disclosures.

In addition, the rule by necessity incorporates test procedures for determining insulation quality. The National Bureau of Standards is expected to develop procedures for accurately testing thick samples by January, 1981, after which the appropriate requirement can be developed.

Legal Authority

Federal Trade Commission Act, sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Advance notice of proposed rulemaking—March, 1981.

Notice of proposed rulemaking—June, 1981.

Responsible Person

Kent C. Howerton, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1524.

Residential Real Estate Brokerage Practices

The Proposal

The staff has just completed its investigative work in a nationwide investigation of the residential real estate brokerage industry. As yet, neither the staff nor the Commission has reached any conclusions on any appropriate action. However, several alternatives are under consideration. These include: (1) A trade regulation rule which would declare certain brokerage acts or practices "unfair or deceptive" and thus unlawful under Section 5 of the FTC Act; (2) public reports containing legislative proposals to Congress or the State legislatures seeking to alter the legal standards of practice for the industry; (3) efforts to educate the home buying and selling public, including attempts to increase consumer understanding of the brokerage transaction and to facilitate consumer shopping efforts; (4) formal administrative complaints, alleging anticompetitive, unfair, or deceptive practices, against groups or individuals in the industry; and (5) no action.

Any of these alternatives for action might be used to encourage a number of substantive changes which may enhance competition among brokers and improve the flow of information to consumers. Among the many possible changes the staff is considering are those that would encourage (1) elimination of practices that may discourage brokers from offering differing prices and differing packages of services; (2) alteration of certain requirements or conditions on the use of multiple listing services and other important services; (3) clarification of existing legal duties between brokers, and between brokers and consumers; and (4) the making of simple and brief disclosures to consumers to aid them to make informed choices about brokerage services.

Objectives

Complaints and comments from brokers, consumer groups, and legal and economic experts have raised questions about how the competitive process is working (especially in light of the commonplace 6 or 7 percent commission rates) and how the consumer is served (including problems of possible conflicts of interest and consumer under-

representation) in the brokerage transaction.

In considering the various policy alternatives, the staff is seeking to insure that the marketplace will be allowed to provide the choices that consumers want. The staff is giving primary consideration to actions that may enhance price and service competition among brokers by lessening private restraints on competitors, and that will improve the flow of accurate information to consumers, so that they can make more informed choices among brokers.

Legal Authority

Federal Trade Commission Act, Sections 5, 6 and 18, 15 U.S.C. 45, 46 and 57(a).

Timing

The timetable for any FTC will depend on the nature of the action selected. Commission decision as to an appropriate course of action—April, 1981.

Responsible Person

Robert J. Enders, Regional Director, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Blvd., Suite 13209, Los Angeles, CA 90024, (213) 824-7575.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-3694 Filed 2-2-81; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-234-76]

Foreign Bribes and International Boycotts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to regulations relating to foreign bribes and international boycotts. These amendments will affect controlled foreign corporations and Domestic International Sales Corporations paying bribes or making other illegal payments or participating in or cooperating with certain international boycotts and the shareholders of those corporations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 6, 1981. The

amendments apply to payments made after November 3, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-234-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Catherine Kelly Banks of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 952, 964 and 995 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to changes made to the Internal Revenue Code by sections 1062, 1063 and 1065 of the Tax Reform Act of 1976 (90 Stat. 1650, 1653-4). Sections 1062, 1063 and 1064 amended sections 952, 964 and 995 to eliminate certain tax deferral benefits available to controlled foreign corporations (CFCs) and Domestic International Sales Corporations (DISCs). The deferral benefits are eliminated in cases where such corporations pay bribes or make other illegal payments or participate in or cooperate with certain international boycotts. The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Sections 952 and 995 have been amended to provide that any illegal bribe, kickback or other payment (within the meaning of section 182(c)), paid by or on behalf of the corporation directly or indirectly to an official, employee, or agent in fact of a government will be treated as a deemed distribution as to CFCs and DISCs, respectively.

Sections 952 and 995 have also been amended to provide that where a CFC or DISC participates in or cooperates with certain international boycotts, a portion of the income of the CFC or DISC will be treated as a deemed distribution of that CFC or DISC.

In the case of CFCs, section 964 has been amended to provide that the earnings and profits of a foreign corporation will not be reduced by such illegal payments.

Section 964(a) provides that earnings and profits of a foreign corporation are to be determined substantially as if the corporation were a domestic one.

Paragraph (f) of § 1.964-1 allows a foreign corporation which qualifies under the requirements of that paragraph for such election to elect *identical* treatment with a domestic corporation in determining earnings and profits. These regulations are being changed to indicate that a foreign corporation cannot under either option decrease earnings and profits or increase a deficit in earnings and profits by the amount of an illegal payment.

The proposed regulation clarifies that the principles of section 162(c) and § 1.162-18 shall apply in determining whether an illegal payment has been paid directly or indirectly to an official, employee or agent in fact of a government.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of this regulation is Catherine Kelly Banks of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. Paragraph (a) of § 1.952-1 is amended as follows:

1. Subparagraph (1) is amended by deleting the word "and".

2. Subparagraph (2) is amended by deleting the period at the end of the subparagraph and inserting in lieu thereof a comma.

3. New subparagraphs (3) and (4) are added. The amended and new provisions read as follows:

§ 1.952-1 Subpart F income defined.

(a) *In general.*

(3) An amount equal to the product of—

(I) The income of such corporation other than income which—

(A) Is attributable to earnings and profits of the foreign corporation included in the gross income of a United States person under section 951 (other than by reason of this paragraph), or

(B) Is described in subsection (b), multiplied by

(ii) The international boycott factor (as determined under section 999), and

(4) The sum of the amounts of any illegal bribes, kickbacks, or other payments paid after November 3, 1976, by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government. An amount is paid by a controlled foreign corporation where it is paid by any officer, director, employee, or shareholder of such corporation. For purposes of this section, the principles of section 162(c) and § 1.162-18 shall apply. The fair market value of an illegal payment made in the form of property or services shall be considered the amount of such illegal payment.

Par. 2. Section 1.964-1 is amended by revising the flush language in paragraph (a) and revising paragraph (f) to read as follows:

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

(a) *In general.*

The computation described in the preceding sentence may be made by following the procedures described in subparagraphs (1) through (5) of this paragraph in an order other than the one listed, as long as the result so obtained would be the same. In determining earnings and profits, or the deficit in earnings and profits, of a foreign corporation under section 964, the amount of any illegal bribe, kickback, or other payment (within the meaning of section 182(c) and § 1.162-18) paid after November 3, 1976 by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government shall not be taken into account to decrease such earnings and profits or to increase such deficit. No adjustment shall be required under subparagraph (2) or (3) of this paragraph unless it is material. Whether an adjustment is material depends on the facts and circumstances of the particular case, including the amount of the adjustment, its size relative to the general level of the corporation's total assets and annual profit or loss, the consistency with which the practice has been applied, and whether the item to which the adjustment relates is of a

recurring or merely a nonrecurring nature. For the treatment of earnings and profits whose distribution is prevented by restrictions and limitations imposed by a foreign government, see section 964(b) and the regulations thereunder.

(f) *Determination of earnings and profits as if a domestic corporation*—(1) *In general.* If the books of account regularly maintained by a foreign corporation for the purpose of accounting to its shareholders are kept in U.S. dollars and in accordance with accounting principles generally accepted in the United States, and if it is so elected by or on behalf of such corporation, the earnings and profits of the foreign corporation for a taxable year shall, except as otherwise provided in paragraph (f)(2) of this section, be determined in every respect as if it were a domestic corporation. Such election shall be effective only for the taxable year with respect to which the election is made. Once made, such election shall be irrevocable. See paragraph (c)(3) of this section for the time and manner in which an election may be made on behalf of a foreign corporation.

(2) *Illegal payments.* The amount of any illegal bribe, kickback, or other payment (within the meaning of section 162(c) and § 1.162-18) paid after November 3, 1976 by or on behalf of the corporation during the taxable year of the corporation directly or indirectly to an official, employee, or agent in fact of a government shall not be taken into account to decrease earnings and profits or increase the deficit in earnings and profits otherwise determined under paragraph (f)(1) of this section.

Par. 3. Paragraph (a)(4) of § 1.995-2 is revised to read as follows:

§ 1.995-2 Deemed distributions in qualified years.

(a) *General rule.* * * *

(4) The sum of—

(i) An amount equal of one-half of the excess (if any) of the taxable income of the DISC for such year (computed as provided in § 1.991-1(b)(1)), before reduction for any distributions during the year, over the sum of the amounts deemed distributed for the taxable year in accordance with subparagraphs (1), (2), and (3) of this paragraph.

(ii) An amount equal to the amount determined under clause (i) multiplied by the international boycott factor determined under section 999, and

(iii) An amount equal to the sum of any illegal bribes, kickbacks, or other payments paid after November 3, 1976 by or on behalf of the DISC directly or in

directly to an official, employee, or agent in fact of a government.

An amount is paid by a DISC where it is paid by any officer, director, employee, or shareholder of such DISC. For purposes of this section, the principles of section 162(c) and § 1.162-18 shall apply. The fair market value of an illegal payment made in the form of property or services shall be considered the amount of such illegal payment.

William E. Williams,

Acting Commissioner of Internal Revenue.

[PR Doc. 81-3021 Filed 1-29-81 3:51 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2520

Proposed Revision of Annual Return/Reports and Regulations Regarding Plans Which Participate in a Master Trust

Corrections

In FR Doc. 80-40554 appearing on page 85793 in the issue of Tuesday, December 30, 1980, make the following changes:

(1) On page 85793, second column, fourth line under "DATES", delete "February 13," and insert "March 1." In the third column, first line of the last paragraph, "department" should read "Department".

(2) On page 85794, second column, tenth line of the first full paragraph, "Allocated" should read "allocated".

(3) On page 85795, second column, first paragraph, ninth line, insert "a" after "in".

(4) On page 85796, second column, second paragraph from the bottom, eighth line, insert "a" after "in".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 181

[Notice No. 366; Reference: Notice No. 358]

Amendments to Explosive Materials Regulations

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

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice No. 358.

Amendments to Explosive Materials Regulations, an additional 30 days. Notice No. 358 was published in the Federal Register on November 18, 1980 (45 FR 76191).

DATE: The comment period for Notice No. 358 is extended until February 18, 1981.

ADDRESS: Send comments to: Director, Bureau of Alcohol, Tobacco and Firearms P.O. Box 385, Washington, D.C. 20044 (attn: Chief, Regulations and Procedures Division—Notice No. 358).

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On November 18, 1980, the Bureau of Alcohol, Tobacco and Firearms (ATF) published a notice of proposed rulemaking (Notice No. 358) to obtain comments on the proposed to amend the regulations in 27 CFR Part 181, Commerce in Explosives. This notice resulted from a review of explosives regulations and the comments received on a previous notice of proposed rulemaking. The comment period on the notice was to end on January 19, 1981.

Extension of Comment Period

Due to the length of time required to print a large document, copies of the notice were not distributed to potential commenters at least three weeks after publication in the Federal Register. In addition, the proposed regulations were distributed during a holiday season which limited review time. An industry association also petitioned for an extension of the comment period. Therefore, ATF is extending the comment period 30 days for Notice No. 358 until February 18, 1981.

Public Participation

ATF requests comments from all interested persons concerning this proposal. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. ATF will not recognize any material in the comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. After consideration of all comments and suggestions, ATF may issue final regulations.

Drafting Information

The principal author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority of 18 U.S.C. 847 (84 Stat. 959)

Signed: January 28, 1981.

G. R. Dickerson,
Director.

IFR Doc. 81-3710 Filed 2-2-81 8:45 am]

BILLING CODE 4810-31-M

POSTAL SERVICE**39 CFR Part 776****Floodplain Management and Protection of Wetlands Procedures**

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes procedures for implementing Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. These procedures set forth general policy, criteria, and requirements. Specific guidance for administrative personnel is provided by a more detailed Postal Service publication, Environmental Procedures Handbook RE-6.

DATES: Comments must be received on or before March 5, 1981.

ADDRESS: Written comments should be sent to: Director, Office of Program Planning, Real Estate and Buildings Department, United States Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8915, U.S. Postal Service, Headquarters, 475 L'Enfant Plaza West, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Frank Rowan, (202) 245-4348.

SUPPLEMENTARY INFORMATION: The policies established by Executive Orders 11988 and 11990 are to avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and wetlands; to reduce the risk of flood loss; to minimize the impact of floods on human safety, health, and welfare; and to restore and preserve the natural and beneficial values of floodplains and wetlands. To further these policies, the Postal Service has developed proposed procedures to govern actions which may affect floodplains and wetlands. The

procedures provide for a careful evaluation of factors when determining whether to take action in, or affecting, a floodplain or wetland. They provide for public notice and appropriate public involvement in the decision-making process. The procedures involve a comprehensive search for viable alternatives to floodplain and wetland usage. They require the full identification of impacts and require mitigation if a floodplain or wetland is to be affected. A detailed, high-level review of pertinent factors must be completed before a final decision is made to use floodplain and wetland areas.

In consideration of the foregoing, it is proposed to add new Part 776 of Title 39, Code of Federal Regulations, reading as follows:

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

PART 776—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS PROCEDURES

Sec.

- 776.1 Purpose and policy.
- 776.2 Responsibility.
- 776.3 Scope.
- 776.4 Definitions.
- 776.5 New construction.
- 776.6 Existing buildings, owned or leased.
- 776.7 Disposal, lease, easement to non-Federal public or private parties.
- 776.8 Public notice.

Authority: 39 U.S.C. 401.

§ 776.1 Purpose and policy.

(a) Executive Order 11988, Floodplain Management, was issued on May 24, 1977, under authority of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), (NEPA), the National Flood Insurance Act of 1968 as amended (42 U.S.C. 4001), and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 9451).

Executive Order 11990, Protection of Wetlands, was issued on May 24, 1977 under authority of NEPA. The purpose of these Orders was to avoid adverse impacts associated with the occupancy and/or modification of floodplains; or the modification and destruction of wetlands.

(b) These procedures implement Executive Orders 11988 and 11990 and are adopted under the Postal Reorganization Act rather than the statutes listed in § 776.1(a) to the extent these statutes do not apply to the Postal Service under 39 U.S.C. 410(a).

(c) These procedures provide guidance:

(1) To avoid direct or indirect, long or short term adverse impact on floodplains and wetlands;

(2) To reduce the risk of flood loss;

(3) To minimize the impact of floods on human safety, health, and welfare;

(4) To restore and preserve the natural and beneficial values served by floodplains;

(5) To minimize the destruction, loss, or degradation of wetlands;

(6) To preserve and enhance the natural and beneficial values of wetlands; and

(7) To avoid direct or indirect support of floodplain development.

(d) These procedures are general in nature. Postal Service Handbook RE-6, *Environmental Procedures*, provides detailed procedures for implementing these executive orders.

§ 776.22 Responsibility.

The Assistant Postmaster General, Real Estate and Buildings Department, is responsible for overall compliance with these procedures.

§ 776.3 Scope.

These procedures are applicable to every proposed postal facility project which involves:

(a) New construction, for ownership or lease;

(b) Existing buildings, owned or leased, except the acquisition of existing leased facilities when no substantial external change in the configuration of the facility will occur;

(c) Modernization or improvement of an existing facility where the external configuration of the building or the use of the facility is changed substantially and significantly;

(d) Disposal or lease of owned, excess property;

(e) Proposals for granting a property easement or right-of-way to non-federal public or private parties.

§ 776.4 Definitions.

(a) A *floodplain*, for the purposes of these procedures, is the area in which a flood has a one percent chance of occurrence in any given year (also known as a 100-year flood).

(b) A *wetland*, for the purposes of these procedures, is an area that is inundated by surface or ground water frequently enough to support a prevalence of vegetable or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction.

(c) A *Site Planning Report* is a document used to identify and evaluate sites available for a proposed construction or real estate action.

(d) An *Economic Analysis Report* is a document which evaluates the economic value of alternatives.

§ 776.5 New Construction.

(a) *Restriction on Consideration of Floodplain/Wetland.* During the evaluation of the preferred area for the proposed project, floodplain and wetland areas may be considered *only* when there is no practicable, alternative site.

(b) *Floodplain/Wetland Information.* Floodplain and wetland information must be compiled and considered throughout the facility planning process. If a proposed action will occur in or impact a floodplain or wetland site, specific floodplain or wetland information must be developed. As a minimum, the information should:

(1) Document whether the proposed action will directly or indirectly support floodplain development.

(2) Document the impacts a proposed action would have on the floodplain or wetland, including positive and negative; concentrated and dispersed; short-term and long-term.

(3) Document the flood hazard and risk to lives and property.

(4) Present the natural and beneficial floodplain values.

(5) Present measures which will preserve the floodplain, minimize harm to it, or restore it. Minimization of harm is assessed in terms of:

(i) The amount of investment at risk or the flood loss potential of the action itself.

(ii) The impact the action may have on others, and

(iii) The impact the action may have on floodplain values.

(c) *Environmental Assessment/Impact Statement.* Information developed concerning the floodplain or wetland must be evaluated in an Environmental Assessment or Environmental Impact Statement prepared for the project and made available to the public under 39 CFR 775.

(d) *Site Planning Report.* During site evaluation and the preparation of the Site Planning Report, a determination must be made whether any of the identified site alternatives would require construction in, or appear to have an impact on, a floodplain or wetland. This information will be included as a part of the Site Planning Report and the Environmental Assessment.

(e) *Scope of Alternatives.* If any of the site alternatives identified in the Site Planning Report are located within a floodplain or wetland, the scope of alternatives considered in the preliminary Analysis Report must include:

(1) Alternate sites as identified in the Site Planning Report;

(2) Other means which accomplish the same purpose as the proposed action; and

(3) A no-action alternative.

(f) *Reevaluation.* If, after consideration of the Site Planning Report, Environmental Assessment, and preliminary Economic Analysis Report, the determination is that there appears to be no practicable alternative to locating in a floodplain or wetland, a final reevaluation of alternatives must be conducted. The Headquarters Director, Office of Program Planning, Real Estate and Buildings (RE&B) Department, is responsible for this reevaluation. To facilitate this reevaluation, the Regional Director, RE&B Department, must compile and submit the following data to the HQ Director, Office of Program Planning, RE&B Department:

(1) A summary of reasons why the rejected alternatives and alternative sites, if any, were considered impracticable.

(2) Detailed descriptions of all rejected alternatives and alternative sites.

(3) A summary of comments received from the public and A-95 Clearinghouses as a result of proper public notices.

(4) The Site Planning Report.

(5) The Site Planning Report Environmental Assessment.

(6) The floodplain or wetland location map from which the determination was made. The map or other information should indicate appropriate site evaluations (contours), base floor elevation, and the floodplain elevation at the site.

(7) The facility functional design specifications or site utilization drawings, if available.

(8) Other information pertinent to the proposal as determined by the stage of development of the project.

(g) *Alternative Available.* If the HQ Director, Office of Program Planning, RE&B Department, determines that there may be a practicable site alternative to the one selected, the appropriate Postal Service organization is advised to abandon the selected course and pursue other alternatives.

(h) *No Alternative.* HQ Director, Office of Program Planning, RE&B Department, determines that there is not a practicable alternative to siting in a floodplain or wetland, the appropriate Postal Service organization is so advised. The Director may provide instructions for mandatory measures to be accomplished during design and

construction to minimize harm to the floodplain or wetland.

(i) *Public Notice.* If there is no practicable alternative to locating the site in a floodplain or wetland, the Regional Director, RE&B Department, must provide a public notice [see § 776.8] as soon as possible for the proposed action. The notice includes:

(1) A description of why the proposed action must be located in a floodplain or wetland;

(2) A description of all significant facts considered in making the determination, including alternative sites and actions;

(3) A statement indicating whether the actions conform to applicable state or local floodplain/wetland protection standards;

(4) If applicable, a statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action;

(5) A description of measures that will be taken to minimize harm to the floodplain or wetland;

(6) A statement indicating how the nation affects natural or beneficial floodplain values; and

(7) A list of any other involved agencies or individuals.

(j) *Design Requirements.* If structures impact, are located in, or support development of a floodplain or wetland, the design must include measures necessary (1) to minimize harm to the floodplain or wetland; (2) to reduce the risk of flood loss; (3) to minimize destruction, loss, or degradation of wetlands; (4) to minimize the impact on human safety, health, and welfare; and (5) to restore and preserve the natural and beneficial floodplain and wetland values. Construction must conform, at a minimum, to the standards and criteria of the National Flood Insurance Program, except where those standards are demonstrably inappropriate for postal purposes.

§ 776.6 Existing buildings, owned or leased.

(a) *Installing Markers for Flood Hazards.* If property used by the general public has suffered flood damage or is located in a floodplain or flood hazard area, conspicuous markers must be installed on structures and other appropriate places to show past flood record height and the probable 100-year flood height. These must be installed where they will be readily visible to the general public visiting or using the facility.

(B) *Warning Procedures for Floods.* The Regional Director, Mail Processing Department, must develop warning and

evacuation procedures for properties subject to flash floods or rapid rise floods.

§ 776.7 Disposal, Lease, Easement to non-Federal Public or Private Parties.

For actions involving a lease, easement right-of-way, or disposal to non-federal public or private parties, a determination whether the proposed action will occur in a floodplain or wetland must be made. If the action will occur in a floodplain or wetland, the Postal Service must take one of the following actions:

(a) Reference in the conveyance those uses that are restricted under identified federal, state, or local floodplain or wetland regulations; or

(b) Attach other appropriate restrictions to the use of properties by the grantee or purchaser and any successors, which assure (1) that harm to lives, property, and the floodplain or wetland values are identified and are minimized, and (2) that floodplain or wetland values are restored and preserved, except where prohibited by law; or

(c) Withhold the property from conveyance.

§ 776.8 Public notice.

(a) Public notice of Postal Service plans for locating a proposed project in a floodplain or a wetland will be sent to state, areawide, and local A-95 Clearinghouses listed in OMB Circular A-95 (Revised) for the geographic area involved; local public officials; local newspapers; and other parties who express interest in the project.

(b) The notice must contain the information described in § 776.5(i).

(c) The public notice also must contain a provision for a 30-day public commenting period before any action is taken to acquire the site.

[FR Doc. 81-2837 Filed 2-2-81; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 381

Cargo Preference—U.S. Flag Vessels Geographical Allocation of Preference Cargoes; Extension of Time To File Comments

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Extension of time to file comments on proposed rulemaking.

SUMMARY: On January 9, 1981, the Maritime Subsidy Board published in

the **Federal Register** (46 FR 2370) a Notice of Proposed Rulemaking seeking comments within 30 days of date of publication on a new Part 381.8 of the Code of Federal Regulations. The Proposed 46 CFR 381.8 interprets the phrase, "by geographical areas," in the Cargo Preference Act of 1954 (46 U.S.C. 1241(b)) by prescribing the geographical allocation of preference cargoes among the ports in the four coastal areas of the United States. The United States Department of Agriculture has requested that the comment period on the Proposed Rule be expanded to 60 days. Notice is hereby given that the closing date for comments on the Proposed Rule is extended to the close of business on March 9, 1981.

DATE: Comments are now due on March 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert J. Patton, Jr. (202) 377-2188.

Dated: January 28, 1981.

Georgia Pournaras Stamas,
Assistant Secretary.

[FR Doc. 81-2819 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

50 CFR Part 639

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 Draft Environmental Impact Statement/Fishery Management Plan for Groundfish.

DATES: Written comments on the groundfish plan from members of the public may be submitted no later than March 9, 1981.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

February 23, 1981—Panama City,

Florida, and Galveston, Texas

February 24, 1981—New Orleans,

Louisiana

February 25, 1981—Biloxi, Mississippi

February 26, 1981—Mobile, Alabama

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: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Hearing Locations

February 23, 1981—City Commissioner's Meeting Room, City Hall, 9 Harrison Avenue, Panama City, Florida

February 23, 1981—Jury Assembly Room, County Court House, 722 Moody Avenue, Galveston, Texas

February 24, 1981—Landmark Hotel, 2601 Severn Avenue, Metairie, Louisiana

February 25, 1981—Biloxi Cultural Center (Library), 217 Lameuse, Biloxi, Mississippi

February 26, 1981—Holiday Inn, 255 Church Street, Mobile, Alabama.

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 deal with a proposal to implement a fishery management plan for groundfish in the geographical area of authority of the Gulf of Mexico Fishery Management Council under the authority of the Magnuson Fishery Conservation and Management Act of 1976.

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. A fishery management plan is a major Federal action significantly affecting the human environment and requires the approval of the Secretary of Commerce prior to implementation.

The draft plan for groundfish, when approved, will serve to manage the groundfish fishery for optimum yield (OY) and, therefore, contains regulatory measures applicable to domestic fishing. The management area is the U.S. fishery conservation zone (FCZ) of the Gulf of Mexico, which is described as three areas: Western Grounds (west of Point Au Fer, Louisiana); Primary Area (Point Au Fer to Perdido Bay, Florida); and the Eastern Grounds (east of Perdido Bay).

Species

Groundfish are defined in this plan as demersal (near bottom) species that (1) occur in waters of the management area, and (2) are subject to capture by trawls. The species of major importance form a definable ecological unit in that they are demersal fishes associated with offshore river depositions but are estuarine dependent to some degree.

These species are as follows:

Atlantic croaker—*Micropogon undulatus*
 Spot—*Leiostomus xanthurus*
 Sand seatrout—*Cynoscion arenarius*
 Silver seatrout—*Cynoscion nothus*
 Atlantic cutlassfish—*Trichiurus lepturus*
 Sea catfish—*Arius felis*
 Longspine porgy—*Stenotomus caprinus*
 Silver perch—*Bairdiella chrysura*
 Southern kingfish—*Menticirrhus americanus*
 Banded drum—*Larimus fasciatus*
 Star drum—*Stellifer lanceolatus*
 Southern hake—*Urophycis floridanus*
 Gulf butterfish—*Peprilus burti*
 Harvestfish—*Peprilus alepidotus*
Definition of Management Unit. The management unit of the groundfish management plan is that part of the groundfish fishery in the FCZ of the Gulf of Mexico and adjacent estuaries. Federal regulation is limited to the FCZ, however.

Specific Management Objectives:

Specific management objectives were selected by the Council to address the problems associated with the fishery. It is the intention of the Council to meet the needs of the directed fishery for groundfish without disrupting the shrimp fishery. The objectives are:

Short-Term:

1. Reduce waste of the resource.
2. Improve the economic condition of the directed groundfish fishery by achieving a higher stock abundance and a larger size of fish.
3. Provide the information necessary to manage the fishery.

4. Promote consistency with the Endangered Species Act, the Marine Mammal Protection Act and the shrimp plan.

Long-Term:

1. Manage the groundfish fishery for the maximum benefit to all fishermen harvesting groundfish, including those that harvest and discard groundfish in directed fishing for other species.
2. Increase the beneficial use and minimize waste of the bycatch of groundfish which is normally discarded by shrimp vessels.
3. Encourage habitat protection and water quality regulations to prevent undue loss or degradation of groundfish habitat.
4. Prevent recruitment overfishing and reduce growth overfishing of groundfish stocks.
5. Monitor the relative balance among the species in the groundfish-shrimp ecosystem.

Proposed Management:

Implementation of the fishery management plan for groundfish will provide for gear restrictions in the shrimp fishery to reduce incidental catch of groundfish when such gear is proven to be effective and meets specified criteria. Nursery sanctuaries in State waters and habitat protection are encouraged. Data reporting is required from harvesters and processors. The Secretary is provided with authority to set seasons, restrict gear, and close areas in the FCZ when harvest is expected to exceed maximum sustainable yield by 10 percent.

Management Summary

(In metric tons)

	Eastern grounds	Western grounds	Primary area	Total Gulf of Mexico
Maximum Sustainable Yield (MSY)	100,000	484,000	486,000	1,070,000
Optimum Yield (OY)	43,000	348,480	427,680	819,160
Expected Annual Domestic Harvest	9,000	263,000	427,680	699,680
Total Allowable Level of Foreign Fishing	34,000	85,480	0	119,480
Domestic Harvesting Capacity	11,500	293,000	627,800	932,300
Expected Domestic Annual Processing Volume	1,000	0	62,800	63,800
Domestic Processing Capacity	1,000	0	153,800	154,800

OY in the Primary Area is set lower than MSY to prevent further reduction of the catch per unit effort of the directed fleets (catch per unit effort is directly proportional to stock abundance on the grounds). OY in the Primary Area is to be equal to domestic annual harvest. This will allow an orderly reduction of incidental catch by the shrimp fleet as more selective shrimp gear is developed.

OY for the Western Grounds is established at 72 percent of its MSY and for the Eastern Grounds at 43 percent.

The OY for each area is based below MSY levels because imposition of a high constant harvest on a fluctuating stock may be damaging to the long-term stability of the stock.

Dated: January 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FRC Doc. 81-3972 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Part 100

Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education, Effectuation of Title VI of the Civil Rights Act of 1964

AGENCY: Department of Education.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Secretary of Education withdraws the Notice of Proposed Rulemaking published in the **Federal Register** August 5, 1980 at 45 FR 52052.

On August 5, 1980, the Department of Education published a document proposing certain standards for compliance with Title VI of the Civil Rights Act of 1964. The proposed rules would have applied to recipients that use Federal financial assistance to aid elementary and secondary education programs, and would have required these recipients to identify students having a primary language other than English, to assess their language skills, to provide appropriate services, including bilingual instruction for certain students, and to meet other requirements.

The Department conducted public hearings on these proposed rules in six major cities during September, 1980. More than 4,000 oral and written comments were received. In light of the public comment regarding the proposed rules and the issues raised by that comment, the Department has determined that the proposed rules should not be issued as final regulations. Accordingly, the Notice of Proposed Rulemaking published August 5, 1980, at 45 FR 52052 is withdrawn. All comments received will be carefully considered in any future action taken by the Department.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT:

Louie E. Mathis, Acting Assistant Secretary for Public Affairs, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Dated: January 28, 1981.

Terrel H. Bell,

Secretary of Education.

[FRC Doc. 81-3972 Filed 2-2-81; 11:10 am]

BILLING CODE 4000-01-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Yankton Sioux Indian Tribe in South Dakota

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11338, I have determined that:

1. The chronic economic distress of the needy members of the Yankton Sioux Indian Tribe in South Dakota has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Yankton Sioux Indian Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members on the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 10, 1981, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on January 26, 1981.

Ray Fitzgerald,
Administrator, Agricultural Stabilization and Conservation Service.
[F.R. Doc. 81-3943 Filed 2-2-81; 8:45 am]
BILLING CODE 3410-05-M

CIVIL AERONAUTICS BOARD

[Docket No. 39174]

Guy-America Airways, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., January 27, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.
[F.R. Doc. 81-3944 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 39174]

Guy-America Airways, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on February 17, 1981, at 9:30 a.m. (local time), Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N. W., Washington, D. C., before the undersigned Administrative Law Judge.

Order 81-1-111, adopted January 21, 1981, defined issues to be considered in this investigation. Matters to be discussed at the prehearing conference will include affirmation of the issues, establishing procedural dates for the proceeding, and such other matters as will contribute to the proper and expeditious conduct of the investigation.

Dated at Washington, D.C., January 28, 1981.

Elias C. Rodriguez,
Administrative Law Judge.
[F.R. Doc. 81-3941 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

Federal Register

Vol. 46, No. 22

Tuesday, February 3, 1981

[Docket 39158]

Wings International Airways, Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., January 28, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.
[F.R. Doc. 81-3943 Filed 2-2-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Eastern Industrial Trunk Sewer, Oxnard, California; Intent Not To Issue a Final Environmental Impact Statement

Notice is hereby given that the Final Environmental Impact Statement (EIS) for a proposed industrial trunk sewer project at Oxnard, California, will not be issued. The Draft EIS for the proposal was prepared pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969. The Notice was given on September 28, 1980, that the Draft had been circulated and was available for comment.

After reviewing the comments, the Economic Development Administration (EDA) has concluded that major unacceptable adverse environmental impacts would result if the project were constructed. Therefore, the application has been denied.

The major impacts pointed out by the Environmental Protection Agency, the Governor's Office, the California Resources Agency, Ventura County, the U.S. Fish and Wildlife Service and the U.S. Soil Conservation Service were:

(1) Inconsistency with Federal policy on destroying prime farmland;

(2) Impact on adjacent wetland habitat of endangered species from industrial area storm water runoff;

(3) Incompatibility with the existing Air Quality Maintenance Plan;

(4) Overloading of existing area highways and interchanges as a result of the induced population growth; and

(5) Overloading of the existing wastewater treatment plant designated to serve the project area.

Questions concerning the detailed comments received on the Draft EIS or on EDA's decision not to issue the Final EIS may be addressed to Larry Burr, Environmental Officer, Economic Development Administration, 1700 Westlake Avenue North, Seattle, Washington 98109; phone number 206-442-1675.

Dated: January 29, 1981.

H. W. Williams,
Acting Assistant Secretary for Economic Development.

FR Doc. 81-3745 Filed 2-2-81; 8:45 am
BILLING CODE 3510-24-M

International Trade Administration

Calcium Pantothenate From Japan; Final Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On September 11, 1980, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on calcium pantothenate from Japan. The review covered all 37 known exporters or transshippers for various time periods up to December 31, 1979. Three additional firms had previously been excluded or exempted from the finding.

Interested parties were given an opportunity to submit written comments or to request an oral hearing on those preliminary results. Based on comments received from various exporters and importers, the Department has made adjustments which resulted in new weighted average margins for 11 of the companies, has exempted 4 additional exporters or transshippers, and has deferred completing review for 6 of the firms. The margins in the preliminary notice remain unchanged for 16 of the 37 exporters or transshippers. The Department disagreed with certain comments received from the petitioner and various importers and exporters.

EFFECTIVE DATE: February 3, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209).

SUPPLEMENTARY INFORMATION:

Background

On January 17, 1974, a dumping

finding with respect to calcium pantothenate from Japan was published in the *Federal Register* as Treasury Decision 74-34 (39 FR 2086). On September 11, 1980, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of the finding (45 FR 59933-35). The Department has now completed its administrative review of that antidumping finding.

Scope of the Review

The imports covered by this review are described in the notice of preliminary results. The review covers a total of 37 exporters and transshippers of Japanese calcium pantothenate to the United States. They are listed below. The review does not cover three additional exporters, Fuji Chemical Industries Ltd., Daiichi Seiyaku Co., Ltd., and Takeda Chemical Industries Ltd., which were previously excluded or exempted from the finding. The review covered all time periods up to December 31, 1979, during which shipments of calcium pantothenate may have been made and for which appraisement instructions ("master lists") have not been issued.

The margins cited in the preliminary notice remain unchanged for 16 of the 37 exporters or transshippers. The Department received information that Nippon Roche K.K., identified as a manufacturer in the preliminary notice, is in fact a shipper and exports to the United States to a related party. As a result, the basis of the Department's analysis of Nippon Roche was incorrect and we require additional data before completion of the review for that firm. With five other exporters or transshippers—Eisai Co., Ltd., First Enterprise Inc., Helm, Japan, Deutsch Norwegische GmbH, W. Germany, and Helm, W. Germany—similar situations arose and the Department has decided to defer completion of review for these companies until the 1981 administrative review which commences in January, 1981.

As the Department applied Nippon Roche's calculated margin of 11.52% to non-responding firms, we must use for them a rate other than Nippon Roche's. A total of 10 companies—Isho Inc., Kamiyama Corporation, Sankei Pharmaceutical Co., Ltd., Tass International Inc., Toho Bussan Co., Chemical & Feeds, United Kingdom, Lenk Chemicals Corp., Netherlands, Marsing, W. Germany, Siemsgluss & Sohn, W. Germany, and Siemsgluss A.G., Switzerland—supplied either no

information or an inadequate response and submitted no comments. For these exporters or transshippers we proceeded to use the best information available. The best information in this case is the highest rate among all the rates for responding firms in the current period—18.67% ad valorem.

At the time of the preliminary notice we exempted Mitsubishi Corporation and Tanabe Seiyaku Co. from the finding, since each shipped solely merchandise by companies that were previously excluded. In addition, during the comment period one Japanese exporter, Chugai Boyeki, and one transshipper, Chemeta BV, Netherlands, each presented adequate evidence that its sole supplier is a firm previously excluded from the finding, and that each acts solely as an agent for that firm. Accordingly, these four firms are not covered by the finding. The Department learned that one transshipper, Chemical & Feeds Ltd., W. Germany, went out of business in 1979. For this one transshipper we used the best information available for entries made during the period of review and which have not been liquidated.

The petitioner and various importers and exporters submitted several comments for which we have made no adjustment. The petitioner alleged that sales were being made at less than cost of production but provided insufficient supporting evidence. Therefore, we have no basis for investigating such an allegation. Certain interested parties requested an adjustment for differences in the quantities sold in the home market and for export to the U.S. While the Department agrees that such an adjustment is valid in principle, without quantitative support we will not allow it. Supporting evidence was not provided. Two of these parties also claimed that third country sales rather than home market sales should have been our basis for comparison of sales of d-calcium pantothenate manufactured by Alps Pharmaceutical Co., Ltd. for the period April 1, 1978 through March 31, 1979, since home market sales of d-calcium pantothenate constituted only 3% of total sales. The Department determined that the d and dl calcium pantothenate are such or similar merchandise for purposes of this proceeding, and, as a result, the home market sales were sufficient.

Final Result of the Review

As a result of adjustments made based on our analysis of comments received, we determine that the following weighted average margins exist:

A. Japanese Company

Exporter and manufacturer	Time period	Margin (per cent)
1. Agropol Ltd.	6/1/73-12/31/79	4.27
2. Alpa Pharmaceutical Co., Ltd.	4/1/78-3/31/79 4/1/79-12/31/79	14.42 0
3. Byron Chemical Co./Alps	4/1/79-12/31/79	6.6
4. Chugai Boyeki Co.	6/8/73-12/31/79	0
5. Eisai Co., Ltd.	6/8/73-12/31/79	2.58
6. Faltek Chemical/Alps	4/1/78-3/31/79 4/1/79-12/31/79	25.13 * 25.13
7. First Enterprise Inc.	6/8/73-12/31/79	2.59
8. Fukutomi Sangyo/Alps	4/1/79-12/31/79	6.8
9. Helm	6/8/73-12/31/79	2.58
10. Isha Inc./Alps	4/1/78-3/31/79 4/1/79-12/31/79	5.42 18.87
11. Isaku/Alps	4/1/78-3/31/79 4/1/79-12/31/79	0 0
12. Kamiyama Corp.	4/1/79-12/31/79	15.87
13. Kishimoto Trading Co./Alps	4/1/79-12/31/79	3.02
14. Kowa/Alps	4/1/79-12/31/79	1.87
15. Maruban Corp.	4/1/79-12/31/79	3.97
16. Maruzen Chemicals Co.	6/8/73-12/31/79	9.57
17. Mitsubishi Corp./Daiichi Sankyo Co.	4/1/79-12/31/79	0
18. Mitsui & Co./Alps	4/1/79-12/31/79	24.54
19. Nippon Roche K.K.	4/1/79-12/31/79	16.87
20. Sankai Pharmaceutical Co., Ltd.	6/8/73-12/31/79	10.87
21. Sankyo Co., Ltd.	4/1/79-12/31/79	3.98
22. Shiranogi Sankyo	4/1/78-3/31/79 4/1/79-12/31/79	11.91 * 11.91
23. Tanabe Sankyo Co./Fuji Chemical Ind. Ltd.	6/8/73-12/31/79	0
24. Tass International Inc.	6/8/73-12/31/79	18.87
25. Tobe Busan Co.	6/8/73-12/31/79	16.87
26. Tomen/Alps	4/1/79-12/31/79	0
27. Toyo Monka Kaisa	6/8/73-12/31/79	1.87

* No shipments during this period.

B. Transshippers

Company and country	Time period	Margin (per cent)
1. Chomete B.V./Netherlands	6/8/73-12/31/79	0
2. Chemical & Feeds Ltd./United Kingdom	6/8/73-12/31/79	18.87
3. Chemical & Feeds/W. Germany	6/8/73-12/31/79	0
4. Deutsch Norwegian GmbH/W. Germany	6/8/73-12/31/79	2.58
5. Gurvey & Berry/Canada	6/8/73-12/31/79	0
6. Helm/W. Germany	6/8/73-12/31/79	2.58
7. Lenk Chemicals Corp./Netherlands	6/8/73-12/31/79	18.87
8. Mersing/W. Germany	6/8/73-12/31/79	18.87
9. Semschluss & Sohn/W. Germany	6/8/73-12/31/79	18.87
10. Semschluss A.G./Switzerland	6/8/73-12/31/79	18.87

For all exporters or transshippers for which we have completed our review, the Department shall determine, and the U.S. Customs Service shall assess, duties on all entries with purchase dates or export dates, as appropriate, during the periods involved. Individual value differences between purchase price and foreign market value may vary from the percentages stated above.

The Department will issue appraisement instructions separately on

each exporter directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. As mentioned above, we will complete our review of six companies as part of our 1981 administrative review. Until that time the cash deposit for these companies will be 2.58%, which is the weighted average margin of the most recent responses of the responding firms.

These deposit requirements will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct another administrative review prior to the next anniversary of the date of publication of the finding.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1875(a)(1) and § 353.53 of Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 29, 1981.

[FRC Doc. 81-3800 Filed 3-2-81; 8:45 am]

BILLING CODE 2510-25-M

SUPPLEMENTARY INFORMATION: Background

On January 16, 1974, a dumping finding with respect to expanded metal of base metal from Japan was published in the *Federal Register* as Treasury Decision 74-29 (39 FR 1979).

On November 24, 1980, the Department of Commerce ("the Department") published in the *Federal Register* a "Notice of Preliminary Results of Administrative Review of Antidumping Finding" for twenty nine exporters (45 FR 77501-02). The Department has now completed its administrative review of that antidumping finding for those twenty-nine exporters.

Scope of the Review

The imports covered by this review are shipments of expanded metal of base metal currently classifiable under item 652.8000 of the Tariff Schedules of the United States Annotated (TSUSA). The review covered all time periods not previously covered by appraisement instructions ("master list") up to December 31, 1979. The Department received no written comments with respect to the publication of the preliminary results. The Department will publish shortly a "Notice of Preliminary Results of Administrative Review of Antidumping Finding" with respect to four remaining exporters.

Final Results of the Review

As a result of our comparison of purchase price to foreign market value (previously described in "Notice of Preliminary Results"), we determine that the following weighted-average margins exist:

Japanese exporter	Time period	Margin (per cent)
Daikure Co., Ltd.	1-1-75-12-31-79	1.4
Daishin Kogyo Co.	8-5-73-12-31-79	1.4
Daitsoku Trading Co., Ltd.	11-1-78-12-31-79	4
Eiko Co., Ltd.	1-1-77-3-31-79 4-1-79-12-31-79	3.8
Fuji Shoko Co., Ltd.	9-5-73-12-31-79	4.9
Hanwa Co., Ltd.	4-1-78-12-31-79	.33
Itohaka International Corp.	1-1-75-12-31-79 1-1-77-12-31-79	3.8
Kanebo Steel Co., Ltd. (a.k.a. Kanebo Bldg. & Mfg. Ltd.)	11-1-76-12-31-79	1.4
Kanematsu-Gosho Ltd.	1-1-75-12-31-79	1.4
Kansai Tekko Co., Ltd.	9-5-73-3-31-74 4-1-74-3-31-75 4-1-75-11-30-76 12-1-76-3/31/78 4-1-78-9-30-78 10-1-78-12-31-79	2.7
Kawamoto & Co., Ltd.	4-1-78-12-31-79	4.9

Japanese exporter	Time period	Margin (per cent)
Kawashige Kozai Co., Ltd.	4-1-78/3-31-79 4-1-79/12-31-79	4.97
Kawasho Corp.	11-1-76/3-31-78	4.9
(mfg. Karabo)	4-1-78/12-31-79	4.9
(mfg. Nippon Steel)	4-1-78/12-31-79	3.3
Kobayashi Metals Ltd.	4-1-78/12-31-79	1.4
Marubeni Corp.	4-1-78/3-31-79	1.33
Mitsubishi Corp.	4-1-78/12-31-79 12-1-76/3-31-78 4-1-78/9-30-78 10-1-78/12-31-79	0 0 0.83 0
Mitsui & Co., Ltd.	1-1-77/12-31-79	4.9
Murata Chemical Co., Ltd.	9-1-73/6-30-74 7-1-74/10-31-76 11-1-76/9-30-78 10-1-78/12-31-79	4.9 0 4.9 0
Naksumi Kogyo Ltd.	4-1-78/12-31-79	4.9
Nichimen Co., Ltd.	1-1-75/3-31-79 4-1-79/12-31-79	4.9 4.9
Nippon Steel Products Co., Ltd.	3-1-74/8-31-74 4-1-78/3-31-79 4-1-78/12-31-79	3.8 0 1.33
Nishio Iwa Co., Ltd.	4-1-78/12-31-79	1.33
Nittetsu Shoji Co., Ltd.	4-1-78/12-21-78	1.36
Sanno Kohki Co., Ltd. & Shima Kohki (shipper)	1-1-77/3-31-78 4-1-78/3-31-79 4-1-78/12-31-79	12.7 6.6 4
Sumitomo Bussan Kaisha, Ltd.	1-1-76/12-31-79	1.4
Sumitomo Shoji Kaisha, Ltd. (a.k.a. Sumitomo Corp.)	1-1-75/12-31-76 1-1-77/3-31-78 4-1-78/3-31-79 4-1-79/12-21-79	0 12.7 6.6 4
Sunkenco Corp.	1-1-77/12-31-79	1.4
Taisei International Corp.	1-1-76/12-31-78 1-1-77/12-31-79	0
Toyo Menka Kaisha, Ltd.	1-1-75/10-30-76 1-1-76/3-31-79 4-1-79/12-31-79	4.9 11.49

¹No shipments during current period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations a cash deposit based on the most recent of the margins calculated above shall be required on all shipments from the twenty-nine exporters entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review prior to the next anniversary of the date of publication of the Order.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1875(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 29, 1981.

[PR Doc. 81-3887 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-25-M

Indelco Inc.; Order

The Office of Export Administration, International Trade Administration, United States Department of Commerce, having determined to initiate administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401, *et seq.*) and Part 388 of the Export Administration Regulations (44 FR 59897, October 17, 1979) against Indelco Inc. ("Indelco") based on allegations that Indelco violated §§ 387.2, 387.4 and 387.6 of the Export Administration Regulations (15 CFR Part 388, *et seq.* (1979)) (the "Regulations"); and

The Department and Indelco having entered into a Consent Agreement whereby Indelco has agreed to settle this matter by payment of a civil penalty in the amount of \$9,100 and by undertaking certain corrective measures to ensure compliance with the Regulations; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter;

It is therefore ordered,

First, that a civil penalty in the amount of \$9,100 is assessed against Indelco;

Second, that Indelco, pursuant to Section 11(c)(1) of the Act, pay to the Department, within 20 days of the service of this Order and in the manner specified in the attached instructions, the sum of \$9,100;

Third, that Indelco shall be placed on probation for a period of one year from the date of entry of this Order;

Fourth, that Indelco shall take the measures specified in the Consent Agreement, incorporated herein by reference, to ensure future compliance;

Fifth, that the proposed Charging Letter and the Consent Agreement be made available to the public and this Order be published in the *Federal Register*; and

Sixth, that Indelco submit a report to the Director, Compliance Division, Office of Export Administration, within six months after the date of entry of this Order specifying in detail the steps it has taken to implement the corrective measures specified in the Consent Agreement.

Entered this 21st day of January 1981.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[PR Doc. 81-3889 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-17-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit To Take, Export, and Reimport Marine Mammals; Dr. Paul Gleeson

Notice is hereby given that an Applicant has applied in due form for a Permit to take, export and reimport marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Dr. Paul Gleeson (P267)
b. Address: Laboratory of Archaeology and History, Washington State University, Pullman, Washington 99164

2. Type of Permit: Scientific research/Scientific purposes.

3. Name and Number of Animals:

Finback, *Balaenoptera physalus*, unspecified
Gray Whale, *Eschrichtius robustus*, unspecified
Harbor Seal, *Phoca vitulina*, unspecified
Common Dolphin, *Delphinus delphis*, unspecified
Humpback Whale, *Megaptera novaeangliae*, unspecified
Minke Whale, *Balaenoptera acutorostrata*, unspecified
Elephant Seal, *Mirounga angustirostris*, unspecified
Northern Fur Seal, *Callorhinus ursinus*, unspecified
Sei Whale, *Balaenoptera borealis*, unspecified
Right Whale, *Balaena australis*, unspecified
Sperm Whale, *Physeter catodon*, unspecified
Killer Whale, *Orcinus orca*, unspecified
California Sea Lion, *Zalophus californianus*, unspecified

4. Type of Take: Preparation of bones as tools for comparison with archeological whale bone artifacts. Permit requested for possession of scientific specimens and to export and reimport them.

5. Location of Take/Importation: Specimens to be prepared from stranded animals as available on Washington coast beaches/export as scientific specimens and reimport into the United States.

6. Period of Take: As specimens are available in strandings.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

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

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: January 28, 1981.

R. B. Brumsted,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[F.R. Doc. 81-3971 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), status of other FMP's foreign fishing applications, and other fishery management and administrative matters.

DATES: The meetings, which are open to the public will convene on Wednesday, March 4, at approximately 1 p.m., and will adjourn on Friday, March 6, 1981, at approximately noon. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: January 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[F.R. Doc. 81-3998 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council, Its Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold public meetings.

DATES: The Council meeting will convene on Thursday, February 26, 1981, at approximately 9 a.m., and will adjourn on Friday, February 27, 1981, at approximately 5 p.m., at the Westward Hilton Hotel, Anchorage, Alaska. The SSC meeting will convene on Tuesday, February 24, 1981, at approximately 9 a.m., and will adjourn on Wednesday, February 25, 1981, at approximately 2 p.m., at the Council's Headquarters Conference Room, 333 W. Fourth Avenue, Anchorage, Alaska. The AP meeting will convene on Wednesday, February 25, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m., in the Kenai/Aleutian Room of the Westward Hilton Hotel, Anchorage, Alaska. These meetings may be lengthened or shortened depending upon progress on the agenda items, and are open to the public.

PROPOSED AGENDA: *Council*—A detailed agenda will be sent to the public around February 11, 1981. The Council will hear technical reports on catches by domestic and foreign fisheries, Coast Guard enforcement and surveillance, U.S.-Canada salmon negotiations, Soviet cooperative research, Law of the Sea, Coast Guard safety standards, and Council work groups on joint venture data and crab pot storage. The Council will consider the 1981 proposed amendments to the Bering Sea/Aleutian Islands and the Gulf of Alaska Groundfish Fishery Management Plans (FMP's) and the King Crab FMP. It will also consider Bering Sea/Aleutian groundfish proposals concerning methods for establishing optimum yield, increased in-season authority of the Regional Director of the National Marine Fisheries Service, increased domestic allocation of harvest to accommodate joint ventures and area closures to protect herring and salmon in winter. The Council will discuss but take no formal action on alternatives for minimizing the catch of incidental

DATES: The meetings, which are open to the public, will convene on Tuesday, February 24, 1981, at approximately 10 a.m., and will adjourn on Wednesday, February 25, 1981, at approximately 5 p.m. The meetings may be lengthened or shortened or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: January 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[F.R. Doc. 81-3967 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-22-M

species. Gulf of Alaska groundfish proposals for 1981 include alternative schemes for closing areas in the Eastern Regulatory Area of the Gulf to foreign trawlers. The Council also will consider alternatives for managing the king crab fishery off Alaska. Given Council approval, the 1981 proposed groundfish amendments and the King Crab FMP will go to the Secretary of Commerce to commence formal Secretarial review. The Council will also discuss various aspects of salmon limited entry. However, no formal actions are anticipated on the Salmon FMP or the Herring and Tanner Crab FMP's. The Council will also consider various contracts and research proposals.

SSC and AP—Agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT:

North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Dated: January 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[F.R. Doc. 81-3070 Filed 2-3-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to review the status of and discuss various aspects of the Billfish, Coral, Sea Scallops, Calico Scallops, Shrimp, Spiny Lobster, and Swordfish Fishery Management Plans, other management business as necessary and administrative matters as appropriate.

DATES: These public meetings will convene on Tuesday, February 24, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, February 26, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Council's Headquarters, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT:

South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4386.

Dated: January 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[F.R. Doc. 81-3069 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Hoffman-La Roche, Inc. a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Methods for Use of Orally Administered 13-Cis Retinoic Acid for Treatment of Dermatophies." The invention is protected by U.S. Patent Application No. 63,770 (dated August 6, 1979). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy.

The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the *Federal Register* (45 FR 3364; January 17, 1980); *Government Inventions for Licensing* (December 18, 1979); and the Patent and Trademark Office's *Official Gazette* (March 11, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent.

The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of New Drug Approval by the Food and Drug Administration of the products embodied in the invention (but not more than eight years from the effective date of the license agreement). The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, on or before April 6, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: January 26, 1981.

Melvin S. Day,

Director.

[F.R. Doc. 81-3062 Filed 2-2-81; 8:45 am]

BILLING CODE 3510-04-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-5]

Jukebox Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

EFFECTIVE DATE: January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: Pursuant to 17 U.S.C. 116(c)(3), the Tribunal published in the *Federal Register* (44 FR 53099, Sept. 12, 1979) that a controversy existed concerning the distribution of jukebox royalty fees deposited for 1979 performances and commenced a proceeding to determine the distribution of such royalty fees. The Tribunal directs claimants or their duly authorized representatives to submit proposals on the structure and procedures of the distribution proceedings to the Tribunal no later than February 13, 1981. Reply comments, if any, on any submitted proposals, shall be submitted no later than February 27, 1981. There will be a conference of claimants or their authorized representatives to discuss the structure and procedures of the distribution proceedings at 11:00 A.M., March 10, 1981 at the Vanguard Building, 1111 20th St. NW, Room 450, Washington, D.C.

Clarence L. James, Jr.

Chairman.

[F.R. Doc. 81-3044 Filed 2-2-81; 8:45 am]

BILLING CODE 1410-07-M

DEPARTMENT OF DEFENSE**Department of the Army****The Ongoing Siting and Mission Activities at Fort Benning, Ga; Filing of Environmental Impact Statement**

The Army, on January 29, 1981, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) for the ongoing siting and mission activities at Fort Benning, Georgia. The alternatives of maintaining, discontinuing, or changing missions at Fort Benning are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, US Army Infantry Center and Fort Benning, ATTN: ATZB-FFE-EM, Fort Benning, GA 31905.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694-3434.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-3947 Filed 2-2-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary**Advisory Group on Electron Devices; Meeting**

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on February 24, 1981, at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, § 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

Dated: January 29, 1981.

M. S. Healy.

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

[FR Doc. 81-3936 Filed 2-2-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY**Transfer of DOE/NSF Nuclear Science Advisory Committee to Department of Energy**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I hereby certify that transfer of the DOE/NSF Nuclear Science Advisory Committee from the National Science Foundation to the Department of Energy is in the public interest in connection with the performance of duties imposed upon the Department of Energy by the Department of Energy Organization Act (Pub. L. 95-91) and other applicable law. This determination follows consultation with the General Services Administration and is consistent with the Federal Advisory Committee Act and Office of Management and Budget Circular No. A-63 (Revised).

The DOE/NSF Nuclear Science Advisory Committee (NSAC) will provide advice to both the Department of Energy and the National Science Foundation upon scientific priorities within the field of basic nuclear research. Basic nuclear research is understood to encompass experimental and theoretical investigations of the fundamental interactions, properties, and structure of atomic nuclei. NSAC activities will include assessment of and recommendations concerning:

- a. Objectives, directions, and development of the field of basic nuclear research;
- b. Adequacy of present facilities and the need and relative priority for new facilities;
- c. Facility and instrumentation development programs needed to advance the field;
- d. Institutional balance of support for optimized scientific productivity and training of nuclear scientists;
- e. Relationships of basic nuclear research with other fields of science.

In addition, NSAC will conduct specialized studies when requested by the agencies. These studies will be published as reports, if appropriate.

Further information concerning this Committee can be obtained from the Advisory Committee Management Office (202-252-5187).

Dated: January 29, 1981.

Tina Hobson,

Advisory Committee Management Officer.

[FR Doc. 81-3964 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 80-CERT-045]

Fruehauf Corp., Kelsey-Hayes Company, Sedalia Plant; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On December 18, 1980, Fruehauf Corporation (Fruehauf), Kelsey-Hayes Company, 38481 Huron River Drive, Romulus, Michigan 48174, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of up to 105,000 Mcf of natural gas per year estimated to displace the use of approximately 735,000 gallons (17,500 barrels) of No. 2 fuel oil (0.2 percent maximum sulfur) at the Sedalia Plant located in Sedalia, Missouri. The eligible seller of the natural gas is Frue-Kel, Inc., a subsidiary of Fruehauf Corporation. Although the Sedalia Plant will have no direct transportation agreement with an interstate pipeline for transportation of natural gas in connection with this transaction, the seller, Frue-Kel, Inc., will enter into such an agreement with Columbia Gas Transmission Corporation, Panhandle Eastern Pipeline Company, Kansas-Nebraska Natural Gas Company, and Cities Service Gas Company. Additionally, the Missouri Public Service Company will be the local distribution company. Notice of that application was published in the *Federal Register* (46 FR 2170, January 8, 1981), and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Fruehauf's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Fruehauf's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted

that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., January 29, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-3955 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

J.A.L. Oil Co., Inc., Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to J.A.L. Oil Company, Inc., 17 Barstow Road, Great Neck, New York 11021. This Proposed Remedial Order charges J.A.L. with pricing violations in the amount of \$25,140.30, connected with the sale of gasoline during the period from November 1, 1979 through April 8, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, District Manager of Enforcement, (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 31st day of December 1980.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-3956 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Post Petroleum Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Post Petroleum Co., Sacramento, California. This Proposed Remedial Order charges Post Petroleum Co. with

pricing violations in the amount of \$13,718, connected with the resale of motor gasoline during the time period April 1, 1979 through May 30, 1979 and the time period August 1, 1979 through September 30, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted may be obtained from Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105, phone (415) 764-7038. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in San Francisco, California, on the 17th day of December 1980.

Lon W. Smith,

District Manager of Enforcement, Western District.

[FR Doc. 81-3957 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Taverna Fuel Company, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Taverna Fuel Company, Inc., 7 North Street, Staten Island, New York 10310. This Proposed Remedial Order charges Taverna with pricing violation in the amount of \$351,671.43, connected with the sale of No. 2 heating oil during the period from November 1, 1973 through March 31, 1975.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, District Manager of Enforcement, (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W.

Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 31st day of December 1980.

Edward F. Momorella,

District Manager, Northeast District Enforcement.

[FR Doc. 81-3958 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA and the firms listed below concerning failure to meet the filing requirements of Form ERA-89, Crude Oil Reseller's Self-Reporting Form, as set forth in the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart L. Pursuant to 10 CFR 205.203, each of the consenting firms has agreed to make the payments specified below. The Consent Orders do not address or limit any liability with respect to the consenting firms except as related to the requirement to file Form ERA-89. The consenting firms agreed to comply with the reporting requirements of 10 CFR 212.187 by filing any overdue reports promptly and all future monthly reports on or before their due dates.

For further information regarding these Consent Orders, please contact: Larry G. Harris, Supervisory Auditor, Crude Oil Reseller Program, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, N.W., Washington, D.C. Telephone Number (202) 653-3517.

Issued in Washington, D.C., on the 28th day of January 1981.

Robert D. Gerring,

Director, Program Operations Division.

Consent Orders

Firm	Address	Date	Payment pursuant to 10 CFR 205.203
Adolph Coors Co.	P.O. Box 467, Golden, CO 80401	10/23/80	\$1,500.00
Golding Refining Co.	821 Main, Suite 1900, Houston, TX 77002	10/29/80	6,000.00
Petro-Thermo Corp.	Broadmoor Bldg., Suite 210, Hobbs, NM 88240	12/04/80	150.00
Joneses Tank Trucks, Inc.	P.O. Box 225, Washington, OK 73093	12/10/80	100.00
Dalco Petroleum Corp.	2431 East 51st Street, Tulsa, OK 74105	12/16/80	15,000.00
Transco Trading Co.	613 Commercial Bank, Midland, TX 79701	12/19/80	4,500.00

[FR Doc. 81-3978 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

**Federal Energy Regulatory
Commission**

[Project No. 2146]

**Alabama Power Co.; Application for
Approval of Change in Land Rights**

January 28, 1981.

Take notice that an application was filed on August 25, 1980, under the Federal Power Act, 16 U.S.C. 791(a)-835(r) by Alabama Power Company, License for the Coosa River Project No. 2146, for approval of a change in land rights for the H. Neely Henry Development. The project is located in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah and Cherokee Counties, Alabama and Floyd County, Georgia. The Licensee proposes to construct, operate and maintain a dry ash disposal facility for the E.C. Gaston Steam Electric Generating Plant on an area adjacent to Lay Reservoir. Licensee seeks Commission approval to remove some 26 acres of land from the project to form part of the 60 acre dry ash facility. The lands involved are located at the upper portion of Lay Reservoir, in Shelby County, Alabama. The Licensee states in the application that removal of the lands from the project area would not significantly affect the recreational use of the project.

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 16, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20428. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary,

[FPR Doc. 81-3703 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-128-000]

**Great Lakes Gas Transmission Co.;
Application**

January 27, 1981.

Take notice that on December 31, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP81-128-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is

filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FPR Doc. 81-3704 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3730-000]

**Henwood Associates, Inc.; Application
for Preliminary Permit**

January 28, 1981.

Take notice that Henwood Associates, Inc. (Applicant) filed on November 13, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3730 to be known as Salmon Creek Project located on Sardine Creek and Salmon Creek in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. Kenneth Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the repair of an existing 20-foot high and 100-foot long rock dam; (2) a new 6-foot high and 30-foot long concrete gravity diversion dam; (3) a pipeline; (4) a 30-foot wide and 100-foot long forebay; (5) an 8-foot high and 35-foot long concrete diversion dam; (6) a 5,700-foot long steel penstock; (7) a 30-foot wide and 35-foot long powerhouse containing one generating unit rated at 1,275 kW; (8) a 500-foot long transmission line; and appurtenant facilities. The Applicant estimates that the average annual energy output would be 6.7 million kWh.

Purpose of Project—The energy output of the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 12

months, during which time it would conduct engineering studies, conduct environmental studies, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit is \$45,000.

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 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 2, 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 3, 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. 3730. 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.

[FED Doc. 81-3705 Filed 2-3-81, 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3778-000]

Hydro Development, Inc.; Application for Preliminary Permit

January 27, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on November 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3778 to be known as Trinity Tunnel Project located on the Trinity River in Trinity 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. Howard L. Stone, Hydro Development, Inc., Suite 711, Kirkeby Center, 10889 Wilshire Boulevard, Los Angeles, California 90024. Any person who wishes to file a response to this notice should read the entire notice and

must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete inlet box; (2) an existing 9-foot diameter tunnel, approximately 500 feet long; (3) a new semicircular concrete intake structure at the tunnel outlet; (4) a penstock; (5) a powerhouse mounted atop the intake structure containing one generating unit rated at 600 kW; (6) a control shed; and (7) a 1.5-mile long transmission line. The proposed run-of-the-river project would affect U.S. lands within Trinity National Forest. The Trinity River is included in the California Wild and Scenic Rivers System and is also being considered for the Federal Wild and Scenic Rivers System. The Applicant estimates that the average annual energy output would be 4,500,000 kWh.

Purpose of Project—The energy produced by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct geotechnical and engineering studies, perform preliminary designs, conduct environmental and cultural studies, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be \$125,000.

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 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 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 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3778. 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.

[FIR Doc. 81-3706 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3858-000]

Idaho Renewable Resources, Inc. and City of Ashton; Application for Preliminary Permit

January 28, 1981.

Take notice that Idaho Renewable Resources, Inc. and City of Ashton (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. 3858 to be known as Dietrich Drop Project located on Milner Gooding Canal in Lincoln 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, Idaho Renewable Resources, Inc., 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) excavation of the existing Milner Gooding Canal; (2) an intake structure; (3) a 1,000-foot long, 10-foot diameter penstock; (4) a powerhouse containing two generating units each rated at 4-MW; (5) a 1,600-foot long discharge canal; and (6) a transmission line. The Applicant estimates that the average annual energy output would be 38,000,000 kWh.

Purpose of Project—The energy output of the project would be sold to the Idaho Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would negotiate rights, conduct engineering and environmental studies, prepare preliminary designs, consult with agencies, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be \$105,000.

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 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 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 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION",

"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3858. 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. 81-3707 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-131-000]

Michigan Wisconsin Pipe Line Co.; Application

January 27, 1981.

Take notice that on January 5, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-131-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon gas transportation service for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon the gas transportation service for Natural which was performed pursuant to a transportation agreement dated September 28, 1979. Applicant asserts that it was authorized by Commission order dated January 17, 1980, to transport up to 80,000 Mcf of natural gas per day for the winter period November 1, 1979, through April 1, 1980, and for five consecutive winter periods thereafter at a rate of \$45,600 per month.

Pursuant to a termination letter dated June 10, 1980, Applicant states that it agreed to terminate such service on November 1, 1980. Applicant submits that because Natural has been authorized by Commission order dated June 24, 1980, in Docket No. CP80-220 to

expand its facilities, the aforementioned transportation service is no longer necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Caswell,

Acting Secretary.

[FR Doc. 81-3708 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-112-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

January 27, 1981.

Take notice that on December 23, 1980, Northern Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-112-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity

authorizing the sale of natural gas to Phillips Petroleum Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a letter agreement dated October 27, 1980, Applicant proposes to sell up to 2,500,000 Mcf of natural gas to Phillips. Applicant asserts that the proposed sale represents imbalance volumes incurred under a Gray County gas exchange agreement dated July 17, 1988, which provides for the balancing of the exchange at least once during each 12-month period. As of October 1, 1980, Applicant states that Phillips owed Applicant approximately 1,900,000 Mcf of natural gas.

Applicant states that it would sell to Phillips the accrued imbalance volumes and future imbalance volumes under the Gray County exchange until a total of 2,500,000 Mcf of gas has been sold. Phillips would pay Applicant \$2.20 per Mcf of gas purchased which price was negotiated between the parties, it is stated.

It is further stated that should Applicant receive the required authorization for this sale to Phillips while its Docket No. RP80-88 settlement rates are in effect then any such sales volumes would be included in the calculation of Applicant's sales refund obligation pursuant to Section III of the Stipulation and Agreement in Docket No. RP80-88 filed with the Commission on December 15, 1980.

Applicant contends that this sale would facilitate management of Applicant's gas supply without detriment or disadvantage to its current customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by

Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-3709 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-118-000]

Northwest Pipeline Corp.; Application

January 27, 1981.

Take notice that on December 29, 1980, Northwest Pipeline Corporation (Applicant), 315 East Second Street South, Salt Lake City, Utah 84111, filed in Docket No. CP81-118-000 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 two new delivery points, one to Washington Water Power Company (Water Power) and one to Intermountain Gas Company (Intermountain), 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 a delivery point for Water Power in accordance with the request of Water Power's customer Mr. Orville Koch in order to provide residential service. Applicant states it would construct a hot tap on its Coeur d'Alene lateral line in Spokane County, Washington, and that the estimated annual service would be 1,427 Mcf with peak day volumes of 6 Mcf. It is stated that the volumes of natural gas sold and delivered at the proposed delivery point would be from quantities of natural gas heretofore authorized for sale to Water Power at various main line taps in Spokane County, Washington, under Applicant's Rate Schedule ODL-1.

Applicant also proposes to construct and operate an additional tap at the Idaho State Penitentiary Meter Station

located adjacent to Applicant's 22-inch mainline in Ada County, Idaho. It is stated that Intermountain has requested the tap to meet increasing demand caused by a shift in the growth pattern of residential and commercial customers within Boise, Idaho. Applicant states that the daily delivery volume requirements for the additional tap is estimated to be 13,235 Mcf per day maximum and a minimum of 2,100 Mcf per day.

It is stated that Intermountain has agreed to reimburse Applicant for all reasonable costs incurred relative to the new delivery point which costs are estimated to be \$2,500. Applicant states that Intermountain maintains that said changes would not jeopardize existing sales nor impair existing deliveries, but would increase the reliability of service for existing and future customers served through the subject delivery point. The proposed revision is as follows:

Delivery points	Presently effective (therms)	Increase (decrease) (therms)	Proposed (therms)
Nampa	343,580	(79,460)	264,200
Meridian and Boise	94,000	(21,720)	72,280
Caldwell, Middleton and			
Boise	163,900	(37,900)	126,000
Idaho State Penitentiary	12,100	139,100	151,200
Totals	613,680		613,680

It is stated that no increase in Water Power's or Intermountain's presently authorized daily contract demand under Applicant's Rate Schedule ODL-1 is contemplated or proposed herein.

Any person desiring to be heard to or make any protest with reference to said application should on or before February 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held

without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-3710 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-123-000]

Southern Natural Gas Co.; Application

January 27, 1981.

Take notice that on December 30, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-123-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a compressor station located offshore Louisiana by sale to ARCO Oil and Gas Company, a Division of Atlantic Richfield (ARCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed abandonment is an integral part of an enhanced oil recovery project (project) proposed by ARCO with respect to natural gas produced in South Pass Block 61 field, offshore Louisiana (Block 61). Applicant states that ARCO originally was authorized to sell to Applicant 50 percent of the gas produced from Block 61 but that ARCO has since proposed the temporary cessation of gas sales from the field so that the entire production can be utilized while the project is in effect. Applicant asserts that pursuant to an August 25, 1980, letter of intent ARCO would replace the gas which Applicant was entitled to purchase from Block 61 with gas from Block 107, Eugene Island area, offshore Louisiana. It is further stated that ARCO would provide Applicant with a preferential right to purchase any uncommitted gas ARCO may have or which it may have after discoveries in certain designated areas up to an aggregate of 90,000,000 Mcf of proven reserves. Applicant contends that there

would not be an adverse impact on the availability of current gas supply because ARCO has agreed to replace the gas Applicant was entitled to receive and promised Applicant significant quantities of new gas reserves. Applicant further purports that its customers would directly benefit from the project since it in effect postpones the delivery of the South Pass Block 61 field gas until after the completion of ARCO's proposed project in the late 1990's when Applicant projects that it would need additional deliverability to service its high priority customers.

To effectuate the project, Applicant proposes to sell its 12,500 horsepower compressor station located on ARCO's production "B" platform in South Pass Block 60, offshore Louisiana, to ARCO. It is stated that in addition to using the compressor for its project, ARCO has agreed that upon completion of the project when Applicant begins the sale of the Block 61 gas again ARCO would compress such gas for Applicant; thus, there would be no change in service as a result of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 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 the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes

that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FRC Doc. 81-3711 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3801-000]

The City of Yelm, Washington and Pacific Hydro, Inc.; Application for Preliminary Permit

January 28, 1981.

Take notice that The City of Yelm, Washington and Pacific Hydro, Inc. (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3801 to be known as Clear Lake Dam Hydrogeneration Project located at the United States Department of the Interior, Water and Power Resources Services' (WPRS) Clear Lake Dam on Clear Creek in Yakima County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert H. Sherman, P.O. Box 572, 14030 Yelm Highway, S.E. Yelm, Washington 98597. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) a 9-foot diameter, 3,200-foot long penstock; (b) a powerhouse, containing two generating units, with a total rated capacity of 5,000 kW; (c) a 6.3-mile long, 13.8 kV transmission line connecting the powerhouse to the existing Bonneville Power Administration's Tieton Substation east of the powerhouse; and (d) appurtenant facilities. The Applicant estimates that the average annual energy output would be 17.29 million kWh.

Purpose of Project—Project energy would be sold to the Bonneville Power Administration.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining

agreements with the WPRS and other Federal, state, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$37,500.

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 April 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before April 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "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. 3801. 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. 81-3712 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-112]

Wessely Energy Corp.; Application Pursuant to § 271.1105

January 28, 1981.

Take notice that on August 15, 1980,

Wessely Energy Corporation, 2001 Bryan Tower, Suite 953, Dallas, Texas 75201 (Applicant) filed an Application pursuant to § 271.1105 of the Federal Energy Regulatory Commission's Regulations (Commission Regulations). Applicant requests a determination that the maximum lawful price under the National Gas Policy Act of 1978, 15 U.S.C. 3301, et seq. (NGPA) applicable to a certain first sale of natural gas shall not be considered to be exceeded as the result of the addition to such price of an amount expended for production-related costs pursuant to section 110 of the NGPA.

Applicant states that on August 1, 1980, it entered into a Pipeline Construction and Transportation Agreement with Wesmor Gathering Company (formerly Gulf Coast Pipeline Company) covering natural gas produced from the Feazell Well No. 1-A in the Bedford Wynne Field, Bowie County, Texas and transported to a point on the purchaser's (Natural Gas Pipeline Company of America's) 8-inch Maud lateral in Bowie County, Texas, a distance of approximately twenty-four and one-half miles. Applicant asserts that the purpose of its application is to be allowed to recover the actual costs incurred by seller for treating and transporting the sour gas produced from the Feazell Well No. 1-A, in addition to recovering the section 103 maximum lawful price for the sale of such gas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, 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 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-3713 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed Week of Dec. 19 Through Dec. 26, 1980

During the week of December 19 through December 26, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
January 29, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Dec. 19 Through Dec. 26, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 19, 1980	Chevron USA/Advanced Sales, San Francisco, Calif.	BEJ-0173 and BED-0173	Motion for Protective Order and Discovery. If granted: Discovery would be granted and Chevron USA would enter into a protective order with Advanced Sales regarding the release of proprietary information to Chevron USA in connection with Advanced Sales' Application for Exception (Case No. BKE-1348).
Dec. 19, 1980	Commonwealth Oil Refining Co., Inc., San Antonio, Tex.	BER-0082	Request for Modification/Rescission. If granted: The exception relief from the naphtha Entitlements Program granted in the May 8, 1980, Decision and Order issued to Commonwealth Oil Refining Co., Inc. (Case No. DMR-0078) by the Office of Hearings and Appeals would be extended.
Nov. 19, 1980	Navajo Refining Co./Amoco Oil Co., et al., Washington, D.C.	BEJ-0168 to BEJ-0172	Motion for Protective Order. If granted: Navajo Refining Company would enter into a Protective Order with Amoco Oil Co., Chevron USA, Inc., Little America Refining Co., Mobil Oil Corp., and Witco Chemical Corp., regarding the exchange of proprietary information in connection with Navajo Refining Co.'s Application for Temporary Exception (Case No. BEL-0070).
Dec. 19, 1980	Office of Enforcement (McFarland), Washington, D.C.	BEF-0023	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR 205, in connection with the July 16, 1979, Consent Order issued to McFarland Energy, Inc.
Dec. 19, 1980	Pure Oil Co. (Asarco), Pawtucket, R.I.	BEE-1570	Exception to the reporting requirements. If granted: Pure Oil Company would not be required to file "The No. 2 Distillate Price Monitoring Report" Form EIA-04A.
Dec. 19, 1980	Union Carbide Carbo, Inc., New York, N.Y.	BER-0060	Request for modification/Rescission. If granted: The July 23, 1980, Decision and Order (Case No. DMR-0070) issued by the Office of Hearings and Appeals to Union Carbide Carbo, Inc., would be modified to increase the level of naphtha entitlements received by the firm.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Dec. 19 Through Dec. 26, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 22, 1980	Champlin Petroleum Company, Washington, D.C.	BEN-1095	Motion for Interim Order. If granted: Champlin Petroleum Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1095).
Dec. 22, 1980	Louisiana Land & Exploration Co., New Orleans, La.	BES-0122	Request for Stay. If granted: Louisiana Land & Exploration Company would receive a stay of the requirements of the December 1980 Entitlements Notice pending a final determination on its Appeal which the firm intends to file.
Dec. 22, 1980	Marlex Petroleum, Inc., Los Angeles, Calif.	BES-0123 and BET-0123	Request for Stay and Temporary Stay. If granted: Marlex Petroleum, Inc., would receive a stay and temporary stay of the provisions of 10 CFR 212.83, which would require Marlex and ECO Petroleum, Inc., to treat their refining and marketing operations as a single firm for purposes of applying the refiner price formula.
Dec. 22, 1980	Plateau, Inc., Washington, D.C.	BER-0081 and BES-0081	Request for Modification/Rescission and Stay. If granted: The December 16, 1980, Decision and Order issued to Plateau, Inc. (Case No. BEX-0125) by the Office of Hearings and Appeals would be modified regarding the firm's initial purchase obligations. Plateau, Inc., would receive a stay pending a final determination on the Application for Modification/Rescission.
Dec. 22, 1980	Shoreline Texaco (Avash), Mill Valley, Calif.	BRX-0145	Supplemental Order. If granted: The November 13, 1980, Remedial Order (Case No. BRO-1169) issued to Shoreline Texaco (Avash) would be rescinded.
Dec. 23, 1980	BP Oil Inc., Cleveland, Ohio	BER-0084	Request for Modification/Rescission. If granted: The October 31, 1980, Decision and Order (Case No. DEE-7227) issued to Hollowell Oil Company, Inc., would be modified regarding the firm's production of gasohol.
Dec. 23, 1980	Bon Wier Producing Company, Monroe, La.	BEE-1571 to BEE-1573	Price Exception. If granted: Bon Wier Producing Company would be permitted to sell at market prices the crude oil produced from the Irman "A" and "B" Leases.
Dec. 23, 1980	Commonwealth Oil Refining Company, Inc., San Antonio, Tex.	BEE-1574 and BEL-1574	Allocation Exception. If granted: Commonwealth Oil Refining Company, Inc., would receive an exception and temporary exception from the provisions of 10 CFR Part 211 with respect to the Buy/Sell list for the period January 1, 1981, through September 30, 1981.
Dec. 23, 1980	Foundation for National Progress, San Francisco, Calif.	BFA-0561	Appeal of an Information Request Denial. If granted: The Foundation for National Progress with respect to its Freedom of Information Request (Case No. 10268011V), would be granted a fee waiver.
Dec. 23, 1980	Huntway Refining Company, Los Angeles, Calif.	BES-0125 and BET-0125	Request for Stay and Temporary Stay. If granted: Huntway Refining Company would receive a stay and a temporary stay of the provisions of 10 CFR 211.67, pending a final determination on its Application for Exception which the firm intends to file.
Dec. 23, 1980	Louisiana Land & Exploration Company, Washington, D.C.	BEA-0562	Appeal of Entitlements Notice. If granted: The December 18, 1980, Entitlements Notice would be modified with respect to Louisiana Land & Exploration Company for the period of October 1980.
Dec. 23, 1980	Office of Enforcement (Quintin Little), Washington, D.C.	BEF-0024	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR 205, in connection with March 7, 1980, Consent Order issued to Quintin Little Company.
Dec. 23, 1980	Office of Enforcement (Union Texas), Washington, D.C.	BEF-0025	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR 205, in connection with March 6, 1980, Consent Order issued to Union Texas Petroleum Corporation.
Dec. 23, 1980	Office of Enforcement (Westland), Washington, D.C.	BEF-0026	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with a June 23, 1980, Consent Order issued to Westland Oil Development Corporation.
Dec. 23, 1980	The 341 Tract Unit, Washington, D.C.	BEN-0078	Request for Interim Order. If granted: The 341 Tract Unit would be permitted to implement on an interim basis the alternate form of relief set forth in the December 15, 1980, Decision and Order (Case No. BEN-0071); this relief would permit the Unit to recoup \$60 million in additional net revenue to undertake a tertiary crude oil recovery project.
Dec. 23, 1980	True Oil Company, Casper, Wyo.	BFA-0560	Appeal of an Information Request Denial. If granted: The December 12, 1980, Information Request Denial issued by the Crude Products Program Management Branch, Central Enforcement District, would be rescinded and True Oil Company would receive access to information regarding the December 4, 1980, Notice of Probable Violation issued to the firm.
Dec. 24, 1980	Isthmus Refining Corporation, Washington, D.C.	BEE-1577	Exception to the Entitlements Program. If granted: Isthmus Refining Corporation would receive an exception from the provisions of 10 CFR 211.67, regarding the firm's participation in the Entitlements Program.
Dec. 24, 1980	Southland Oil Company/VGS Corporation, Washington, D.C.	BER-0085	Request for Modification/Rescission. If granted: The December 17, 1980, Decision and Order issued by the Office of Hearings and Appeals to Southland Oil Company/VGS Corporation (Case No. BEX-0141) would be modified regarding the firm's entitlements purchase obligations.
Dec. 24, 1980	Warrior Asphalt Co. of Alabama, Inc., Washington, D.C.	BET-1477	Request for Temporary Stay. If granted: Warrior Asphalt Co. of Alabama, Inc., would receive a temporary stay of the provisions of 10 CFR 211.67, pending a final determination on its Application for Exception (Case No. BEE-1477).

Notices of Objection Received

[Week of Dec. 19 to Dec. 26, 1980]

Date	Name and location of applicant	Case No.
Dec. 24, 1980	Southland Oil Corporation, Washington, D.C.	BEX-1476
Dec. 24, 1980	Plateau, Inc., Washington, D.C.	BEE-1480
Dec. 24, 1980	Warrior Asphalt Company of Alabama, Washington, D.C.	BEE-1477
Dec. 19, 1980	Ted's Marathon, Washington, D.C.	BEE-1446
Dec. 19, 1980	Baker's Marathon, Washington, D.C.	BEE-1448
Dec. 19, 1980	Arlington Marathon, Washington, D.C.	BEE-1449
Dec. 19, 1980	Foreman & Sons Marathon, Washington, D.C.	BEE-1451
Dec. 19, 1980	Manley's, Marathon Washington, D.C.	BEE-1452
Dec. 19, 1980	Trent's Marathon, Washington, D.C.	BEE-1456
Dec. 19, 1980	A. J. Amer & Sons, Washington, D.C.	BEE-1470
Dec. 19, 1980	Dan's Marathon, Washington, D.C.	BEE-1473
Dec. 22, 1980	True Blood Oil Company, Washington, D.C.	BEE-0529
Dec. 23, 1980	Purity Oil Company, Casper, Wyo.	BEE-0894

Cases Filed: Week of Dec. 26, 1980, through Jan. 2, 1981,

During the week of December 26, 1980, through January 2, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of

publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 27, 1981.

List of Cases Received By the Office of Hearings and Appeals

[Week of Dec. 26, 1980, through Jan. 2, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 29, 1980	Butler, Binion, Rice, Cook & Knapp, Washington, D.C.	BFA-0564	Appeal of an Information Request Denial. If granted: The November 24, 1980, Information Request Denial issued by the Office of General Counsel for Regulation would be rescinded, and Butler, Binion, Rice, Cook & Knapp would receive access to certain DOE data.
Dec. 29, 1980	Crystal Oil Company, Washington, D.C.	BEG-0042	Petition for Special Redress. If granted: Shell Oil Company would be required to supply Crystal Oil Company the volumes of crude oil withheld from Crystal for the period from March through November 1979.
Dec. 29, 1980	Getty Oil Company, Denver, Colo.	BXE-1576	Price Exception. If granted: Getty Oil Company would be permitted to continue to sell at upper tier ceiling prices the crude oil produced from the Jack Canyon Well, located in Carbon County, Utah.
Dec. 29, 1980	Hartley Company, Cambridge, Ohio	BEX-0146	Supplemental Order in Hartley Company, 8 DOE 5— (1980). If granted: The September 16, 1980, Decision and Order (Case No. BEE-0417) issued by the Office of Hearings and Appeals to Hartley Co. would be rescinded.
Dec. 29, 1980	Les Francis Auto Rental, Leasing and Investment Corp., Bridgeton, Mo.	BCX-0148	Supplemental Order. If granted: The September 26, 1980, Decision and Order (Case No. BEE-0673) issued to Les Francis Auto Rental, Leasing and Investment Corp. by the Office of Hearings and Appeals would be modified in connection with the January 2, 1981, Stipulation Order issued by the Federal Energy Regulatory Commission.
Dec. 29, 1980	True Oil Purchasing Company, Casper, Wyo	BFA-0563	Appeal of an Information Request Denial. If granted: True Oil Purchasing Company would receive access to certain documents maintained by the Assistant Administrator for Enforcement of the Economic Regulatory Administration.
Dec. 30, 1980	Alliance Oil & Refining Company, Washington, D.C.	BRD-1333	Motion for Discovery. If granted: Discovery would be granted to Alliance Oil & Refining Company in connection with its Statement of Objections to the Proposed Remedial Order issued to the firm by the Office of Enforcement.
Dec. 30, 1980	Continental Gas Transmission Company, Denver, Colo.	BEE-157	Price Exception. If granted: Continental Gas Transmission Company would be permitted to sell at upper tier ceiling prices the crude oil produced from the No. 1-22 Harvey Well, located in Adams County, Colo.
Dec. 30, 1980	Energy Cooperative, Inc./Cities Service Company, BEJ-0175		Motion for Protective Order. If granted: Energy Cooperative, Inc., would enter into a Protective order with Cities Service Company regarding the exchange of proprietary information.
Dec. 30, 1980	Energy Cooperative, Inc./Mobil Oil Corporation, BEJ-074		Motion for Protective Order. If granted: Energy Cooperative, Inc., would enter into a protective Order with Mobil Oil Corporation regarding the exchange of proprietary information.
Dec. 31, 1980	Atlantic Richfield Company, Los Angeles, Calif.	BRD-1322 and BRH-1322	Motion for Discovery and Motion for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Atlantic Richfield Company's Statement of Objections to the Proposed Remedial Order (Case No. BRO-1322) issued to the firm by the Office of Enforcement.
Dec. 31, 1980	Energy Systems, Inc., Eden Prairie, Minn.	BFA-0565	Appeal of an Information Request Denial. If granted: The July 1, 1980, Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Energy Systems, Inc. would receive access to DOE documents entitled "1973-1974 Fuel Use" and the "Combustor capacities."
Dec. 31, 1980	Good Hope Refineries, Inc., Washington, D.C.	BEL-0073	Request for Temporary Exception. If granted: Good Hope Refineries, Inc., would receive a temporary exception in the form of an emergency allocation of crude oil to the firm.
Dec. 31, 1980	Laketon Asphalt Refining Company, Laketon, Ind.	BXE-1579	Exception to the Entitlements Program. If granted: Laketon Asphalt Refining Company would receive an exception from the provisions of 10 CFR 211.67, which would modify its entitlements purchase obligations for the period beyond February 26, 1981.
Dec. 31, 1980	Petro-Therm Corp., Hobbs, N. Mex.	BEN-1547	Interim Order. If granted: Petro-Therm Corp. would receive exception relief on an interim basis pending a final determination on its Application for exception (Case No. BEE-1547).
Jan. 2, 1981	Pray, Walker, Jackson, Williamson, & Marlar (Grimshaw), Tulsa, Okla.	BFA-0566	Appeal of an Information Request Denial. If granted: Pray, Walker, Jackson, Williamson, & Marlar (Grimshaw) would receive access to documents relating to the application of certain regulatory provisions to small refiners participating in the entitlements Program.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Dec. 26, 1978, to Jan. 2, 1981]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline:

Name	Case No.	Date	State
Ken County Refinery, Inc.	BEE-1560	Dec. 29, 1980	California

Notices of Objection Received

[Week of Dec. 26, 1980, to Jan. 2, 1981]

Date	Name and location of applicant	Case No.
Dec. 29, 1980	Springer's Marathon, Washington, D.C.	BEE-1460
Dec. 29, 1980	Denty's Auto Towing, Washington, D.C.	BEE-1433

Notices of Objection Received

Continued

[Week of Dec 26, 1980, to Jan. 2, 1981]

Date	Name and location of applicant	Case No.
Dec. 29, 1980	Lakeside Marathon, Washington, D.C.	BEE-1422
Dec. 29, 1980	Carriage Hill Marathon, Washington, D.C.	BEE-1198
Dec. 29, 1980	Copano Refining Company, Washington, D.C.	BEE-1325
Dec. 29, 1980	Philips Puerto Rico Corp., Inc., Washington, D.C.	BEE-1235
Dec. 29, 1980	Mosinee Alcohol, Inc., Mosinee, Wis.	BEE-0906
Dec. 29, 1980	Power Test Petroleum, Westbury, N.Y.	DEE-7481
Dec. 30, 1980	Oklahoma Refining, Houston, Tex.	DEE-5901
Dec. 30, 1980	Thriftway Company, Washington, D.C.	BXE-1490
Dec. 29, 1980	Giant Industries, Inc., Washington, D.C.	BEE-1346
Dec. 29, 1980	Young Refining Company, Washington, D.C.	BXE-1479
Dec. 31, 1980	Canbdu Four Corners, Inc., Denver, Colo.	BEE-1478

[FR Doc. #1-3960 Filed 2-3-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of Jan. 2 Through Jan. 9, 1981

During the week of January 2 through January 9, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of

publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 29, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Jan. 2 through Jan. 9, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 2, 1981	Little America Refining Co., Washington, D.C.	BER-0087	Request for Modification. If granted: The December 16, 1980, Decision and Order (Case Nos. BED-0154, BER-0078, BER-0079) issued to Chevron U.S.A., Wyoming Refining Co. and Texaco, Inc., would be modified.
Jan. 5, 1981	Alan Ramo, Berkeley, Calif.	BFA-0567	Appeal of an Information Request Denial. If granted: The December 3, 1980, Information Request Denial issued by the Office of Safeguards & Security would be rescinded, and Alan Ramo would receive access to certain DOE information.
Jan. 5, 1981	Arizona Fuels Corporation, Washington, D.C.	BEA-0570	Appeal of the Entitlements Notice. If granted: The September 1980 Entitlements Notice would be modified with respect to Arizona Fuels Corporation's entitlements purchase obligations.
Jan. 5, 1981	Arizona Fuels Corporation, Washington, D.C.	BES-0570	Request for Stay. If granted: Arizona Fuels Corporation would receive a stay of its requirements under the September 1980 Entitlements Notice pending a final determination on its Appeal (Case No. BEA-0570).
Jan. 5, 1981	Bracewell & Patterson, Washington, D.C.	BFA-0569	Appeal of an Information Request Denial. If granted: The December 2, 1980, Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Bracewell & Patterson would receive access to certain DOE information.
Jan. 5, 1981	Champlin Petroleum Company, Fort Worth, Tex.	BRX-0147	Supplemental Order. If granted: The December 22, 1980, Decision and Order (Case No. BRX-0143) issued to Champlin Petroleum Company by the Office of Hearings and Appeals would be modified.
Jan. 5, 1981	Conoco, Inc., Houston, Tex.	BXE-1581	Price Exception. If granted: Conoco, Inc., would be permitted to sell at market prices the crude oil produced from the Plum Bush Unit located in Washington County, Colo.
Jan. 5, 1981	Louis T. Rosenberg, San Antonio, Tex.	BFA-0568	Appeal of an Information Request Denial. If granted: The December 10, 1980, fee waiver denial issued by the Division of FOI and Privacy Act Activities would be rescinded, and Mr. Louis T. Rosenberg would receive a waiver of fees.
Jan. 5, 1981	Quaker State Oil Refining Corporation, Washington, D.C.	BED-0795	Motion for Discovery. If granted: Discovery would be granted to Quaker State Oil Refining Corporation in connection with the Statement of Objections submitted in response to the November 25, 1980, Proposed Decision and Order issued to the firm by the Office of Hearings and Appeals.
Jan. 5, 1981	Ryder Truck Rental, Inc., Doraville, Ga.	BEA-0573	Appeal of an Assignment Order. If granted: A May 12, 1980, Assignment Order issued by the Region IV Office of the Economic Regulatory Administration to Ryder Truck Rental, Inc., would be modified.
Jan. 5, 1981	U-Haul Co. of Eastern Florida, Washington, D.C.	BEA-0572	Appeal of an Assignment Order. If granted: A February 1, 1980, Assignment Order issued by the Region IV Office of the Economic Regulatory Administration to U-Haul Co. of Eastern Florida would be modified.
Jan. 6, 1981	Clark Oil & Refining Corporation, Milwaukee, Wis.	BEE-1582	Price Exception. If granted: Clark Oil & Refining Corporation would receive an exception from the provisions of 10 CFR 212.83, regarding the marketing cost limitation (the F ₁ Factor) contained in the refined price regulations.
Jan. 6, 1981	National Treasury Employees Union (Silber), Washington, D.C.	BFA-0571	Appeal of an Information Request Denial. If granted: The December 23, 1980, Information Request Denial issued by the Inspector General would be rescinded, and Ms. Silber would receive DOE information regarding Clifton J. Luber and Donald R. Hunt.
Jan. 6, 1981	Placid Oil Company, Washington, D.C.	BEE, BEL-1584	Price Exception and Temporary Exception. If granted: Placid Oil company would receive an exception and a temporary exception which would permit the firm to exclude production during the months of September, October, and November 1980 in the calculation of its current cumulative deficiency for crude oil produced after December 1, 1980.
Jan. 6, 1981	Pollution Control, Inc., Hobbs, N. Mex.	BEE, BEL-1585	Price Exception. If granted: Pollution Control, Inc., would receive a temporary exception and an exception which would permit the firm to sell crude oil reclaimed from salt water disposal operations at stripper well prices.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Jan. 2 through Jan. 9, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 6, 1981	Stephen M. Shaw, La Jolla, Calif.	BFA-0574 to 0576	Appeals of Information Request Denials. If granted: Stephen M. Shaw would receive access to certain DOE materials.
Jan. 6, 1981	Welsh Oil, Inc., Muncieville, Ind.	BXE-1563	Extension of the relief granted in Welsh Oil, Inc., 6 DOE 181,098 (1980). If granted: Welsh Oil, Inc., would continue to receive an exemption from the provisions of 10 CFR Part 211, which would permit the firm to receive an allocation of unleaded motor gasoline for the purpose of blending gasohol.
Jan. 7, 1981	Chevron U.S.A., Inc., Washington, D.C.	BED-1520	Motion for Discovery. If granted: Discovery would be granted to Chevron U.S.A., Inc., in connection with an Application for Exception (Case No. BXE-1520) filed by Dow Chemical, U.S.A.
Jan. 7, 1981	Commonwealth Oil & Refining Company, Inc./Chevron U.S.A., Inc., Washington, D.C.	BEJ-0176	Motion for Protective Order. If granted: Chevron U.S.A., Inc., would enter into a Protective Order with Commonwealth Oil & Refining Company, Inc., regarding the exchange of proprietary information between Chevron and CORCO in connection with CORCO's Application for Exception (Case No. BEE-1574).
Jan. 7, 1981	Commonwealth Oil & Refining Company, Inc./Mobil Oil Corporation, Washington, D.C.	BEJ-0177	Motion for Protective Order. If granted: Mobil Oil Corporation would enter into a Protective Order with Commonwealth Oil & Refining Company, Inc., regarding the exchange of proprietary information between Mobil and CORCO in connection with CORCO's Application for Exception (Case No. BEE-1574).
Jan. 7, 1981	Exxon Company, U.S.A., Washington, D.C.	BES-0127	Request for Stay. If granted: The December 31, 1980, Decision and Order issued by the Office of Hearings and Appeals to the 341 Tract Unit of Citronelle Field would be stayed pending a final determination on its Application for Exception (Case No. DEE-7746).
Jan. 7, 1981	Office of Enforcement, Washington, D.C.	BEF-0027	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the March 12, 1980, Consent Order issued to Texas Oil and Gas Corporation.
Jan. 7, 1981	Plateau, Inc., Washington, D.C.	BEX-0149	Supplemental Order. If granted: The December 17, 1980, Proposed Decision and Order (Case No. BEE-1480) issued to Plateau, Inc., would be modified.
Jan. 7, 1981	Stephen M. Shaw, La Jolla, Calif.	BFA-0577	Appeal of an Information Request Denial. If granted: The December 9, 1980, Information Request Denial issued by the Division of FOI and Privacy Act Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE materials.
Jan. 8, 1981	Apex Oil Company, Washington, D.C.	BFA-0579	Appeal of an Information Request Denial. If granted: The December 5, 1980, Information Request Denial issued by the Central Enforcement District of the Economic Regulatory Administration to Apex Oil Company would be rescinded, and the firm would receive access to documents regarding the DOE's audit of Apex Oil Company.
Jan. 8, 1981	Asamora Oil (U.S.), Inc., Washington, D.C.	BEL-0074	Request for Temporary Exception. If granted: The relief granted in the October 18, 1980, and November 25, 1980, Decisions and Orders (Case Nos. BEL-1491 and BEL-0071) issued to Asamora Oil (U.S.), Inc., would be extended pending a final determination on the firm's Application for Exception (Case No. BEE-1491).
Jan. 8, 1981	Dave's Fina, Oklahoma City, Okla.	BRW-0072	Remedial Order Finalization. If granted: The July 18, 1980, Proposed Remedial Order issued to Dave Cleland, d.b.a. Dave's Fina by the Southwest District of the Economic Regulatory Administration would be issued as a final Remedial Order.
Jan. 8, 1981	Ergon Refining, Inc., Washington, D.C.	BEA-0578	Appeal of Entitlements Notice. If granted: The December 1980 Entitlements Notice would be modified with respect to Ergon Refining, Inc.'s entitlements purchase obligations.
Jan. 8, 1981	John's North Lake Service, Aurora, Ill.	BRW-0071	Remedial Order Finalization. If granted: The June 20, 1980, Proposed Remedial Order issued to John Burton, d.b.a. John's North Lake Service by the Central District of the Economic Regulatory Administration would be issued as a final Remedial Order.
Jan. 9, 1981	Standard Oil Company (Indiana), Chicago, Ill.	BES-0126	Request for Stay. If granted: Standard Oil Company (Indiana) would receive a stay of the December 31, 1980, Decision and Order issued to 341 Tract Unit of Citronelle Field by the Office of Hearings and Appeals pending a final determination on its Application for Exception (Case No. DEE-7746).
Jan. 9, 1981	Stephen M. Shaw, La Jolla, Calif.	BFA-0562	Appeal of an Information Request Denial. If granted: Stephen M. Shaw would receive access to certain DOE documents and a waiver of fees.
Jan. 9, 1981	Stephen M. Shaw, La Jolla, Calif.	BFA-0581	Appeal of an Information Request Denial. If granted: Stephen M. Shaw would receive access to certain DOE documents and a waiver of fees.
Jan. 9, 1981	Sydney Morning Herald Limited, Washington, D.C.	BFA-0580	Appeal of an Information Request Denial. If granted: The January 5, 1980, Information Request Denial would be rescinded, and the Sydney Morning Herald Limited would receive access to information regarding Australian attempts to build nuclear weapons.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Jan. 1 to Jan. 9, 1981]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline:

Name	Case No.	Date	State
Comer Pantry Food Marts	BXE-1566	Jan. 6, 1981	Georgia

Notices of Objection Received

[Week of Jan. 2 through Jan. 9, 1981]

Date	Name and location of applicant	Case No.
Jan. 6, 1981	Sage Creek Refining Co., Cowley, Wyo.	BXE-1384
Jan. 6, 1981	Dr. Hooper Oil & Royalty Co., Houston, Tex.	BXE-1514
Jan. 8, 1981	Cities Service Co., Tulsa, Okla.	BEE-0367

[PR Doc. 81-3961 Filed 2-2-81 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of December 29, 1980 Through January 2, 1981

During the week of December 29, 1980 through January 2, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,
Director, Office of Hearings and Appeals,
January 29, 1981.

*Benson-Montin-Greer Drilling Corporation,
Farmington, New Mexico, BEE-1473,
crude oil*

Benson-Montin-Greer Drilling Corporation (B-M-G) filed an Application for Exception from the provisions of 10 CFR 212.75, 212.79, and 212.131. The exception request, if granted, would permit B-M-G to classify the crude oil that the firm produces from certain undeveloped properties as "newly discovered crude oil." On January 2, 1981, the

Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

J & W Refining, Inc., Houston, Texas, FEX-0172, DEX-0010, crude oil

The DOE conducted a review for the exception relief from entitlement purchase obligations granted to J & W during the period June 1978 through September 1977. The DOE concluded that the amount of relief accorded to the firm during that period was in excess by \$606,967. On December 31, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that since Joseph Schero, the sole owner of the refinery, withdrew the amount of the excessive relief, and has relinquished the company which is now in a bankruptcy proceeding, Mr. Schero be held liable for the refund of the excessive relief.

*LeClair Operating Co., Inc., Abilene, Texas,
BEE-1398, crude oil*

LeClair Operating Co., Inc. 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 sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the Croton Creek Unit located in Dickens County, Texas, at upper tier ceiling price levels. On December 31, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

*McGoldrick Oil Company, Shreveport,
Louisiana, BEE-1337, crude oil*

McGoldrick 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 sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the TL SU "K" H. J. Collins Lease located in Catahoula Parish, Louisiana, at upper tier ceiling price levels. On December 31, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

*D. W. Shelton, Denton, Texas, BEE-1327,
crude oil*

D. W. Shelton 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 sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the Dean Ward Number 1 Well located in Red River County, Texas, at market price levels. On December 31, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied.

*The Superior Oil Company, Houston, Texas,
BEE-1152, crude oil*

The Superior 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 sell a certain portion of the crude oil produced and sold for the benefit of the working interest owners from the South Croton Creek Unit located in Dickens County, Texas, at upper tier ceiling price levels. On December 31, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

[FR Doc. 81-3962 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of January 5 through January 9, 1981

During the week of January 5 through January 9, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Brezny.

*Director, Office of Hearings and Appeals,
January 27, 1981.*

*Northville Industries, Incorporated, New
York, New York, DEE-7009, motor
gasoline*

Northville Industries, Inc. filed an Application for Exception from the provisions of 10 CFR 211.9. The exception requests, if granted, would terminate Northville's present relationships with its base period suppliers of motor gasoline and assign to Northville new, lower-priced suppliers to furnish it with its entire gasoline allocation. On January 8, 1981, the DOE issued a Proposed Decision and Order which tentatively determined that the exception request be denied.

*Vermont Morgan Corporation, Shoreham,
Vermont, BEE-1227, motor gasoline*

Vermont Morgan Corporation filed an Application for Exception from the provisions of 10 CFR Part 212. The exception request, if granted, would afford the firm an extension of time in which to make an election concerning its method of calculating its maximum lawful motor gasoline selling prices under the price rules applicable to resellers and reseller-retailers. On January 8, 1981, the Department of Energy issued a Proposed Decision and Order which tentatively determined that the exception request be denied.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Brazoria County, TX, DEE-7645, Brazosport,
TX

Roadrunner Food Mart, Inc., DEE-7383,
Many, LA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decision and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Best Petroleum Co., Inc., DEE-7942, Lynn, MA
Cathys Valley Mobil Station, BEE-1498,
Mered, CA

Herbert Young Gulf Service, DEE-6111,
Gilmer, TX

Wright & Company, BEE-1324, Newport
Beach, CA

[FR Doc. 81-3963 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Renewal

This notice is published in accordance with the provisions of Section 7 of the Office of Management Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the committee Management Secretariat, General Services Administration, notice is hereby given that the High Energy Physics Advisory Panel has been renewed for a 2-year period ending on January 27, 1983.

The renewal of the Panel has been determined necessary and in the public interest. The Panel will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), The Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those acts.

Further information regarding this Advisory Panel may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on January 27, 1981.

Tina Hobson,

Advisory Committee Management Office.

[FR Doc. 81-3963 Filed 2-2-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Common Carrier Action GTE Filing for Revised Depreciation Rates for Terminal Equipment

The following telephone companies, in the General Telephone and Electronics Corporation system, filed for proposed changes in depreciation rates for Accounts 231, Station Apparatus, and 234, Large Private Branch Exchange, on November 7, 1980:

General Telephone Company of Alaska
General Telephone Company of Florida
General Telephone Company of Indiana, Inc.
General Telephone Company of Michigan
General Telephone Company of the

Northwest, Inc.

General Telephone Company of Ohio
General Telephone Company of the
Southeast

General Telephone Company of the
Southwest

Hawaiian Telephone Company
West Coast Telephone Company of
California

In the filings the companies propose to (1) reduce service lives for most accounts below those underlying currently prescribed depreciation rates; and (2) to calculate depreciation rates on a remaining life basis effective the month following Commission action. GTE states that rapid technological developments, open and mature competition, changes in customer needs and demands, and changes in legislation and transitional regulation necessitate reduction in average service lives below those currently prescribed. Further, they contend that the continued use of the straight line whole-life depreciation procedure will result in a substantial shortfall in capital recovery for terminal equipment. As a result, they propose the use of the remaining-life depreciation procedure to enable them to depreciate the unrecovered investment in terminal equipment over its life. If accepted, the proposals would result in a significant increase in revenue requirements during the next few years. For 1981 alone, the companies' depreciation accruals would be increased by \$65 million.

In FCC Docket No. 20188, adopted November 6, 1980, the Commission amended Part 31 of the Rules and Regulations to explicitly allow the use of the remaining-life method in determining depreciation rates. As a result the companies' proposals to calculate rates based upon the remaining-life method are consistent with Commission Rules. Therefore, we are requesting comments primarily regarding the first issue, the reduction of service lives for terminal equipment. It would be helpful if those commenting would address the following issues:

(1) The companies' future life estimates.

(2) The companies' future net salvage estimates.

(3) The studies and details in support of the companies' future estimates of both life and salvage.

(4) The effective dates of implementation of the proposed rates.

This filing will be coordinated with implementation efforts related to the Second Computer Inquiry, FCC Docket No. 20828.

On January 19, 1981, we requested additional retirement and salvage data as well as life indications for each of the companies. GTE's response to our request is due by February 6, 1981.

Copies of the filings and supporting data and studies as well as GTE's response to our data request will be available for

inspection in the offices of the Depreciation Rates Branch in Suite 100 at 2555 M St. N.W. in Washington, D.C. Interested persons may file comments regarding these filings by March 15, 1981 (ref. no. 61730). Reply comments are due by April 15, 1981.

Questions regarding this matter should be brought to the attention of Mr. Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 632-6956.

Federal Communications Commission

William J. Tricarico,
Secretary.

[FRC Doc. 81-3716 Filed 2-2-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2147]

Davis Export Consultants International, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Davis Export Consultants International, Inc., P.O. Box 91003, Houston, TX 77088, FMC No. 2147, was cancelled effective December 20, 1980.

On November 20, 1980, the Commission received a copy of a cancellation request addressed to the surety company indicating that Davis Export Consultants International, Inc. did not plan to renew its surety bond.

Davis Export Consultants International, Inc. has failed to furnish a valid replacement surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2147 be and is hereby revoked effective December 20, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 2147, issued to Davis Export Consultants International, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal

Register served upon Davis Export Consultants International, Inc.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FRC Doc. 81-3723 Filed 2-2-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by February 13, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10376-1.

Filing Party: Mr. R. J. Finnegan, Chief Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10376-1 extends the existing sailing and service agreement between China Ocean Shipping Company and Lykes Bros. Steamship Co., through March 1, 1982.

By order of the Federal Maritime Commission.

Dated: January 29, 1981.

Francis C. Hurney,

Secretary.

[FRC Doc. 81-3938 Filed 2-2-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20572, by February 23, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 8080-18.

Filing Party: Wade S. Hooker, Jr. Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8080-18 modifies the basic agreement of the Atlantic and Gulf-Indonesia Conference (1) to conform to the requirements of General Order 7, Revised; (2) deletes the words "Portuguese Timor and West New Guinea"; (3) adds Vice Chairman to the Officers that may be selected by the Conference; (4) increases the financial guarantee to \$60,000; and (5) makes nonsubstantive changes in the wording of Article 12(g).

Agreement No. 8240-16.

Filing Party: Wade S. Hooker, Jr. Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8240-16 modifies the basic agreement of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference (1) to conform to the requirements of General Order 7, Revised; (2) by adding Vice Chairman to the Officers that may be selected by the Conference; (3) by increasing the financial guarantee to \$60,000; and (4) by making nonsubstantive changes in the wording of Article 12(g).

Agreement No. 8210-42.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys for Continental North Atlantic Westbound Freight Conference, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8210-42 amends Article 14 of the basic agreement of the Continental North Atlantic Westbound Freight Conference by increasing the financial guarantee from \$25,000 to \$100,000.

Agreements Nos.: T-3845 and T-3945-A.

Filing Party: Mr. John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-3945, between the Port of Oakland (Port) and Maersk Line Pacific, Ltd. (Maersk), provides for the nonexclusive preferential assignment to Maersk of 22 acres, including berth area, at the Outer Harbor Terminal Area in the Port of Oakland. As compensation, Maersk will pay the Port applicable terminal tariff charges subject to a minimum annual guarantee of \$1,075,000. For revenue accrued over \$1,308,000, Maersk will pay 50 percent of tariff charges. The term of the agreement is 5 years, with an additional 5-year renewal option.

Agreement No. T-3945-A, between the same parties, provides for the nonexclusive preferential assignment to Maersk of a container crane located on the same premise. The Port reserves the right to assign secondary use of the crane to itself or to third parties. Maersk agrees to pay the Port each month an amount equal to the crane rental and other crane charges, subject to a guaranteed annual crane usage compensation quota equivalent to 950 hours at prevailing crane rental rates.

Agreement No.: T-3946.

Filing Party: J. Robert Bray, Executive Director, Virginia Port Authority, 1600 Maritime Tower, Norfolk, Virginia 23510.

Summary: Agreement No. T-3946 between the Virginia Port Authority (VPA) and Oyster Point Development Corporation (OPDC), provides for the lease by VPA to OPDC of certain marine terminal property at Newport News Marine Terminal to be used for the construction and operation of a facility designed for the automated bagging, storage and shipping of grain. OPDC shall compensate VPA for the use of the premises at a rate of \$5,400 per year. The term of the agreement is 5 years with a renewal option for an additional 5 years. The agreement provides that OPDC shall not divert or cause to be diverted any business provided under the agreement or as may be provided by other tenants at Newport News Marine Terminal. In addition, OPDC covenants and agrees to observe and obey all applicable rules and regulations of the VPA or the Newport News Marine Terminal governing the conduct and operation of the terminal operation in the Port of Hampton Roads.

Agreement No.: T-3947.

Filing Party: Mr. Richard L. Landes, City Attorney of Long Beach, Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3947, between City of Long Beach (City) and Marine Metals Inc. (MMI), provides for a 3-year lease to MMI of 211,355 sq. ft. of paved area, including

>116,403 sq. ft. of warehouse space, located at Warehouse 5, Long Beach, California. The premises will be used for the storage and distribution of MMI's merchandise, at a monthly rental rate of \$17,500, payable to City. Both parties agree that the premises will not be used in connection with common carriers by water. In addition, the parties agree to conditions of maintenance and repair, arbitration, indemnification and other terms provided for in the agreement.

Dated: January 29, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-3898 Filed 2-2-81; 8:45 am]

BILLING CODE 6730-01-M

Murmansk Shipping Company/Polish Ocean Lines Pol-Arctic Joint Service Agreement Cancellation

Filing Party: Mr. Z. Teplicki, Polish Ocean Lines, c/o Gdynia American Line, Inc., One World Trade Center, Suite 3557, New York, New York 10048.

Agreement No. 10160.

Summary: On January 5, 1981, the Commission received notice of the termination of the participation of Polish Ocean Lines and Murmansk Shipping Company, in Agreement No. 10160. The agreement will be cancelled effective January 5, 1981, the date the notice of cancellation was received by the Commission.

Dated: January 29, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-3941 Filed 2-2-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed; Correction

Agreements Nos.: LM-65 and LM-66.

Filing Party: C. P. Lambos, Esquire, Lorenz, Finn, Giardino & Lambos, The Cunard Building, 25 Broadway, New York, New York 10004.

Summary: Agreements Nos. LM-65 and LM-66 appeared in the Federal Register on January 7, 1981 (46 FR 1776) and were listed incorrectly. The notice should have read:

The Federal Maritime Commission hereby gives notice that on September 30, 1980, the following agreements were filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, and were deemed approved that date.

Agreement No.: LM-65.

Filing Party: C. P. Lambos, Esquire, Lorenz, Finn, Giardino & Lambos, The Cunard Building, 25 Broadway, New York, New York 10004.

Summary: Agreement No. LM-65 is the collectively-bargained Job Security Program Agreement between steamship carriers operating on the North Atlantic, South Atlantic and Gulf Coasts and the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No.: LM-66.

Filing Party: C. P. Lambos, Esquire, Lorenz, Finn, Giardino & Lambos, The Cunard Building, 25 Broadway, New York, New York 10004.

Summary: Agreement No. LM-66 is the collectively-bargained Tonnage Assessment Agreement between the New York Shipping Association and the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Dated: January 29, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-3940 Filed 2-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Security Bancorporation; Formation of Bank Holding Company

First Security Bancorporation, Miles City, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.84 percent or more of the voting shares of First Security Bank and Trust of Miles City, Miles City, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 27, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-3700 Filed 2-2-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bankcorp; Formation of Bank Holding Company

Southwest Bankcorp, Vista, California, has applied for the Board's

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Southwest Bank, Vista, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Southwest Bankcorp, Vista, California, has also applied, pursuant to section 4(c)(8) of the Bank Holding Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Southwest Thrift and Loan Association, San Diego, California.

Applicant states that the proposed subsidiary would engage in industrial loan company activities and offer credit-related life, credit-related disability and credit-related property insurance. These activities would be performed from offices of Applicant's subsidiary in San Diego, California, serving the counties of San Diego, Orange and Riverside in the State of California. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 26, 1981.

Board of Governors of the Federal Reserve System, January 27, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
 [FR Doc. 81-3701 Filed 2-2-81; 8:45 am]
BILLING CODE 6210-01-M

Welch Bancshares, Inc.; Formation of Bank Holding Company

Welch Bancshares, Inc., Welch, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Welch State Bank, Welch, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 27, 1981.
Jefferson A. Walker,
Assistant Secretary of the Board.
 [FR Doc. 81-3702 Filed 2-2-81; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activity indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 27, 1981.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Security Pacific Corporation, Los Angeles, California (financing and credit-related life, accident and health insurance activities; New York): to engage through its subsidiaries, Security Pacific Finance Corp. and SPF Credit Services, Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit-related life, accident and health insurance. 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 and Rochester, New York, serving the State of New York.

2. Security Pacific Corporation, Los Angeles, California (industrial loan, financing and credit-related insurance activities; California): to engage through its subsidiary, Security Pacific Finance Money Center Inc., in financing and industrial loan corporation activities; making, acquiring and servicing loans and other extensions of credit; selling and issuing investment certificates; and acting as agent for the sale of credit-related life, credit-related accident and health and credit-related property insurance, all as authorized by California law. These activities would be conducted from an office in Encino, California, serving the State of California.

B. Other Federal Reserve Banks:

None.

Board of Governors of the Federal Reserve System, January 28, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. #1-3940 Filed 2-2-81; 8:45 am]

BILLING CODE 8210-01-M

GENERAL SERVICES ADMINISTRATION**Report on New System of Records Under the Privacy Act of 1974****AGENCY:** General Services Administration.**ACTION:** Notification of new system of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, of intent to establish a new system of records that will be maintained by GSA. The system of records, Reviewer/Consultant File GSA/NARS-11, will be established to provide the National Historical Publications and Records Commission (NHPRC) staff with the information necessary to select the names of people to serve as grant proposal reviewers or as consultants for grantees who need help in setting up their records program. A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on January 9, 1981.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before March 5, 1981. The new system of records shall become effective as proposed without further notice on March 5, 1981, unless comments are received that would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (HRAR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, GSA Privacy Act Officer, telephone (202) 566-0673.

Background

The National Historical Publication and Records Commission (NHPRC) has proposed the establishment of a new system of records, Reviewer/Consultant File, that will contain personal information on archival experts. The information will be used by NHPRC to select archival experts to serve as reviewers or consultants to grantees

who need help in setting up records program.

The proposed new system of records is as follows:

GSA/NARS-11**SYSTEM NAME:**

Reviewer/Consultant File.

SYSTEM LOCATION:

The system is located at the National Historical Publications and Records Commission, 711 14th Street, NW., Washington, DC 20408.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Archival reviewers and consultants who apply to serve as consultants or reviewers for the National Historical Publications and Records Commission's records grant program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information about the reviewers and consultants including name, address, telephone number, education, professional vita, publications, archival skills, archival and historical records experience, and program evaluation experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. Chapter 25.

PURPOSE(S):

The biographical material is used by NHPRC staff principally in the records grant program for selecting reviewers to evaluate proposals received by NHPRC and for proposing possible archival consultants for those individuals who have received grants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record from this system may be disclosed to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of individual.

SAFEGUARDS:

During normal hours of operations.

records are maintained in areas accessible only to authorized personnel of NARS. After hours, building has security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed for administrative purposes.

SYSTEM MANAGER(S) AND ADDRESS:

The official responsible for the system is the Executive Director, National Historical Publications and Records Commission, 711 14th Street NW., Washington, DC. Mailing address: National Historical Publications and Records Commission (NP), National Archives and Records Service, Washington, DC 20408.

NOTIFICATION PROCEDURE:

Inquiries by individuals as to whether the system contains a record pertaining to themselves should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals for access to records should be addressed to the system manager. In person requests may be made during normal business hours at 711 14th St. NW., Washington, DC. For written requests the individual should provide full name, address, telephone number, and approximate date of communication with the Commission. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting the contents of the records and for appealing initial determinations are promulgated in 41 CFR 105-64, published in the *Federal Register*.

RECORD SOURCE CATEGORIES:

Archival experts who have volunteered to serve as reviewers or consultants.

Dated: January 23, 1981.

Ben Schiffman,

Director of Administrative Services.

[FR Doc. #1-3734 Filed 2-2-81; 8:45 am]

BILLING CODE 6820-34-M

Public Buildings Service**[Draft Environmental Impact Statement (DEIS)]****Proposed Annex Construction and Repair and Alteration of U.S. Post Office and Courthouse (PO & CT), Charleston, South Carolina; Revised Notice of Public Meeting and Availability of DEIS**

A Draft Environmental Impact Statement (DEIS) concerning the proposed annex construction and repair and alteration of the U.S. Post Office and Courthouse in Charleston, South Carolina, has been prepared by the General Services Administration in accordance with Section 102(2)(C) of the National Environmental Policy Act. The DEIS was released on January 21, 1981, to Federal, State, and local agencies, interested individuals and community groups. Participation by all interested public agencies, community groups and individuals in review and comment on the DEIS is invited. Any written comments on the DEIS should be sent to the address below and may be submitted until March 12, 1981. Mr. W. H. Capes (4PG), Public Buildings Service, General Services Administration, 75 Spring Street, SW, Atlanta, GA 30303.

The public meeting has been rescheduled to provide the community an opportunity to submit comments. The details of the meeting are described below.

Public Meeting

Date: February 20, 1981.

Time: 1:30 p.m.

Place: Room 333, L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, South Carolina.

Purpose: To receive comments concerning the Draft Environmental Impact for the proposed project.

Instructions: Interested parties desiring to present oral comments at the meeting will be recognized by the chair and extended an opportunity to do so. Oral comments must be limited to no more than five minutes but in addition written comments will be accepted.

Additional copies of the DEIS and the transcript of the Scoping Meetings are available for review and public inspection at the following locations:

1. General Services Administration, Public Buildings Service, Operational Planning Staff, Room 418, Richard B. Russell Federal Building and Courthouse, 75 Spring Street SW, Atlanta, GA 30303.
2. General Services Administration, Public Buildings Service, Buildings Managers Office, L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, SC 29403.

Dated: January 21, 1981.

Wesley L. Johnson, Jr.,

Regional Administrator

[FR Doc. 81-3891 Filed 2-2-81; 8:45 am]

BILLING CODE 6820-23-M

Dated: January 26, 1981.

Sanford A. Miller,

Director, Bureau of Foods

[FR Doc. 81-3890 Filed 2-2-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 80F-0498]

Polysar Limited; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: Polysar Limited has filed a petition proposing that the food additive regulations be amended to provide for the safe use of styrene-butadiene copolymers containing N-methylolacrylamide as a polymer component and α -sulfo- w -(dodecyloxy) poly(oxyethylene), ammonium salt as components in the manufacture of paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Julius Smith, 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 (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)), notice is given that a petition (FAP 9B3443) has been filed by Polysar Limited, Sarnia, Ontario Canada N7T 7M2, proposing that the food additive regulations be amended to provide for the safe use of styrene-butadiene copolymers containing N-methylolacrylamide as a polymer component and α -sulfo- w -(dodecyloxy) poly(oxyethylene), ammonium salt as components in the manufacture of paper and paperboard intended for food-contact use.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and its environmental assessment may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****Moab District Grazing Advisory Board; Meeting**

February 26, 1981.

AGENCY: Bureau of Land Management—Utah.

ACTION: Notice of meeting, Moab District Grazing Advisory Board.

Notice is hereby given, in accordance with Pub. L. 92-483, that a meeting of the Moab District Grazing Advisory Board will be held on March 20, 1981 beginning at 10 a.m. The meeting will be held in the Conference Room of the Bureau of Land Management District Office at 125 West 2nd South, Moab, Utah. The meeting is open to the public.

The agenda for the meeting will include:

1. Report on the status of the Grand Gulch Management Plan, such as its possible effects on range management in the area.
2. Status of the Price River Grazing Environmental Impact Statement (EIS).
3. Status of the Grand Grazing EIS.
4. Status of the San Juan Grazing EIS Preparation Plan.

5. Status of the Grazing Stewardship Program in the District.
6. Discussion on the use of Advisory Board Funds for range improvements.

7. Discussion on the Directors Draft Policy on Range Improvement.

8. Status of the Grazing Regulations.

Interested persons may make oral or written statements to the Board between 2 and 3 p.m. Anyone wishing to make statements must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532 by March 18, 1981.

Kenneth V. Rhea,
District Manager.

[FR Doc. 81-3696 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-84-M

[IW-73389]

Wyoming; Application

January 28, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Mountain Fuel Supply Company of Salt Lake City, Utah, filed an application for

a right-of-way to construct a 6½ inch O.D. buried pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 113 W.

Secs. 5 and 6.

T 14 N., R. 113 W.

Secs. 19, 20, 21, 22, 30 and 31.

The proposed pipeline will transport natural gas from the Henry's Fork Unit No. 1 well located in the NE½SW¼ of Section 5, T. 13 N., R. 113 W., to a point of connection with an existing pipeline located in the SE½NE½ of Section 22, T. 14 N., R. 113 W., all within Uinta County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1860, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 81-3867 Filed 2-3-81; 8:45 am]

BILLING CODE 4310-84-M

[C-31164]

Colorado; Designation of Little Book Cliffs Wild Horse Range; Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of area—amendment.

EFFECTIVE DATE:

This amendment becomes effective February 3, 1981.

SUMMARY: This action amends the legal description of the Little Book Cliffs Wild Horse Range by deleting 200 acres and adding 45 acres, to conform to the boundary of the Range on the ground.

FOR FURTHER INFORMATION CONTACT:

Sam McReynolds, Grand Junction District Office 303-243-6552.

SUPPLEMENTARY INFORMATION:

1. Pursuant to Section 3 of the Pub. L. 92-195 of December 15, 1971, Designation of the Little Book Cliffs Wild Horse Range, appearing as

Document 80-34478 in the Federal Register of November 5, 1980 at pages 73542, 73543, is hereby amended to delete the following described lands which lie outside the eastern boundary of the Range:

Sixth Principal Meridian

T. 10 S., R. 98 W..

Sec. 21, W½SW¼;

Sec. 28, W½NW¼ and NW½SW¼.

Containing 200 acres.

The Designation is further amended to add the following land, inadvertently omitted from the original Designation:

Sixth Principal Meridian

T. 10 S., R. 98 W..

Sec. 17, that portion lying below the north rim of Main Canyon.

Containing approximately 45 acres.

Dated: January 23, 1981.

Charles W. Luscher,

Acting State Director.

[F.R. Doc. 81-3973 Filed 2-8-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 26171, Survey Group 79]

Michigan; Filing of Plat of Survey

1. On October 20, 1980, the plat representing the survey of two islands in Buhl Lake, formerly known as Pencil Lake, T. 30 N., R. 4 W., Michigan Meridian, Michigan, which were omitted from previous surveys, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., on March 20, 1981.

Michigan Meridian, Michigan

T. 30 N., R. 4 W..

Tract 37, (0.91 acres);

Tract 38, (1.02 acres).

The areas described aggregate 1.93 acres.

2. The islands described above are separate and distinct yet similar in character in all respects to that of the adjacent surveyed lands. Tract 37 rises approximately 12 feet above the ordinary high water mark of Buhl Lake and has a soil composition of sandy loam. Timber consists of white pine, birch, maple, and hemlock. Tract 38 rises approximately 13 feet above the ordinary high water mark of Buhl Lake and has a soil composition of sandy loam. Timber species include white pine, Norway pine, birch, hemlock, and maple.

Tracts 37 and 38 were found to be over 50 percent upland in character within the purview of the Swamplands Act of September 28, 1850 (9 Stat. 519). They are, therefore, held to be public land.

All inquiries relating to these lands should be sent to the Director (921), Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before March 20, 1981.

Pieter VanZanden,

Acting Eastern States Director.

[F.R. Doc. 81-3869 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

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: Delbert Gue, PRT 2-7415, Phoenix, Arizona 85207

The applicant requests a permit to purchase in interstate commerce captive-bred masked bobwhite quail (*Colinus virginianus ridgwayi*) from U.S. sources for enhancement of propagation.

Applicant: Dr. Royal D. Suttkus, PRT 2-7480, Tulane University, Belle Chasse, Louisiana 70037

The applicant requests a permit to collect (sacrifice) the following species and numbers of fishes from Arizona, Utah, or Colorado for enhancement of survival: humpback chub (*Gila cypha*)—24, bonytail chub (*G. elegans*)—8, woundfin (*Plagopterus argentissimus*)—100, and Colorado River squawfish (*Ptychocheilus lucius*)—6.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

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 5, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: January 27, 1981.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[F.R. Doc. 81-3664 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-55-M

Water and Power Resources Service**Central Valley Project (CVP), California; Water Service Rate Policy; Availability of a Proposed Ratesetting Policy for Public Review and Comment and Public Hearings**

The Department of the Interior, through the Water and Power Resources Service, has developed a water service rate policy for the CVP. The proposed policy was prepared pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187), Pub. L. 84-643 (Act of July 2, 1956, 70 Stat. 483), and Pub. L. 88-44 (Act of June 21, 1963, 77 Stat. 68).

The CVP was originally authorized as an Army Corps of Engineers project by the Rivers and Harbors Act of August 30, 1935 (49 Stat. 1028, 1038).

Congressional reauthorization of the project under Reclamation law was provided in Section 2 of the Rivers and Harbors Act of August 26, 1937 (50 Stat. 844), and by the Rivers and Harbors Act of October 17, 1940 (54 Stat. 1198).

Congress further reauthorized the project by the Act of October 14, 1949 (63 Stat. 852) and the Act of September 26, 1950 (64 Stat. 1036). Additional units were authorized by the Congress as integral parts of the project by the Acts of August 12, 1955 (69 Stat. 719); June 3, 1960 (74 Stat. 156); October 23, 1962 (76 Stat. 1191 and 1192); September 2, 1965 (79 Stat. 615); August 19, 1967 (81 Stat. 167); August 27, 1967 (81 Stat. 173); October 23, 1970 (84 Stat. 1097); and September 28, 1976 (90 Stat. 1328).

The initial irrigation water service contracts for the CVP were written for a term of 40 years. Water rates were established for each service area and remained constant during the contract term. The initial CVP water rate structure for irrigation was a graduated scale ranging from a low of \$2 per acre-foot in the Sacramento Valley near the source of supply, and increasing to \$3.50 per acre-foot for all service in the San Joaquin Valley south of the Sacramento-San Joaquin River Delta. The San Luis Unit in the San Joaquin Valley was authorized in 1960. The unit's feasibility report contained an irrigation water rate of \$7.50 per acre-foot and this rate was used in water service contracts for the unit. Municipal and industrial (M&I) water service contracts also were written with nonadjustable water rates for terms of 40 years. Some M&I contracts provide for rate changes to ensure meeting operation, maintenance, and replacement costs. Earlier CVP M&I rates ranged from \$9 per acre-foot for water from reservoirs and rivers, to \$85 per acre-foot from special facilities.

Since the late 1960's, it has become evident that fixed-rate contracts do not ensure return of an appropriate share of the project costs to the Treasury. Through discussions and negotiations, a ratesetting policy has evolved that will ensure adequate returns to the Treasury and provide equitable charges among water users for services received. This policy is formalized and is available for review by interested parties. The policy statement reviews some water rate history and discusses the need for a standard ratesetting policy. The calculations illustrating water rates are included for review. Those calculations reflect applications of the principles of the policy to the rate calculations for the project.

Two public hearing dates have been scheduled to receive comments on the draft policy statement from interested individuals and organizations. The locations, dates, and times for the hearings are:

• Towne House, Chablis Room, Fresno, California, February 24, 1981 and 1 p.m.
• Holiday Inn North, Maui Room, Sacramento, California, February 26, at 3 p.m. and 7 p.m.

Each hearing will continue until all persons desiring to comment have been heard.

Requests to speak may be made at the hearings. Those individuals or organizations which desire to speak at a specified time should send a written request for such to the address listed below. Requests for scheduling oral presentations will be accepted through February 20, 1981.

The time permitted for oral presentations at the hearings should be limited to 10 minutes per speaker. Speakers will not be permitted to trade or consolidate their scheduled time to make longer individual presentations. However, the person presiding at the hearing may allow additional oral comments by anyone after all scheduled speakers have been heard. Written statements by persons who desire to supplement their oral presentations may be submitted to the Regional Director at the address listed below. Any such written statements or other comments on the ratesetting policy will be accepted through March 16, 1981.

Copies of the draft policy statement may be obtained without charge by writing to the Regional Director, Water and Power Resources Service, Water Rate Policy, (MP-440), 2800 Cottage Way, Sacramento, CA 95825. Questions by telephone should be directed to Mr. Merv deHaas at (916) 484-4878.

Dated: January 27, 1981.

Clifford I. Barrett,
Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-3650 Filed 2-2-81; 8:45 am]
BILLING CODE 4310-06-M

Industrial Water Service Contract Negotiations; Yellowtail Unit, Montana; Intent To Negotiate an Industrial Water Service Contract

The Department of the Interior, through the Water and Power Resources Service, intends to begin negotiations with the Montana Power Company (MPC) to provide of potential industrial water service from Yellowtail Reservoir (Big Horn Lake) for use at the company's Colstrip Units 3 and 4. The MPC has requested that a contract be negotiated to provide up to 6,000 acre-feet of water per year to be released from Big Horn Lake as required to supplement divertable flows in the Yellowstone River by MPC. Basically, the proposed contract will be drafted pursuant to the Reclamation Project Act of August 4, 1939 (53 Stat. 1189), and the Flood Control Act of 1944 (58 Stat. 887).

Colstrip Units 3 and 4, each of 750 megawatt capacity, are coal-fired, steam electric powerplants presently under construction at Colstrip, Montana. Diversion of water for the existing facilities (Colstrip Units 1 and 2), as well as the two new generating units, takes place from the Yellowstone River upstream from Forsyth, Montana. The Montana Board of Natural Resources and Conservaton has required that a contract for water service from Yellowtail Reservoir be executed in lieu of providing additional onsite water storage impoundment for operation of Units 3 and 4 during potential low-flow periods in the Yellowstone River. The release of such water would be made to insure adequate streamflows in the Yellowstone River so that ample cooling water is available for the operation of all four Colstrip units when combined with the present surge pond facilities at Colstrip.

All scheduled meetings and/or negotiating sessions, where terms and conditions of the contract are to be discussed, will be open for public observation. Advance notice of meetings will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Water and Power Resources Service, Attention: Code UM-440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the

proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public. In the event that little or no public interest is evidenced in the negotiations as gauged by the response to this notice and local announcements, the availability of the proposed form of contract for public review and comment will not be publicized through the **Federal Register** or other media.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Mr. William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above, or telephone (406) 657-6413.

Dated: January 27, 1981.

Clifford L. Barrett,
Assistant Commissioner of Water and Power Resources.

[PR Doc. 81-3851 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

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 March 20, 1981 (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. OP2-156

Decided: January 12, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 2202 (Sub-850), filed December 18, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Over regular routes, transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between Griffin and Concord, GA, over U.S. Hwy 19 to Junction GA Hwy 18,

then over GA Hwy 18 to Concord, and return over the same route, serving all intermediate points.

MC 36832 (Sub-28), filed December 19, 1980. Applicant: AMERICAN TRANSIT LINES, INC., 221 North LaSalle St., Chicago, IL 60601. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those which because of size or weight requires the use of special equipment), between points in IL, IN, IA, MI, MO, PA, NY, OH, Newport and Louisville, KY, and Omaha, NE.

MC 87523 (Sub-118), filed December 18, 1980. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St., NW, Washington, DC 20036. Transporting *beverages*, in containers, from (a) Boston, Springfield, Easton, Needham, and New Bedford, MA, (b) Elmsford, NY, and (c) South Portland, ME, to points in ME, NH, VT, and NY.

MC 98752 (Sub-7F), filed December 23, 1980. Applicant: ZEPHYR LINE, INC., 84 Western Avenue, West Springfield, MA 01089. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *such commodities* as are dealt in by retail department stores (except commodities in bulk), between points in Hampden County, MA, on the one hand, and, on the other, points in NY and VT.

MC 107012 (Sub-634), filed December 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30, West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *such commodities* as are dealt in or used by commercial, institutional, and industrial establishments, between points in Los Angeles County, CA and Atlanta, GA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-635), filed December 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30, West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting (1) *carpet*, from Libertyville, IL, to points in AL, FL, GA, IN, MI, NY, ND, OH, and PA, and (2) *synthetic fibers*, from points in GA and SC, to Libertyville, IL.

MC 107012 (Sub-637), filed December 22, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30, West, P.O. Box 988, Fort

Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting (1) *furniture* from Raleigh, NC, to points in AL, FL, GA, KY, ME, MS, and TN; and (2) *matresses*, from Richmond, VA, to points in AL, FL, GA, KY, LA, ME, MS, NC, SC, TN, and WV.

MC 107012 (Sub-638F), filed December 22, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 986, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). Transporting *general commodities*, between points in the U.S., under a continuing contract(s) with North American Philips Corporation, of New York, NY, and its Subsidiaries.

Note.—To the extent this permit authorizes the transportation of classes A and B explosives it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 107162 (Sub-77F), filed December 22, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting *iron and steel articles*, from Chicago, IL, Canton and Washington Court House, OH, and Green Bay and Milwaukee, WI, to points in the Upper Peninsula of MI, and points in Florence, Forest, Iron, Marinette, and Vilas Counties, WI.

MC 109633 (Sub-50F), filed December 22, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *paper, paper products, and woodpulp*, between points in Cook County, IL, on the one hand, and, on the other, points in CT, DE, GA, KY, MD, MA, NJ, NY, NC, OH, PA, RI, SC, TN, MI, VA, WV, and DC.

MC 112713 (Sub-319F), filed December 22, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: William F. Martin, Jr. (same address as applicant). 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 Olney, TX, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 112822 (Sub-484F), filed December 17, 1980. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherill (same address as applicant). Transporting *tires*

and tubes, from Texarkana, AR to points in OK and Kansas City, KS.

MC 113362 (Sub-411F), filed December 17, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting (1) *petroleum products, coal by-products and plastic compounds*, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of petroleum products, coal by-products and plastic compounds, (except in bulk), between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to facilities of Gulf Oil Company, USA, and its affiliates.

MC 117142 (Sub-6), filed December 19, 1980. Applicant: AMERICAN TRAILER HAUL, INC., 809B South Main St., Woodstock, GA 30188. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *trailers*, designed to be drawn by passenger automobiles, and (2) *portable buildings*, between points in AL, FL, GA, LA, MS, NC, SC, and TN.

MC 119552 (Sub-10), filed December 18, 1980. Applicant: J.T.L., INC., 49 Rosedale St., Providence, RI 02903. Representative: Robert L. Cope, 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 Denton Sales Company, Inc., of Dallas, TX.

MC 119552 (Sub-12F), filed December 18, 1980. Applicant: J.T.L. INC., 49 Rosedale St., Providence, RI 02903. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, 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 Lever Brothers Company, of Pagedale, MO.

MC 125403 (Sub-13F), filed December 23, 1980. Applicant: S.T.L. TRANSPORT, INC., P.O. Box 389, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *malt beverages (in containers) and materials, equipment and supplies used in the manufacture, and distribution* of malt beverages (except in bulk) between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, and DC, restricted to traffic originating at or destined to the facilities of Wayne Beer Distributors.

MC 126822 (Sub-110), filed December 16, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting (1) *adhesives*, and (2) *materials and supplies* used in the manufacture and distribution of adhesives, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 126822 (Sub-111), filed December 22, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Hwy, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, 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 the Jos. Schlitz Brewing Company.

MC 130453 (Sub-2F), filed December 24, 1980. Applicant: CRAWFORD TOURS, INC., 5418 William Flynn Highway, Route 8, Gibsonia, PA 15044. Representative: Jerry Purcell, 18 Chatham Square, Pittsburgh, PA 15219. As a *broker*, at Gibsonia, PA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in PA, and extending to points in the US (including AK and HI).

MC 139382 (Sub-1F), filed December 23, 1980. Applicant: DWIGHT PARKER TRUCKING CO., INC., P.O. Box 149, Hugo, OK 74743. Representative: Richard Hubert, P.O. Box 10236, Lubbock, TX 79408. Transporting *road building materials*, between points in OK and TX.

MC 140243 (Sub-14), filed December 22, 1980. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Transporting (1) *food and related products*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points in Northumberland County, PA, on the one hand, and, on the other, points in AL, FL, GA, NC, and SC.

MC 141773 (Sub-16), filed December 18, 1980. Applicant: THERMO TRANSPORT, INC., P.O. Box 41587, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. 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 Corth Plastics, Inc., of Santa Fe Springs, CA.

MC 144732 (Sub-3), filed December 22, 1980. Applicant: S & S TRUCKING, INC., Alzada Star Route, Belle Fourche, SD 57717. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *machinery* (except electrical), between points in MT, ND, SD, and WY.

MC 144842 (Sub-11), filed December 17, 1980. Applicant: RIGGINS TRUCKING, INC., 1004 West Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. NW., Washington, DC 20005. Transporting (1) *alcoholic liquors* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, between points in IL, on the one hand, and, on the other, points in the U.S.

MC 145913 (Sub-2), filed December 22, 1980. Applicant: BART LANG TRUCKING, INC., Route 2, Box 221A1, Lexington, NE 68850. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *meats, meat products and meat by-products, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from points in Dawson County, NE, to points in the U.S. (except AK, HI, and NE); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) in the reverse direction.

MC 146643 (Sub-65), filed December 19, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 S. La Salle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Hubbard Milling company, of Mankato, MN.

MC 147113 (Sub-5), filed December 22, 1980. Applicant: TEPPCO TRANSPORT, INC., 1111 East 39th St., Chattanooga, TN 37409. Representative: Jon G. Soderlund (same address as applicant). Transporting *molded polystyrene foam egg cartons*, (a) between Lawrenceville, GA, on the one hand, and, on the other, points in SC, NC, VA, WV, FL, AL, MS, LA, AR, and TN, and (b) between Decatur, IN, on the one hand, and, on

the other, points in VA, WV, OH, KY, and TN.

MC 148302 (Sub-1), filed December 17, 1980. Applicant: R. L. BOWERY, d.b.a. TRI-CITY TRUCK & EQUIPMENT, INC., P.O. Box 5327, Kingsport, TN 37663. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW, Washington, DC 20004. Transporting (1) *plastic articles* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of plastic articles, between points in Harris County, TX, and Hudson County, NJ, on the one hand, and, on the other, points in the U.S.

MC 148362 (Sub-5), filed December 22, 1980. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30326. 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 the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 150583 (Sub-1), filed December 19, 1980. Applicant: ROSENBERGER ENTERPRISES, INC., 200 East Clinton, Indianola, IA 50125. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *machinery, parts for machines, bicycle chains, pumps, and chemicals*, in containers, from Los Angeles, CA, to points in the U.S.

MC 150833 (Sub-3F), filed December 24, 1980. Applicant: PDR TRUCKING, INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meirhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *plastic products, and materials and supplies* used in the manufacture and distribution of plastic products, between points in the U.S., restricted to traffic originating at or destined to the facilities of Robintech, Inc.

MC 151272 (Sub-1), filed December 31, 1980. Applicant: FOOD HAULERS CO., INC., 600 York St., Elizabeth, NJ 07207. Representative: Barbara R. Klein, Esquire, 1101 Connecticut Avenue NW., Washington, DC 20036. Transporting (1) *such commodities* as are dealt in by grocery stores, drug stores, and food business houses, and (2) *equipment, materials and supplies* used in the conduct of such businesses, between points in CT, DE, MD, MA, NJ, NY, PA, RI, and VA.

MC 151703 (Sub-5), filed December 22, 1980. Applicant: NORSUB, INC., R.D. #1, Box 317, Evans City, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting (1) *water and air treating chemicals and equipment, and activated carbon, and (2) materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) between points in the U.S., restricted to traffic originating at or destined to the facilities of Calgon Corporation.

MC 152782 (Sub-1F), filed December 19, 1980. Applicant: EDWARDS FAMILY ENTERPRISES, 1821 E. Diana Ave., Anaheim, CA 92805. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Sioux-Preme Packing Company of Sioux Center, IA.

MC 153133 (Sub-1F), filed January 2, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., Highway 59 South, P.O. Box 422, Stafford, TX 77477. Representative: Patricia L. Altman, 2523 Avenue H, Rosenberg, TX 77471. Transporting (1) *kiln dust, refined bayrite, and sand blasting sand*, in bags, between points in TX, OK, NM, AZ, and AR, and (2) *kiln dust, refined bayrite, and sand blasting sand*, in bags, between points in TX, on the one hand, and, on the other, points in OK, NM, AZ, and AR.

MC 153233F, filed December 18, 1980. Applicant: AXE & ARTHUR MOTOR EXPRESS, INC., 651 Genant Drive, Syracuse, NY 13204. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501. Transporting *general commodities*, between points in Monroe, Onondaga, and Wayne Counties, NY, on the one hand, and, on the other, points in Cayuga, Monroe, Onondaga, Ontario, Seneca, and Wayne Counties, NY. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in points of time to a period expiring 5 years from its date of issuance.

MC 153373F, filed December 29, 1980. Applicant: EARTH TOURS, INC., P.O. Box 31, Grove City, 16127. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. As a *broker* at Grove City, PA and Mentor, OH, in

arranging for the transportation of passengers and their baggage, between all points in the U.S.

MC 153412F, filed December 30, 1980. Applicant: QUALITY COACH LINES, INC., 402 North Division, P.O. Box 646, Carson City, NV 89701. Representative: Mike Soumeniotis (same address as applicant). Transporting passengers and their baggage, in the same vehicle as passengers, in charter operations, beginning and ending at points in CA and NV, and extending to points in the U.S. (including AK, but excluding HI), restricted to transportation arranged by licensed passenger brokers.

Volume No. OP4-218

Decided: January 27, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones. (Member Jones not participating.)

MC 37896 (Sub-37F), filed January 2, 1981. 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., of Fort Wayne, IN.

MC 105568 (Sub-240F), filed January 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. Transporting textile mill products, between points in Pickens, Pike, Fayette, Calhoun, and Marion Counties, Al, Warren, Taylor, Franklin, and Russell Counties, KY, Iberia and St. Martin Parishes, LA, Panola and Pontotoc Counties, MS, Stanly, Franklin, Alexander, and Cleveland Counties, NC, Woodward County, OK, and Lexington County, SC, on the one hand, and on the other, points in the U.S.

MC 113106 (Sub-101F), filed January 9, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting such commodities as are dealt in or used by manufacturers and distributors of containers, container ends and closures, between points in the U.S.

MC 117688 (Sub-294F), filed October 14, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 W. 21st St., P.O. Box 155, S. Sioux City, NE 68778. Representative: George L. Hirschbach (same address as applicant). Transporting food and related products,

from points in FL, to points in KS, NE, ND, SD, MN, WI, and IA.

MC 119658 (Sub-81), filed January 12, 1981. Applicant: NORTH EXPRESS, INC., 219 East Main St., P.O. Box 247, Winamac, IN 46996. Representative: John Deremigio (same address as applicant). Transporting meats, meat products, meat byproducts, and articles distributed by meat-packinghouses, between points in Cass County, IN, on the one hand, and, on the other, points in IL, KY, MI, MO, and WI.

MC 139906 (Sub-136F), filed December 29, 1980. 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 wearing apparel, from those points in the U.S. in and east of WI, IL, KY, TN, and MS, to the facilities of K-Mart Apparel Corp., at or near North Bergen, NJ, Alsip, IL, Forest Park, GA, and Carson, CA.

MC 149546 (Sub-5), filed January 13, 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 food and related products, (1) between points in IA, MN, NE, and WI, and (2) between points in (1) above, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 150376 (Sub-3), filed January 16, 1981. Applicant: C & M CARTAGE COMPANY, INC., P.O. Box 94531, Oklahoma City, OK 73143. Representative: Greg E. Summy, P.O. Box 1540 Emond, OK 73034. Transporting textile mill products, between the facilities of Union Underwear Company, Inc., on the one hand, and, on the other points in the U.S.

MC 150786 (Sub-2), filed January 14, 1981. Applicant: BOBBY BARNS & CHARLES FITZPATRICK, d.b.a. B & F TRUCKING CO., a partnership, 3240 Sangamon St., Steger, IL 60415. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60415. Transporting (1) food and related products, between points in the U.S. under continuing contract(s) with D'Amico Foods Co., of Steger, IL, and (2) chemicals and related products, between points in the U.S. and NC, under continuing contract(s) with William C. Lyons Associated, Ltd., of Matteson, IL.

MC 152566 (Sub-1), filed January 13, 1981. Applicant: ONEDIN LINE, INC., 8021 Bapst St., Toledo, OH 43615. Representative: Richard A. Eberlin (same address as applicant). Transporting food and related products,

between points in the U.S., under continuing contract(s) with J. A. Hoffer, Incorporated of Toledo, OH.

Vol. No. OP4-219

Decided: January 28, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones. (Member Jones not participating.)

MC 41136 (Sub-30), filed January 14, 1981. Applicant: FLEET CARRIER CORPORATION, 525 South Boulevard East, Pontiac, MI 48053. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Transporting transportation equipment from points in Lehigh County, PA, and all ports in the Atlantic Ocean and the Gulf of Mexico, to all points in the United States (except AK and HI).

MC 136876 (Sub-12F), filed January 8, 1981. Applicant: THE PAULIE BRAZIER COMPANY, a corporation, P.O. Box 652, Buffalo Rd., Lawrenceburg, TN 38464. Representative: B. E. Bryant, 107 North Military Ave., Lawrenceburg, TN 38464. Transporting chemicals and related products, (1) between points in Dent County, MO, on the one hand, and, on the other, points in TN and KY, (2) between points in Colbert County, AL, on the one hand, and, on the other, points in AR, MS, and those in GA on and north Interstate Hwy 20, and (3) between points in Nashville, TN, on the one hand, and, on the other, points in KY and MO.

MC 140276 (Sub-3), filed January 16, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., R.R. 1, Box 202, Redwood Falls, MN 56283. Representative: John H. Schnobrich, 315 South Washington, Redwood Falls, MN 56283. Transporting food and related products, between points in the U.S., under continuing contract(s) with Central Bi-Products, Inc., of Redwood Falls, MN.

MC 144388 (Sub-6), filed January 12, 1981. Applicant: WILLIAM B. BLANEY, JOHN D. BLANEY, JR., and JAMES M. BLANEY, d.b.a. BLANEY FARMS, R.D. No. 1, Box 218B Perryopolis, PA 15473. Representative: William A. Gary, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Diamond Crystal Salt Company, Inc., of St. Clair, MI.

MC 148106 (Sub-9), filed January 12, 1981. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Hwy 15 North, Ripley, MS 38663. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting hazardous waste materials, between

points in the U.S., under continuing contract(s) with Recycling Industries Inc., of Braintree, MA.

MC 149546 (Sub-4), filed January 14, 1981. Applicant: D&T TRUCKING CO., INC., 498 1st St. NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150396 (Sub-1), filed January 9, 1981. Applicant: THE TORRI CORPORATION, 118 Lundquist Dr., P.O. Box, Braintree, MA 02184. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *metal articles, electronic parts and machine parts*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the foregoing commodities, between points in the U.S., under continuing contract(s) with Millard Metal Service Center, Inc., Millard Mid-Atlantic Metal Service Center, Inc., Millard Controlled Metals, Inc., Millard Lakes Metal Service Center, Inc., M.B.C., Inc., M.B.C. Scrap Company, Inc., Valley Manufactured Products, Inc., CATV Corporation of American, Electrofit Corporation, and Metals Surplus Corporation, all of Braintree, MA.

MC 150526 (Sub-2), filed January 13, 1981. Applicant: YARMOUTH LUMBER, INC., North St., Box 46, Yarmouth, ME 04096. Representative: William H. Phipps (same address as applicant). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Port Clyde Foods, Inc., of Falmouth, ME.

MC 153576F, filed December 23, 1980. Applicant: THE BROCK CORPORATION, 28000 Sprague Rd., Olmsted Falls, OH 44138. Representative: Kenneth M. Lapine, 1401 East Ohio Bldg., Cleveland, OH 44114. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Westview Concrete Corporation and Balsam Corporation, both of Olmsted Fall, OH.

MC 153636, filed January 16, 1981. Applicant: WILLIAM F. FOX, d.b.a NITE-HAWK TRANSPORTATION, 12780 S.W. Prince Albert St., Tigard, OR 97223. Representative: Lawrence V. Smart, Jr., 419 NW., 23d Ave., Portland, OR 97210. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Timjoist, Inc., of Tualatin, OR.

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Decided: January 28, 1981.

By the Commission, Review Board No. 1. Members Carleton, Joyce, and Jones.

MC 37896 (Sub-38), filed January 16, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as application). Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Seven Up Asheville Company, Inc., of Asheville, NC.

MC 9936 (Sub-4), filed January 14, 1981. Applicant: HAVERHILL & LAWRENCE TRANSPORTATION COMPANY, INC., 17 Locke St., Haverhill, MA 01830. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in MA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request, of its Certificate of Registration No. MC-9936 (Sub-2).

MC 113106 (Sub-102), filed January 13, 1981. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmont Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 368 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 115546 (Sub-1), filed January 12, 1981. Applicant: FRANK P. PITTS, INC., Route 104, Williamson, NY 14589. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Transporting (1) *metal products*, (2) *rubber and plastic products*, and (3) *containers*, between points in the U.S., under continuing contract(s) with Caldwell Manufacturing Company, of Rochester, NY.

MC 117786 (Sub-120), filed December 22, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *furniture and fixtures, disassembled kitchen cabinets and hardware*, from points in Sandoval County, MN to points in Maricopa County, AZ.

MC 117786 (Sub-121), filed January 14, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014.

Transporting *general commodities* (except classes A and B explosives), between the facilities, used by The Stanley Works, on the one hand, and, on the other, points in the U.S.

MC 121496 (Sub-50), filed January 9, 1981. Applicant: CANGO CORPORATION, 2727 North Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001. Transporting *commodities*, in bulk, between points in LA, on the one hand, and, on the other, points in the U.S.

MC 142186 (Sub-8), filed January 19, 1981. Applicant: WHEELS WEST, INC., 11631 Waddle Creek Rd. SW., Olympia, WA 98502. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Triangle Auto Spring Co., of DuBois, PA.

MC 146646 (Sub-142), filed January 12, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between the facilities of Avery International, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-13), filed January 16, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *metal products*, between points in Cook and Peoria Counties, IL, and Montgomery County, IN, on the one hand, and, on the other, points in the U.S.

MC 148286 (Sub-1), filed January 12, 1981. Applicant: RALPH OPPERMANN, 1017 Valley View Dr., Fortuna, CA 95540. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Chicago Metallic Corporation, of Vernon, CA.

MC 150026, filed January 19, 1981. Applicant: MCKINLEY TRUCKING, INC., 1162 Hillview Dr., Salt Lake City, UT 84117. Representative: Patricia S. Woolley (same address as applicant). Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 150376 (Sub-4), filed January 16, 1981. Applicant: C & M CARTAGE COMPANY, INC., P.O. Box 94531, Oklahoma City, OK 73143.

Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Transporting *textile mill products*, between points in Caddo County, OK, on the one hand, and, on the other, points in CO, OK, and TX.

MC 152486 (Sub-1), filed January 12, 1981. Applicant: EUGENE DIXON, d.b.a. EUGENE DIXON TRUCKING, Route 1, Crandall, GA 30711. Representative: Eugene Dixon (same address as applicant). Transporting *ore and minerals*, between points in Hamilton County, TN, and points in Whitfield and Murray Counties, GA.

Volume No. OP5-24

Decided: January 16, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 55889 (Sub-64F), filed December 19, 1980. Applicant: AAA COOPER TRANSPORTATION, a corporation, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. 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), (1) between Savannah, GA, and Elizabeth City, NC, over U.S. Hwy 17; (2) between Savannah, GA, and Roanoke Rapids, NC, from Savannah over Interstate Hwy 16 to junction Interstate Hwy 95, then over Highway 95 to Roanoke Rapids, and return over the same route; (3) between Charleston, SC, and Asheville, NC, over Interstate Hwy 26; (4) between Wilmington and Charlotte, NC, over U.S. Hwy 74; (5) between Morehead City and Greensboro, NC, over U.S. Hwy 70, (6) between Elizabeth City and Winston-Salem, NC, over U.S. Hwy 158, (7) between Roxboro, NC, and Myrtle Beach, SC, over U.S. Hwy 501, (8) between Memphis, TN, and Manteo, NC, over U.S. Hwy 64, (9) between Augusta, GA, and Henderson, NC, over U.S. Hwy 1, (10) between Bristol, TN, and Winston-Salem, NC, over U.S. Hwy 421, (11) between Hardeeville, SC, and Johnston City, TN, over U.S. Hwy 321, (12) between Mt. Airy, NC, and Charleston, SC, over U.S. Hwy 52, (13) between Birmingham, AL, and Westmoreland, TN, from Birmingham over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31E to Westmoreland, and return over the same route, (14) between Decatur, AL, and Westmoreland, TN, from Decatur over U.S. Hwy Alt. 72 to Huntsville, AL, then over U.S. Hwy 231 to Westmoreland, and return over the same route, (15)

between Knoxville and Bristol, TN, over U.S. Hwy 11E (also over U.S. Hwy 11W), (16) between Knoxville and Memphis, TN, over U.S. Hwy 70, (17) between Nashville and Memphis, TN, from Nashville over Interstate Hwy 24 to junction U.S. Hwy 79, then over U.S. Hwy 78 to Memphis, and return over the same route, (18) between Memphis and Union City, TN, over U.S. Hwy 51, (19) between Chattanooga and Nashville, TN over U.S. Hwy 41, (20) between Clarksville, TN, and Athens, AL, from Clarksville over TN Hwy 13 to AL Hwy 17, then over AL Hwy 17 to Florence, AL, then over U.S. Hwy 72 to Athens, and return over the same route, (21) between Byrdstown and Fayetteville, TN, from Byrdstown over TN Hwy 42 to Sparta, TN, then over U.S. Hwy 70S to McMinnville, TN, then over TN Hwy 55 to Lynchburg, TN, then over TN Hwy 50 to Fayetteville, and return over the same route, (22) between Newport and Nashville, TN, from Newport over U.S. Hwy 25E to junction TN Hwy 63, then over TN Hwy 63 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction TN Hwy 52, then over TN Hwy 52 to Springfield, TN, then over U.S. Hwy 41 to Nashville, and return over the same route, and (23) between Knoxville and Jellico, TN, over U.S. Hwy 25W, serving all intermediate points in NC, SC, and TN on routes (1) through (23) above, and serving all the points in NC, SC, and TN as off-route points.

Note.—Applicant intends to tack the routes sought with each other, and with applicant's existing authority.

MC 100439 (Sub-10F), filed December 22, 1980. Applicant: DAVID W. HASSLER, INC., R.D. #8, York, PA 17403. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW, Washington, DC 20005. Transporting *material and supplies* used in the treatment of waste, in bulk, between Baltimore, MD, on the one hand, and, on the other, those points in PA on and east of U.S. Hwy 15.

MC 105289 (Sub-93F), filed December 18, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except in bulk), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Hammermill Paper Company, and its affiliates and subsidiaries. Condition: Any certificate issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of

time to a period expiring 5 years from the date of issuance of the certificate.

MC 107478 (Sub-81F), filed December 30, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2066, 1791 Westchester Drive, Highpoint, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *paper, paper products, machinery, and materials, equipment, and supplies* used in the manufacture, distribution, and operation of machinery, between points in Monroe County, NY, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 110689 (Sub-13F), filed December 29, 1980. Applicant: AIRWAY TRUCKING CO., a corporation, 4239 Newton Rd., Stockton, CA 95204. Representative: Bobbie F. Albanese, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AZ, CA, NM, NV, and UT, (2)(a) *refractory products* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of refractory products, between points in Monterey County, CA, on the one hand, and, on the other, those points in the U.S. in and west of MI, IN, IL, MO, AR, and LA, and (3)(a) *glass and glass products* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of glass and glass products, between points in San Joaquin County, CA, on the one hand, and, on the other, points in CO, NM, TX, and UT. Condition: Prior or coincidental cancellation of certificate MC 110689 (Sub-1F, Sub-9F, and Sub-11F), and MC-F-13590 and MC-F-13591.

MC 112989 (Sub-137F), filed December 31, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Transporting *metal articles, and materials, equipment, and supplies* used in the manufacture and distribution of metal articles, between points in the U.S.

MC 117068 (Sub-137F), filed December 24, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy. 63, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *food and related products*, between the facilities used by the George Hormel Co., in MN and IA, on the one hand, and, on the other, points in CO.

MC 118959 (Sub-256F), filed December 22, 1980. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers or converters of paper and paper products, between points in Forrest County, MS, on the one hand, and, on the other, points in Rapides County, LA.

MC 119968 (Sub-22F), filed December 30, 1980. Applicant: A. J. WEIGAND, INC., P.O. Box 130, Dover, OH 44622. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *commodities in bulk*, between points in the U.S., restricted to traffic originating at or destined to the facilities of American Cyanamid Company.

MC 121568 (Sub-74F), filed December 22, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Transporting (1) *such commodities* as are dealt in or used by discount stores, and (2) *materials* used in the manufacture of the commodities in (1) (except commodities in bulk), between points in TN and LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121598 (Sub-13F), filed December 22, 1980. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210. Transporting (1) *such commodities* as are dealt in by a manufacturer of crayons, erasers, and plastic and rubber articles, between points in Bedford and Marshall Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135078 (Sub-71F), filed December 22, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Charter Bank Center, 920 Main Street, P.O. Box 19251, Kansas City, MO 64141. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in the U.S.

MC 1144578 (Sub-7F), filed December 30, 1980. Applicant: LIME, INC., 3969 Wyoming Ave., Dearborn, MI 48126. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *clay, concrete, glass or stone products* between points in MI,

IN, IL, NY, UT, PA, MO, and WV, on the one hand, and, on the other, points in the U.S.

MC 144739 (Sub-7F), filed December 22, 1980. Applicant: BOB'S TRUCK SERVICE, INC., P.O. Box 528, Middletown, OH 45042. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *building and construction materials, iron and steel articles, machinery, and aluminum articles*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), between points in OH, on the one hand, and, on the other, points in TN, WI, KY, IL, IN, MI, OH, WV, AL, GA, NC, SC, VA, and MS.

Volume No. OP5-25

Decided: January 16, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 145129 (Sub-5F), filed December 30, 1980. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. Transporting *those commodities* which because of their size or weight require the use of special equipment or special handling, and *iron and steel articles*, between points in Bradley and Hamilton Counties, TN on the one hand, and, on the other, points in AL, GA, KY, MS, NC, SC, and VA.

MC 145648 (Sub-9F), filed December 24, 1980. Applicant: DUDLEY TRUCKING, INC., 1819 Olympic Terrace, Tacoma, WA 98401. Representative: Rebecca L. Bogard, 2000 IBM Bldg., Seattle, WA 98101. Transporting (1) *grain bins, truck bed bodies, steel culverts, and steel buildings*, and (2) *materials* used in the construction of the commodities in (1) above between points in Spokane County, WA, on the one hand, and, on the other, points in MT, ID, UT, ND, SD, NV, WY, MN, and CA.

MC 145708 (Sub-2F), filed December 23, 1980. Applicant: WILLIAM A. LONG, INC., Bealeton, VA 22712. Representative: Gary E. Thompson, 4304 East-West Hwy., Washington, DC 20014. Transporting (1) *reinforcing mesh, wire, and nails*, and (2) *materials, equipment and supplies* used in the manufacture and sale of the commodities in (1), between points in VA, 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. Condition: Prior or coincidental cancellation, at applicant's written request, of its Permit in MC 134219 (Sub-8), issued October 2, 1977.

MC 146728 (Sub-2F), filed December 23, 1980. Applicant: GOLDEN BROS., INC., 234 McClure Street, Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Pacesetter Steel Service, Inc., of Marietta, GA.

MC 147528 (Sub-5F), filed December 30, 1980. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Drive, Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701. Transporting *masonry articles and supplies*, between points in the U.S., under continuing contract(s) with The Masonry Center, Inc., of Boise, ID.

MC 148188 (Sub-18F), filed November 10, 1980. Applicant: RETAIL LEASING CORPORATION, d.b.a. RETAIL TRANSPORTATION COMPANY, 11301 Rockville Pike, Kensington, MD 20795. Representative: Edward F. Schiff, 1333 New Hampshire Ave., Washington, DC 20036. Transporting *such commodities* as are dealt in by manufacturers of glass, glass products, plastics, chinaware, and metal products between points in the U.S. under continuing contract(s) with Anchor Hocking Corp., of Lancaster, OH.

MC 150578 (Sub-6F), filed December 31, 1980. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2844 Motley Drive, Mesquite, TX 75150. Representative: S. Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Transporting *meats, meat products and meat by-products, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S.

MC 151238 (Sub-1F), filed December 22, 1980. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting (1) *a irrigation systems*, and (2) *parts for irrigation systems*, (2) *a solar energy systems*, *fuel heating appliances*, and (b) *part and accessories* used in the installation, operation, and maintenance of the commodities in (2) (a), (3) (a) *pipe and poles*, and (b) *materials, equipment, and supplies* used in the installation and maintenance of the commodities in (3) (a), (4) *iron and steel articles*, (5) *accessories, parts, equipment, materials, and supplies* used in the manufacture or assembly of the

commodities in (1) through (4) above, and (5) *marine equipment*, between Valley, NE, on the one hand, and, on the other, Houston and Galveston, TX, and New Orleans, LA.

MC 151248 (Sub-1F), filed December 24, 1980. Applicant: JIMMIE D. OTT, d.b.a. JIM OTT & SON TRUCKING, 3400 Wood Lane, Bakersfield, CA 93309. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Transporting *such commodities* as are used in the establishment, maintenance, or dismantling of oil, gas, steam and water wells, pipelines, refineries, and cracking and casinghead plants, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, KS, MT, MO, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 151768 (Sub-7F), filed November 18, 1980. Initially published in the Federal Register on December 10, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting (1) *such commodities* as are dealt in by hardware business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except liquid commodities in bulk), between those points in the U.S. in and south of NY, PA, OH, IN, IL, MO, KS, CO, UT, NV, and CA. This application is republished to show the correct territorial description.

MC 153439F, filed December 31, 1980. Applicant: RONALD D. AUMANN, 822 Grand Ave., Neillsville, WI 54456. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *pet food ingredients*, between Greenwood, WI, on the one hand and on the other, points in the U.S.

MC 153539F, filed December 29, 1980. Applicant: JET LINE SERVICE, INC., 460 Riverside Industrial Parkway, Portland, ME 04103. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between those points in MA east of the Connecticut River, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, and NY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3740 Filed 2-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29486 (Sub-No. 1)]

**Delaware and Hudson Railway Co.—Exemption Under 49 U.S.C. 10505
From 49 U.S.C. 11343; Decision**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the Delaware and Hudson Railway Company (DH) from the requirement that it receive approval under 49 U.S.C. § 11343 prior to performing operations over a line of railroad of Consolidated Rail Corporation (Conrail) extending from Binghamton, NY to Scranton, PA.

DATES: The exemption will be effective on February 1, 1981, and will remain effective until the Commission issues its final decision on DH's application for permanent authority to purchase and permanently operate the line, in Finance Docket No. 29486.

ADDRESSES: Send petitions for reconsideration to:

- (1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th Street and Constitution Ave., NW, Washington, DC 20423; and
- (2) Petitioner's representatives: William P. Quinn, George H. Kleinberger, Attorneys for Delaware and Hudson Railway Company, Fell, Spalding, Coff & Rubin, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

Pleadings should refer to Finance Docket No. 29486 (Sub. No. 1).

FOR FURTHER INFORMATION CONTACT: Ellen Hanson, (202) 275-7245; or Ernest B. Abbott, (202) 275-3002.

SUPPLEMENTAL INFORMATION:

Background

DH applied to the Commission on December 4, 1980, in Finance Docket No. 29486 for authority to purchase and operate a line of railroad of Conrail extending a distance of 60.34 miles from Binghamton, NY to Scranton, PA.

DH presently owns and operates a single-track line between Nineveh, NY and Scranton, PA, which lies roughly parallel to the Binghamton-Scranton line. The DH line is part of the DH mainline connecting Canada and New England with the Eastern and Southern United States. In 1979, DH moved approximately 159,700 cars over this line. The DH line includes a segment of approximately 40 miles between Lanesboro and Scranton, PA, which it claims is considerably more costly to operate than the parallel Binghamton-Scranton line. The DH line is 20 miles longer than the Binghamton-Scranton

line, suffers from adverse grades and curvature, and has a summit 810 feet higher than the parallel line. DH estimates that each trip over the Binghamton-Scranton line will save 355 gallons of fuel when compared to its own line.

Moreover, the DH line needs substantial rehabilitation. Track speed on the DH line is presently limited to 10 miles per hour at nine locations. Even so, DH experienced 28 track related derailments on its line during the 18-month period ending June 30, 1980.

In contrast, the Scranton-Binghamton line consists entirely of 131 and 132 pound rail in good condition. With the exception of one tunnel, the Binghamton-Scranton line is all double-tracked. DH estimates that with relatively modest rehabilitation the line will support operating speeds of 40 miles per hour. Such operations would result in a 40 percent time savings relative to the DH line.

By Service Order No. 1486, effective September 27, 1980, our Railroad Service Board authorized DH to operate temporarily over the Binghamton-Scranton line. That service order expires January 31, 1981, and, because of changes made by the section 226 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, it appears that the service order cannot be renewed.

On January 9, 1981, DH filed a petition for exemption under 49 U.S.C. 10505 from the provisions of 49 U.S.C. 11343 to permit continuation of its operations over the Binghamton-Scranton line until we can consider and decide its request for permanent authority.

Discussion and Conclusions

Pursuant to 49 U.S.C. 10505, as amended by section 312 of the Staggers Act, we are authorized to exempt a transaction from regulation when we find that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope or regulation is not necessary to protect shippers from an abuse of market power.

Compliance with 49 U.S.C. 11343 for the period here involved is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a. Continued operation of the Binghamton-Scranton Line by DH will enable DH to operate at a lower cost, and insure that our regulation itself does not interfere with efficient operations. Operation over the Binghamton-Scranton line will be safer than operation over the existing DH line due to the greater capacity of the double-tracked line and its better condition.

This decision is consistent with the emphasis of rail transportation policy upon competition, for it does not affect Conrail's obligation to provide service on demand over the Binghamton-Scranton line pending a favorable decision in DH's purchase application. Moreover, the line is clearly not necessary to Conrail's ability to compete with DH for overhead traffic, since Conrail has already diverted its overhead traffic to other routings. Finally, this decision is consistent with the policy to minimize the need for Federal regulatory control.

Additionally, the transaction is of limited scope. An exemption is sought only for the time necessary to decide DH's application in Finance Docket No. 29486 and will have the effect of continuing DH's present service. The transaction will have no effect on DH's markets, and application of 49 U.S.C. 11343 is not needed to protect shippers from an abuse of market power.

The exemption will be granted. In exempting this transaction we are not deciding whether DH's permanent application should be granted. That question will be decided when all the evidence is before us. Until that time we will maintain the status quo. DH is presently providing local service over the line more frequently than had been provided by Conrail, and DH's overhead service on the line is safer and more efficient than service over its parallel line. We note that this exemption does not relieve DH of its obligation to provide service as a common carrier on its own Lanesboro-Scranton line.

Section 10505 enables us to revoke an exemption if we find the exempted provision necessary to carry out the rail transportation policy. We have found otherwise on the facts currently available to us. However, we will permit interested parties to file petitions for reconsideration demonstrating that this exemption would contravene the rail transportation policy. Petitions for reconsideration must be filed on or before February 23, 1981.

Labor Protection. DH has requested exemption from 49 U.S.C. 11347 relating to labor protection. However, in granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), apply to employees involved in purchase transactions under 49 U.S.C. 11343. Accordingly, these

protective provisions will be imposed here. Our policy in approving exemptions in the future will be to impose that level of employee protection normally required for the type of transaction.

We find: (1) Commission regulation of these matters is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) The transaction is of limited scope.

(3) This decision will not operate to relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. 11707 or (b) to protect the interests of employees as required by 49 U.S.C. 11347.

(4) This decision is not a major federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered: (1) Pursuant to 49 U.S.C. 10505, we exempt the operation by DH of the Binghamton, NY-Scranton, PA rail line from 49 U.S.C. 11343.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Office of the Federal Register, for publication.

(3) This exemption will continue in effect until or unless (a) revoked or (b) we issue a decision under 49 U.S.C. 11343 granting or denying DH's application for authority to purchase and operate the rail line.

(4) This decision shall be effective February 1, 1981.

(5) Petitions to reopen this proceeding for reconsideration must be filed no later than February 23, 1981.

Decided: January 27, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Chairman Gaskins not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3738 Filed 2-2-81; 8:45 am]

BILLING CODE 7035-01-M

Sarnia, ON, in Supplement 84 to its Tariff ICC SWFB 4616, effective February 11, 1981. Grounds for relief—market competition.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3738 Filed 2-2-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, *Federal Register* at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349. 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 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

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

January 28, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 18, 1981.

No. 43898, Southwestern Freight Bureau, Agent B-116 as amended, reduced volume rates on insectical chemicals, etc., from points in Louisiana and Texas to Bay City, Midland, MI and

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 on or before March 20, 1981 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Decided: January 27, 1981.

By the Commission, by Review Board number 5, members Krock, Taylor, and Williams.

MC-F-14489F, filed October 14, 1980, (correction) (previously published in the Federal Register issue of November 13, 1980). CENTRAL TRANSFER CO. (100 Kellogg Street, Jersey City, NJ 07306)—control—Monahan Transportation Co. (99 Colorado Avenue, Warwick, RI 02888). Representative: Ronald L. Shapps, 450 7th Avenue, New York, NY 10123. The notice as published in the Federal Register issue of November 13, 1980, incorrectly contained an Impediment. The majority of the Review Board voted to approve the application without the impediment.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3737 Filed 2-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 10]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 27, 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 on or before March 2, 1981, 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 2202 (Sub-654X), filed January 19, 1981. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7191 Wisconsin Ave., Washington, DC 20014. Applicant seeks removal of restrictions in its Sub-No. 582 certificate which authorizes the transportation of general commodities (with usual exceptions), over described regular routes, between Meridian, MS, and St. Louis, MO, serving Memphis, TN for purposes of joinder only but restricted against tacking at Memphis on shipments originating at or destined to points in AR, to (1) remove the interline restrictions, and (2) authorize service at all intermediate points in connection with its regular-route operations.

MC 25869 (Sub-178X), filed January 21, 1981. Applicant: C. O. D. E., INC., 4800 North Colorado Boulevard, Denver, CO 80216. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to broaden its

commodity descriptions to such commodities as are dealt in or used by grocery and food business houses from foodstuffs in Sub-Nos. 85, 152F, and 157F, food products in Sub-No. 108, food, food products, and animal feed in Sub-No. 152F, and canned and preserved food stuffs in Sub-No. 157F. Applicant also seeks to (1) remove the plantsite restrictions of (a) Green Giant Co. at or near Belvidere, IL, in Sub-Nos. 85 and 152F, (b) A. E. Staley Manufacturing Co. at or near Chicago, IL, in Sub-No. 138, (c) Blue Star Foods, at or near Omaha, NE, and Council Bluffs, IA, and Heinz USA at or near Muscatine and Iowa City, IA, in Sub-No. 157F, (d) Lever Brothers Company at or near St. Louis, MO, in Sub-No. 143F, (2) broaden the origin points to (a) Boone County, IL, for Belvidere, IL, in Sub-Nos. 85 and 152F, (b) Muscatine and Johnson Counties, IA, for Muscatine and Iowa City, IA, in Sub-Nos. 108 and 157F, (3) remove the except in bulk, in tank vehicles restrictions in Sub-Nos. 108, 138, 143F, 152F, and 157F, (4) remove territorial restrictions against transportation to AK and HI, in Sub-No. 57, and (5) broaden the one-way authority to radial authority in all the above Sub-Nos.

MC 29396 (Sub-389X), filed January 21, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 356F and 361F to (A) broaden the commodity description from (1) chemicals, chemical additives, plastics, resins, drilling mud, and drilling mud additives to "chemicals and related products, rubber and plastic products, and Mercer commodities in Sub-No. 356F, (B) broaden the commodity description from drilling mud and drilling mud additives (except in bulk, in tank vehicles) to "Mercer commodities" in Sub-No. 361F, and (C) delete the restrictions against the transportation of commodities "in bulk" and "in tank vehicles" in both authorities.

MC 65920 (Sub-11X), filed January 21, 1981. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Avenue SW, Grand Rapids, MI 49503. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to (1) broaden the commodity description from general commodities (with exceptions) to general commodities (except Classes A & B explosives) and, (2) expand its regular route authority to include service at all intermediate points between Grand Rapids, MI, and St. Paul, MN.

MC 111045 (Sub-189X), filed January 23, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as above). Applicant seeks to remove restrictions in a portion of its Sub 95 certificate to (1) broaden the commodity description from salt cake on Sheet No. 3 to "commodities, in bulk", (2) broaden a portion of the territorial description from one-way to radial authority to authorize service between points in AL, FL, GA, on the one hand, and, on the other, points in MS, TN, and SC; and (3) remove the restrictions (a) against the transportation of traffic originating at Atlanta, GA, Augusta, GA, and points within 10 miles thereof, and McIntosh, AL, (b) against the delivery of traffic at Elizabethhton, TN, and (c) against the transportation of traffic from Jacksonville, FL, to Foley, Palatka and Eastport, FL.

MC 114227 (Sub-12X), filed January 21, 1981. Applicant: A & C CARRIERS, INC., 2909 East Laketon Avenue, Muskegon, MI 49442. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49884. Applicant seeks to modify its Sub 10 certificate by (1) broadening the commodity description from liquid asphalt to "petroleum and petroleum products," and (2) eliminating the in bulk, in tank vehicles restriction. Since applicant holds radial authority between the Chicago, IL, commercial zone and points in MI, it can perform service radially between Lemont and Michigan.

MC 123887 (Sub-13X), filed January 19, 1981. Applicant: L. J. NAVY TRUCKING CO., a WV corporation, 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions from its lead and Sub-Nos. 7, 9, and 12F certificates in order to broaden the commodity description in each certificate from malt beverages to "food and related products"; in addition, in its lead certificate, part (A), applicant seeks to expand its one-way city authority to in some instances countywide authority and to serve radially between Peoria County, IL, Allen County, IN, Jefferson and Campbell Counties, KY, Detroit, MI, St. Louis, MO, Hamilton, Cuyahoga and Franklin Counties, OH, and Milwaukee, WI, and points in Cabell County, WV, and in part (B) applicant seeks to expand its one-way authority to serve radially between Cabell County, WV and points in 48 named counties in OH, Cabell, Wayne, and Mingo Counties, WV, and a described portion of KY; in Sub-No. 7, applicant seeks to broaden its base point of Pabst, GA, to Houston

County, GA, and to expand its one-way authority to serve radially between Houston County, GA, and points in WV; in Sub-No. 9 applicant seeks (A) to expand its base point of Louisville, KY, to Jefferson County, KY, and to broaden its one-way authority to serve radially between Jefferson County, KY, and a described portion in Ohio, and (B) expand its base point of Peoria, IL, to Peoria County, IL, and the destination point of Logan, WV, to Tazewell County, WV, and to serve radially between Peoria County, IL, and points in Tazewell County, WV; in Sub-No. 12F applicant seeks to expand its limited service points to countywide authority and to broaden its one-way authority to serve radially (a) between Rockingham County, NC, and points in Kanawha and Mingo Counties, WV, (b) between Newark, NJ, and points in Cabell County, WV, Lawrence and Scioto Counties, OH, and (c) between Peoria County, IL, and Milwaukee, WI, and points in Lawrence and Scioto Counties, OH.

MC 133591 (Sub-116X), filed January 22, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub 38F and 46F certificates by (1) broadening the commodity description from confectionaries and cough drops to "food and related products"; (2) replacing the Reading, PA, plantsite restriction of Ludens, Inc., with Berks County, PA in both certificates; and (3) broadening its one-way authority to radial between Berks County, PA, and points in MS, LA, TN, AR, OK, KS, MO, TX, CO, NM, UT, AZ, NV, CA, ID, OR, WA, and points in a described portion of Illinois.

MC 133591 (Sub-117X), filed January 22, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden the commodity description in the first part of Sub-No. 3 by replacing kitchen chairs and household stools with "furniture or fixtures", by eliminating the restriction against sand boxes, blackboards, and chalkboards in the second part of its commodity authority, and by eliminating the "in bulk" restriction; (2) broaden the territorial description by replacing the facilities restriction at or near Neosho, MO, with Newton County, MO, by replacing Booneville, AR with Yell County, AR, and by replacing the one-

way authority with radial authority between (1) points in Newton County, MO, and El Paso, TX, and points in 9 named states, and (2) Yell County, AR, and points in 9 named states.

MC 140361 (Sub-7X), filed January 21, 1981. Applicant: CPS DELIVERY SYSTEM, INC., 1009 Joyce Avenue, Columbus, OH 43219. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 5 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities" (except Classes A&B explosives) in sub-No. 4; (2) eliminate restrictions limiting transportation to articles or packages not exceeding 200 pounds from one consignor to another consignor in any single day, in Sub-No. 4, and limiting transportation to articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignor in a single day in Sub-No. 5, and (3) eliminate restrictions to the transportation of shipments moving on freight forwarders bills of lading in Sub-No. 5.

MC 141016 (Sub-1X), filed January 22, 1981. Applicant: HARRINGTON TRUCKING, INC., P.O. Box 15771, Salt Lake City, UT 84115. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant holds authority in its lead certificate to transport, over irregular routes, machinery and machinery parts, and mining and construction materials, equipment, and supplies, between points, both of which are in the same State, in ID, UT, and MT. It seeks to remove a restriction requiring traffic to have an immediately prior or subsequent movement by rail carrier.

MC 142909 (Sub-13X), filed January 22, 1981. Applicant: TIMBER TRUCKING, INC., 35 South 600 West, Salt Lake City, UT 84101. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 4F certificates to (1) broaden the commodity description from salt, salt products, and mineral mixtures to "chemicals and related products" in its lead and Sub-No. 1 certificates and from lumber, lumber mill products, laminated beams, trusses and joints and building materials to "lumber and wood products, and building materials" in Sub-No. 4, (2) remove the "except commodities in bulk restriction in Sub-No. 1 and "except asphalt in bulk" restriction in Sub-No. 4, (3) authorize radial authority for existing one-way

authority between Flux, Lake Point, and Saltair, UT, and OR and WA in its lead certificate; between UT and OR, WA, ID and MT in Sub-No. 1; and between named points in several western states in Sub-No. 4, (4) remove restrictions "against the transportation of lumber, lumber mill products, particle board, hardboard, and hardboard paneling from OR and WA to named counties in ID" and "against the transportation of gypsum building materials from Sigurd, UT" in Sub-No. 4, (5) eliminate plantsite restrictions located at or near Magna, and Salt Lake City, UT, and a restriction limiting service to traffic originating at and destined to named destinations in Sub-No. 4.

MC 143059 (Sub-152X), filed January 19, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 47F certificate in order to (1) broaden the commodity description from bentonite, barite, lignite, and drilling mud additives to "Mercer Commodities" (2) eliminate the "except in bulk" restriction; and (3) remove the territorial restriction against service to AL and HI.

MC 143710 (Sub-2X), filed January 22, 1981. Applicant: KAL AUTO TRANSPORT, Pier 70, 22nd St. and Illinois Ave., San Francisco, CA 94107. Representative: David J. Marchant, One Maritime Plaza, San Francisco, CA 94111. Applicant seeks removal of restrictions in its lead and Sub-No. 1 permits to (1) broaden the commodity description in each to "transportation equipment" from new automobiles, and (2) authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 144189 (Sub-12X), filed January 22, 1981. Applicant: CORPORATE TRANSPORT, INC., 107 7th N St., Liverpool, NY 13088. Representative: John L. Alfano, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. Applicant seeks to remove restrictions from its Permit Nos. MC-144189 (M1F) and (Sub-Nos. 1F, 2F, 4F, 6F, 7F, 8F, 9F, and 10F) which authorize the transportation of such commodities as are dealt in by manufacturers of paper and paper products in all permits except Sub-9F, and in M1F, materials, equipment and supplies used in the manufacture of those commodities, and in Sub-9F, cartons, not corrugated, between specified points under continuing contract(s) with named shippers. Applicant seeks to (A) eliminate the bulk restrictions in Subs M1F, 2F, 4F, 6F,

7F, 8F, and 10F; change the commodity description in Sub-9F to "such commodities as are dealt in by manufacturers of paper and paper products"; eliminate the materials description in Sub-M1F; and remove the facilities limitations in Sub-No. 2F and 8F; and (B) broaden the territorial description in each permit to between points in the United States under continuing contract(s) with named shippers.

MC 144675 (Sub-7X), filed January 19, 1981. Applicant: LINCOLN FREIGHT FORWARDING CORP., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, and 3F certificates to broaden the commodity description in each certificate from general commodities (with usual exceptions) to "general commodities (except Classes A and B explosives); and in Sub-No. 1F to broaden the territorial description from one-way authority to radial authority (1) between points in CA, and those points in the United States which are in and east of ND, SD, NE, CO, OK, and TX, and (2) between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NY, OH, PA, RI, TN, VT, VA, WV, and DC, and points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY; in Sub-3F to broaden the territorial description from one-way authority to radial authority (1) between points in TX, and points in AZ, CA, CO, NM, OK, ME, VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA, LA, WV, OH, MI, IN, IL, KY, TN and DC, and (2) between points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, OH, MI, IN, IL and CA, and points in TX. Applicant also seeks to (1) remove the restriction limiting transportation to traffic moving on bills of lading of freight forwarders in all the above certificates, and (2) remove the restriction in Sub-No. 2F against transportation of shipments having a prior or subsequent movement by air or moving in a substituted motor for air service.

MC 145122 (Sub-3X), filed January 23, 1981. Applicant: SKYLAND, INC., 256 Celia St. SW., Wyoming, MI 49508. Representative: Eillian H. Towle, 180 N. LaSalle St., Suite 3520, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the territorial description from Detroit Metropolitan Airport, MI, and Willow Run Airport, MI, to Wayne County, MI, and Washtenaw County, MI, respectively, (2) broaden the commodity description by deleting all restrictions in its general commodity

authority except classes A and B explosives, and (3) eliminate the ex-air restriction.

MC 146953 (Sub-3X), filed January 23, 1981. Applicant: MONROE FUGATE, d.b.a, H & M CARTAGE, 17151 South Overhill, Tinley Park, IL 60477. Representative: William D. Brejcha, 10 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) authorize "such commodities as are manufactured by, used by, dealt in, or distributed by manufacturers of plastic articles" in lieu of plastic articles and chemicals, and materials, equipment, and supplies; (2) remove the "except in bulk" restriction; and (3) authorize service "between points in the U.S." under continuing contract(s) with a named shipper.

MC 147209 (Sub-4X), filed January 21, 1981. Applicant: QUASAR EXPRESS, INC., 3920 S. Western Ave., P.O. Box 40, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Applicant seeks removal of restrictions in its Sub-No. 3 certificate to (1) remove restrictions against the transportation of commodities in bulk and in tank vehicles, to allow such commodities as are dealt in by drugstores, (2) substitute county-wide authority for Huron and Sioux Falls, SD, and Mankato, MN, (3) remove the restriction to traffic destined to a named shipper's facilities, and (4) change the one-way authority to authorize radial authority between AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, VT, VA, WV, and, Beadle and Minnehaha Counties, SD, and Le Sueur County, MN.

MC 147323 (Sub-28X), filed January 21, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48128. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant in its Sub-Nos. 15F, 18F and 22F certificates seeks to 1) make uniform its commodity descriptions to such commodities as are used by or dealt in by manufacturers, processors and distributors of iron and steel articles, and 2) remove the commodities in bulk restrictions.

MC 147400 (Sub-6X), filed January 23, 1981. Applicant: RAERMARC, INC., 1903 Chicory Road, Racine, WI 53403. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1800, Chicago, IL 60603. Applicant seeks to remove restriction in its Sub-No. 4F certificate to (1) broaden the commodity description from general commodities (with usual exceptions) and empty

containers to "general commodities (except classes A and B explosives)", and (2) remove the restriction to traffic having a prior or subsequent movement by rail or water.

MC 148029 (Sub-3X), filed January 21, 1981. Applicant: DORMAN TRANSPORT CORP., 105 3rd Street, Monroe, WI 53566. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. Applicant seeks to remove restrictions in its Sub-No. 2F to (1) broaden the commodity description from cheese, cookies, display racks, and packaging materials, to "food and related products", and (2) broaden the territorial description to between points in the United States, under contract(s) with named shippers.

MC 150958 (Sub-2X), filed January 21, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Applicant seeks to remove restrictions in its MC-150958F permit which authorizes the transportation of general commodities (with usual exceptions), to (1) remove all restrictions in its commodity authority except classes A and B explosives, and (2) authorize service between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 81-3744 Filed 2-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 9]

Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: January 27, 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 on or before March 2, 1981, 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 regulator requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2960 (Sub-41X), filed January 19, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, INC., P.O. Box 4362, Houston, TX 77210. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75235. Applicant seeks to remove restrictions in its Sub-No. 1 certificate by deleting from the general commodity description all exceptions except classes A and B explosives, and by replacing the one way authority with radial authority between Houston, TX, and Lake Charles and Shreveport, LA, and a described portion of TX.

MC 98327 (Sub-50X), filed January 16, 1981. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Bruce H. Howe (same as above). Applicant holds regular-route authority in its Sub-6, 7, 8, 11, 13, 14, 17, 20, 21, 26, 39, 41, 43 and 44 certificates. It also has acquired operating authorities MC 135550 in MC-F-12312, MC-108461 and Sub-52 and 81 in MC-F-14102, and MC 59680 in MC-F-14188, with reissued certificates still pending. It seeks to remove restrictions in portions of each certificate which limit service for purpose of joinder only and which limit service to specified or no intermediate points, in order to authorize service at all intermediate points in connection with its general commodities, regular-route operations, between points in CA, OR, NV, WA, AZ, TX, NM, UT, ID, MT, and OK.

MC 106195 (Sub-31X), filed January 23, 1981. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 16 certificate to (1) expand the commodity description from (a) carbonated beverages, pallets, and packing materials used in the manufacture, distribution, and sale of carbonated beverages and (b) materials, supplies, and equipment used in the manufacture, distribution and sale of

carbonated beverages (except commodities in bulk) to "food and related products". (2) remove the "except commodities in bulk" restriction; (3) replace the city of Norfolk, NE, with county-wide authority in Madison County, NE; (4) authorize radial authority in lieu of existing one-way authority between Madison County, NE, and CO, IL, IN, IA, KS, MN, MO, SD, WI, & WY, and (5) remove the restriction limiting service to the transportation of traffic originating at the named origins and destined to the named destinations.

MC 121060 (Sub-134X), filed January 15, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Ronald F. Harris (same as above). Applicant seeks to broaden its commodity descriptions to (1) construction materials, and materials, equipment and supplies used in the manufacture and distribution of such commodities in (a) Sub-5, 7, 8, 20, 21, and 40 from roofing and roofing materials, (b) Sub-8, 27, 33, and 63F from composition board, (c) Sub-10, 19, 18, 22, 53, 70F, 71F, 74F, 75F, 76F, and 78F from construction materials, (d) Sub-Nos. 43 and 48 from plywood and composition board, (e) Sub-57F from building materials; (2) metal articles, and material, equipment and supplies used in the manufacture and distribution of such commodities in (a) Sub-Nos. 8 and 59F from aluminum and aluminum articles, (b) Sub-16 from pipe fittings, valves, hydrants, gaskets, (c) Sub-17, 54F, and 55F from steel wire, steel plate, steel bars, (d) Sub-67F, 62F, 85F, and 91F from iron and steel articles, iron and steel pipe; (3) pipe and materials, equipment, and supplies used in the manufacture and distribution of such commodities in Sub-52 from pipe and pipe fittings; (4) plastic articles, metal articles and materials, equipment and supplies used in the manufacture and distribution of such commodities in Sub-50 and 73F from pipe, pipe fittings, valve, hydrants; (5) lumber and wood products, construction materials from plywood paneling and composition board in Sub-115F. Applicant also seeks (1) in Sub-5, 7, 8, 10, 19, 18, 20, 21, 22, 40, 53, 57F, 69F, 70F, 71F, 74F, 75F, 76F, 78F, 16, 91F, 52, 115F, and 65F to remove the restriction "except commodities in bulk"; (2) in Sub-5, 7, 8, 10, 19, 18, 20, 21, 22, 27, 42, 43, 44, 48, 63F, 16, 17, 54F, 67F, 55F, 59F, 62F, 85F, 91F, 50, 73F, 52F, and 115F to change the one-way authority to authorize radial authority between named counties and points in numerous States in the midwestern and southeastern parts of the United States; and (3) in all the authorities named in (2)

above, to substitute specific counties for the specified plantsite facilities and cities: Jefferson County, AL, for Birmingham, AL, in Sub-5, 7, and 52F; Lauderdale County, MS, for Meridian, MS, in Sub-8; Cudjo Parish, LA, for Shreveport, LA, in Sub-8; Charleston County, SC, for Charleston, SC, in Sub-8, 48 and 115F; Hertford County, NC, for Winston, NC, in Sub-8; Coles County, IL, for Charleston, IL, in Sub-10 and 19; Shelby County, TN, for Memphis, TN, in Sub-18; Ottawa County, OH, for Clinton, OH, in Sub-21; Jefferson Parish, LA, for Marrero, LA, in Sub-22; Marion County, SC, for Marion, SC, in Sub-27; Fayette County, GA, for Peachtree City, GA, in Sub-40; Duval County, FL, for Jacksonville, FL in Sub-42; Orangeburg County, SC, for Orangeburg, SC, in Sub-43; Miller County, AR, for Texarkana, AR, in Sub-53; Warren County, OH, for Franklin, OH, in Sub-57F; Porter County, IN, for Burns Harbor, IN, in Sub-63F; Dubuque County, IA, for Dubuque, IA, in Sub-69F; Northumberland County, PA, for Sanbury, PA, in Sub-70F; Ouachita County, AR, for Camden, AR, in Sub-71F; Hardin County, KY, for Elizabethtown, KY, in Sub-74F; Hamilton County, OH, for Lockland, OH, in Sub-75F; Will County, IL, for Wilmington, IL, in Sub-78F; Tuscaloosa County, AL, for Holt, AL, in Sub-16; Sumner County, TN, for Gallatin, TN, in Sub-17; Etowah County, AL, for Gadsden, AL, in Sub-54F and 67F; Kankakee County, IL, for Kankakee, IL, in Sub-55F; Jackson County, WV, for Ravenswood, WV, in Sub-59F; Cooke County, IL, for Evanston, IL, in Sub-62F; Allegheny County, PA, for Clairton, Duquesne, Homestead, Dravosburg, McKeesport, and McKees Rock, PA; Bucks County, PA, for Fairless, PA; Cambria County, PA, for Johnstown, PA; Westmoreland County, PA, for Vandergrifts, PA; Cuyahoga County, OH, for Cleveland, OH; Lorain County, OH, for Lorain, OH, and Mahoning County, OH, for Youngstown, OH, in Sub-85F; Lake County, IN, for Gary, IN; Will County, IL, for Joliet, IL; Lake County, IL, for Waukegan, IL, and Chicago, IL, for South Chicago, IL, in Sub-91F; Talladega County, AL, for Lincoln, AL, in Sub-50; Mecklenburg County, NC, for Charlotte, NC, and Union County, NC, for Bakers, NC, in Sub-73F; Calhoun County, AL, for Anniston, AL, in Sub-52; Camden County, NJ, for Camden, NJ; Chatham County, GA, for Savannah, GA; Sumter County, GA, for Plains, GA; Harris County, TX, for Houston, TX; Galveston County, TX, for Galveston, TX; Hillsborough County, FL, for Tampa, FL; Jacksonville County, FL, for

Jacksonville, FL and Mobile County, AL, for Mobile, AL, in Sub-115F; and Pipe County, AL, for Brundidge, AL, in Sub-65F.

MC 121821 (Sub-13X), filed January 23, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-4F, 7F, and 10F certificates to (1) remove all exceptions in its general commodity authority except "classes A and B explosives"; and (2) authorize service at all intermediate points between (a) Knoxville and McMinnville, TN, in Sub-4F, (b) Loudon and Nashville, TN, in Sub-7F, (c) Nashville and Jasper, TN, in Sub-10F.

MC 123156 (Sub-8X), filed January 23, 1981. Applicant: RAND'S TRANSPORT, INC., P.O. Box 96, Lithicum, MD 21090. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Applicant seeks to remove restrictions in its Sub-5F permit to (1) broaden its commodity description from petroleum products, in bulk, (except asphalt, asphalt products, and petrochemicals) to "petroleum products," and (2) broaden the territorial scope to between points in the United States, under continuing contract(s) with a named shipper.

MC 128205 (Sub-102X), filed January 23, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago IL 60628. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-21 certificates, (1) by broadening the commodity description flour, in bags, to "food and related products," (2) by broadening the territorial authority from named facilities at Gary, IN, and Chicago, IL, to Lake County, IN, and Chicago, IL, and (3) by replacing one-way authority with radial authority between the origins in (2) and points in IN, MI, and OH.

MC 128748 (Sub-69X), filed January 21, 1981. Applicant: D'AGATA NATIONAL TRUCKING, 3240 S. 61st Street, Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-33 certificate to (1) expand the territorial authority from the Eden, NC, origin to the county-wide authority of Rockingham County, NC, (2) delete the "commodities in bulk" restriction and (3) authorize radial authority for existing one-way authority between Rockingham

County, NC, and DE, MD, NJ, NY, PA, VA, WV, DC.

MC 133591 (Sub-118X), filed January 22, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, Jr., 58 South Main St., Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-13 to (1) broaden the commodity description from foodstuffs (except frozen foods, candy and confectioneries, fresh meat and packinghouse products, dairy products, yeast, bakery goods, alcoholic beverages, and commodities in bulk) to "food and related products", (2) broaden the territorial description by (a) replacing the plantsite and storage facilities restriction at or near Webb City, MO, with Jasper County, MO, and (b) replacing the one-way authority with radial authority between Jasper County, MO, and points in AZ, NM, TX, (except Sherman, Dennison, Fort Worth, and Dallas), CO, CA, OR, and WA.

MC 135231 (Sub-50X), filed January 21, 1981. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-41F certificate by (1) broadening the commodity description from cleaning and polishing compounds, textile softeners, plastic bags filters, and other named products, to "chemicals and related products", and "plastic products", (2) eliminating the bulk restriction, (3) removing the territorial restrictions against transportation to AK and HI, and (4) by expanding the territory from plantsite facilities to counties: Will County, IL, for Joliet, IL; Rock County, WI, for Beloit, WI; Santa and Los Angeles Counties, CA, for San Jose and City of Industry, CA; Wayne County, MI, for Detroit, MI; Ramsey County, MN, for St. Paul, MN; Dallas County, TX, for Garland, TX; York County, PA, for Hanover, PA; Middlesex and Bergen Counties, NJ, for Woodbridge, Palisades Park, and South Plainfield, NJ.

MC 135231 (Sub-51X), filed January 21, 1981. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Permits MC 134145 (Sub-39, 42, 46, 47, 52, 56, 57, 60, 61, 62, 66, 68F, 69F, 72F, and 75F) to (1) broaden the commodity description from computing machines, parts, materials, supplies and equipment to machinery, (2) remove the bulk restrictions and (3) broaden the

territorial description in all of the above Subs and Sub-71F to be between points in the United States under a continuing contract(s) with named shippers.

MC 136246 (Sub-44X), filed January 23, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-42 certificate (1) by broadening the commodity description iron and steel articles to "metal products," (2) by broadening the territorial authority from a named facility at Omaha, NE, to Omaha, NE, and (3) by replacing one-way authority with radial authority between Omaha and points in OH and IN.

MC 136248 (Sub-47X), filed January 23, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions from its Sub-36F and 41F certificates which authorize the transportation of (1) metal buildings and grain handling equipment, accessories, and parts, (2) materials, equipment, and supplies used in the manufacture of the commodities in (1) above, and (3) pneumatic conveyor equipment, parts and accessories and such commodities as are used in the manufacture and production of the aforementioned commodities, between the facilities of Welco Control Systems, at Hastings, NE, and Cyclonaire Corp. at Henderson, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicant seeks to (1) broaden the commodity description in each to read "metal products, and machinery", (2) replace plantsite restrictions with country-wide authority in Sub-36F with Adams County, NE and Sub-41F with York County, NE, and (3) delete service restrictions to AK and HI.

MC 140193 (Sub-13X), filed January 22, 1981. Applicant: RICH GRANT, INC., 910 W 24th St., Ogden, UT 84401. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its permits to (1) broaden the commodity descriptions to "food and related products" from (a) meats, meat products, meat by-products and articles distributed by meat packing houses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in Sub-2F, 5F, 8F, and 11F, and (b) cheese, cheese products, and synthetic cheese in Sub-4F; (2) broaden the territorial scope of the named

authorities to between points in the United States, under continuing contract(s) with named shippers; and (3) eliminate the "except hides, inedible tallow, and commodities in bulk" restrictions in Sub-2F, 5F, 8F, and 11F.

MC 146298 (Sub-4X), filed January 22, 1981. Applicant: KESS TRANSPORTATION, INC., Box 5091, Cincinnati, OH 45205. Representative: Eirc Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-2F and 3F certificate to (1) broaden the commodity descriptions from empty plastic bottles and plastic bottles to "rubber and plastic products," and from pesticides and fertilizers to "chemicals and related products;" (2) in Sub-3F, authorize service between Oldham County, KY in place of Buckner, KY, on the one hand, and, on the other, points in named Southern and Midwestern States, and remove the restriction against commodities in bulk.

MC 145441 (Sub-139X), filed January 21, 1981. Applicant: A. C. B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury (same address as above). Applicant seeks to remove restrictions in its Sub-62F certificate which authorizes the transportation of boxed meat, from points in Los Angeles, CA to points in AL, FL, IL, KS, LA, MA, MD, MO, NJ, OH, PA, TN, TX, VA, and DC by (1) broadening its city-wide Los Angeles, CA authority to county-wide Los Angeles County, CA, authority and (2) removing the restriction to traffic originating at the facilities of Landmark Beef Processors, Inc. and destined to the indicated destinations.

MC 147231 (Sub-2X), filed January 22, 1981. Applicant: MARCH TRANSPORT CO., 3401 West Pershing Road, Chicago, IL 60632. Representative: Charles A. Webb, 1828 L Street, NW, Suite 1111, Washington, DC 20036. Applicant seeks in its Sub-1F certificate which authorizes the transportation of general commodities (with the usual exceptions), to remove the restriction which limits it to the transportation of traffic moving on freight forwarder bills of lading or having a prior or subsequent move by a freight forwarder in connection with its radial operations between named California, Illinois, and New York points.

MC 147536 (Sub-27X), filed January 21, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Applicant seeks to remove restrictions in its Sub-4F certificate to (1) broaden the

commodity description from glass containers, closures therefor, and paper containers when moving in mixed shipments with glass containers, to "clay, concrete, glass, or stone products", and (2) expand the territorial authority from the city of Sapulpa, OK, to Creek County, OK and (3) authorize radial authority in lieu of existing one-way authority between Creek County, OK, and AR, IL, IN, IA, KS, MN, MO, NE, TN, TX, and WI.

MC 148291 (Sub-9X), filed January 21, 1981. Applicant: RAZORBACK EXPRESS, INC., P.O. Box 1773, Harrison, AR 72601. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. Applicant seeks to remove restrictions in its Sub-4F and 6F certificates which authorize the transportation of general commodities (with the usual exceptions) over a series of described regular routes extending, in Sub-4F, (a) between Memphis, TN, and Conway, AR, serving no intermediate points, restricted against the transportation of shipments moving between Memphis and Little Rock, AR, and (b) between Memphis and Harrison, AR, serving all intermediate points between Mountain Home, AR and Harrison, AR, including Mountain Home, restricted in (a) and (b) against traffic moving between Memphis and Dallas, TX, and points in their commercial zones. The Sub-8F certificate authorizes service between Harrison and Ft. Worth, TX, serving all intermediate points in AR between Harrison and Little Rock, including Little Rock and Dallas. Applicant seeks, in both certificates, authority to serve all intermediate points, to remove restrictions on all local service as authorized above, and to remove all exceptions from its general commodity authority except "classes A and B explosives."

MC 149206 (Sub-5X), filed January 21, 1981. Applicant: BREWTON EXPRESS, INC., P.O. Box 508, Winnfield, LA 71483. Representative: Brian E. Brewton (same address as above). Applicant seeks to remove restrictions in Sub-3F, 4F, 9F, 10F, and 11F permits to (1) broaden the commodity description from lumber, poles, posts, piling, ties, and cross arms to "lumber and wood products," (2) remove the plantsite restrictions and (3) broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

[Volume No. OP3-144]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: January 21, 1981.

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 on or before March 20, 1981 (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.

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 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."

MC 73165 (Sub-539F), filed December 30, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *general commodities*, between Shelby, AL, Mendon, IL, Pierce, WV, Library, PA, Carrollton, MO, Oelwein, Dundee and Thorpe, IA, Cheviot, Bridgetown, and Covedale, OH, Mintz and Highsmiths, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 148434 (Sub-2), filed January 5, 1981. Applicant: SECURITY, INCORPORATED, 711 Franklin Square, Michigan City, IN 46360. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. 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.

[PR Doc. 81-3742 Filed 2-2-81; 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. 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.s., 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 March 5, 1981, (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.

On or before April 6, 1981, 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. OP2-163

Decided: January 22, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 98572 (Sub-82), filed January 6, 1981. Applicant: SOUTHEAST TEX-PACK EXPRESS, INC., P.O. Box 47960, Dallas, TX 75247. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. 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 153462, filed December 24, 1980. Applicant: DWIGHT B. LITTLEFIELD, 2900 Lake Bonnet Road, Box 28, Avon Park, FL 33825. Representative: David E. McCabe, Route #1 By-Pass, P.O. Box 402, Kittery, ME 03904. (207) 439-1847. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Volume No. OP2-166

Decided: January 28, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 152563, filed January 22, 1981. Applicant: JAKOB MEIDERDRUT, d.b.a. JACK MEIDERDRUT & ASSOCIATES, 1044 Woodcliff Drive, Franklin Square, NY 11010. Representative: Jakob Meiderdrut (same address as applicant), 516-872-9837. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153363 (Sub-1), filed December 30, 1980. Applicant: AMERICAN MESSENGER SERVICE, INC., 160 Lake Ave., Manchester, NH 03105. Representative: Susan M. Vercillo, 1850 Elm St., Manchester, NH 03105. 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 153522, filed December 16, 1980. Applicant: C. T. STRADLEY II, d.b.a. CHUCK STRADLEY & ASSOCIATES, 12226 Hoggard Dr., Stafford, TX 77477. Representative: C. Thomas Stradley II (same address as applicant), (713) 933-4518. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153542, filed January 5, 1981. Applicant: ROBERT WILSON, P.O. Box 71832, Los Angeles, CA 90001. Representative: Robert Wilson (same address as applicant). Transporting *food and other edible products and byproducts intended for human*

consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 153543, filed December 30, 1980. Applicant: FRANK E. WOLFE, d.b.a. FRANK E. WOLFE TRUCKING, Route 1, Box 336, Madras, OR 97741. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP3-150

Decided: January 21, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 74165 (Sub-540), filed January 13, 1981. Applicant: EAGLE MOTOR LINES, INC., 830 N. 33rd St., Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. (205) 324-6671. Transporting *general commodities* (except classes A and B explosives), between Walnut Grove and Youngstown, IL, and Picher and Commerce, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 140905 (Sub-3), filed January 5, 1981. Applicant: EAGLE EXPEDITING, INC., 5215 North Grand River, Lansing, MI 48901, Representative: Robert E. McFarland, 2855 Coolidge Rd., Suite 201A, Troy, MI 48084. 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.

Volume No. OP3-152

Decided: January 26, 1981

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 148414 (Sub-4), filed January 8, 1981. Applicant: UNIDYNE CORPORATION, 3835 E. Princess Anne Rd., Norfolk, VA 23502. Representative: David P. L. Berry, 820 F & M Bank Bldg., Norfolk, VA 23510. Transporting for or on behalf of the U.S. Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OP4-208

Decided: January 7, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones. (Member Jones not participating.)

MC 147438 (Sub-4), filed January 13, 1981. Applicant: BELTMANN NORTH AMERICAN CO., INC., 3400 N.W. Spring, Minneapolis, MN 55413. Representative: Andrew R. Clark 1600 TCF Tower, Minneapolis, MN 55402. Transporting *used household goods* for the account of the United States Government incident to the performance of pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OP5-30

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 152238 (Sub-2), filed January 5, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., Box 288, Grenada, CA 96308. Representative: John R. Harleman (address same as applicant). 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. Agatha L. Mergenovich, Secretary.

[FR Doc. #81-3741 Filed 2-3-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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 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 operation 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 March 20, 1981, (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. OP5-28

Decided: January 22, 1981.

By the Commission. Review Board No. 3: Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 3328 (Sub-1), filed January 8, 1981. Applicant: A. D. McMULLEN, INC. 640 State Rd., N. Dartmouth, MA 02747. Representative: Francis J. McGuirk, 72 North Water St., New Bedford, MA 02740. Transporting *household goods*, between points in MN, IA, MO, AK, TX,

LA, AL, TN, IL, IN, WI, MI, OH, KY, WV, GA, SC, FL, MS, ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, NC, and DC.

MC 45968 (Sub-9F), filed December 31, 1980. Applicant: ENGLE OOSTDYK, INC., 465 Boulevard, Elmwood Park, NJ 07407. Representative: Harold H. Crist, PO Box 197, Elmwood Park, NJ 07407. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in NJ, Kent and New Castle Counties, DE, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, PA, Fairfield, Hartford, Litchfield and New Haven Counties, CT, Orange, Sullivan, Ulster Counties, NY, and that part of NY on, south and east of a line beginning at the MA-NY state line and extending along NY Hwy 2 to Troy, NY, then over NY Hwy 7 to Schenectady, NY, then over NY Hwy 5 to Albany, NY, then over US Hwy 9W to Newburgh, NY then over NY Hwy 32 to Highland Mills, NY then over NY Hwy 200 to Monroe, NY, then over US Hwy 8 to Harriman, NY, and then over NY Hwy 17 to the NY-NJ state line.

MC 136818 (Sub-122), filed January 13, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Rd., P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting *alcoholic beverages*, between points in UT, on the one hand, and, on the other, points in the U.S.

MC 144678 (Sub-33), filed January 6, 1981. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9333 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). Transporting *general commodities* (except classes A and B explosives), serving points in WI as off-route points in connection with carrier's otherwise authorized regular-route service.

MC 144709 (Sub-10), filed January 5, 1980. Applicant: MINERAL CARRIERS, INC., P.O. Box 110, Bound Brook, NJ 08805. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Westvaco Corporation of New York, NY.

MC 144829 (Sub-6F), filed December 31, 1980. Applicant: HB MUCHMORE, d.b.a. MUCHMORE TRUCKING, 4659 Crate Lake Hwy., Medford, OR 97501. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Transporting (1) *prefabricated wooden buildings*, knocked down, from points in Lane and Jackson Counties, OR, to points in AZ, CA, NV, and WA, and (2) *general commodities* (except household goods as defined by the Commission, classes A and B explosives and commodities in bulk, in tank vehicles), between points in CA, OR, and WA.

MC 147499 (Sub-4F), filed December 22, 1980. Applicant: D. H. TRANSFER, INC., 671 M-73, Iron River, MI 49935. Representative: Donald Hooper (same address as applicant). Transporting (1) *hardwood and synthetic flooring*, (2) *materials and supplies* used in the manufacture and installation of the commodities in (1) above, and (3) *lumber, wood products and millwork*, between points in Iron County, MI, on the one hand, and, on the other, points in and east of IN, KY, TN, and MS.

MC 147939 (Sub-3), filed January 2, 1981. Applicant: CHARLOTTE VAN & STORAGE COMPANY, INC., 213 Verbena St., P.O. Box 3544, Charlotte, NC 28203. Representative: Frank E. Watson, Jr. (same address as applicant). Transporting *general commodities* (except class A and B explosives), between points in NC, SC, GA, FL, AL, VA, MD, CT, DE, KY, ME, MA, MS, NH, NY, RI, VT, and DC.

MC 148428 (Sub-15), filed January 8, 1981. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Transporting *furniture and fixtures* between points in CA, CO, WI, ID, WA, SD, ND, MN, IA, NE, MT, VT, VA, and WY.

MC 149199 (Sub-4F), filed November 6, 1980. Applicant: O. R. MILLER, d.b.a. FRONTIER EXPRESS, 932 S.W. Second, Oklahoma City, OK 73102.

Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. Over regular routes:

Transporting *general commodities*, (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Lamont and Garber, OK, over OK Hwy 74, serving all intermediate points; (2) between Capron and Blackwell, OK, over OK Hwy 11, serving all intermediate points and the off-route points of Wakita, Manchester, Byron

and Amarita, OK; (3) between Caldwell, KS, and Tonkawa, OK; from Caldwell over U.S. Hwy 81 to junction with U.S. Hwy 60, thence over U.S. Hwy 60 to Tonkawa, and return over the same route, serving all intermediate points; (4) between Waynoka and Tonkawa, OK; from Waynoka, over U.S. Hwy 281 to junction with U.S. Hwy 64, thence over U.S. Hwy 64 to junction with U.S. Hwy 77, thence over U.S. Hwy 77 to Tonkawa, and return over the same route, serving all intermediate points and the off-route points of Pond Creek, Kremlin, and Garver, OK.

Note.—Purpose of this application is applicant seeks to substitute a single-line service for its existing joint-line service.

Volume No. OP5-27

Decided: January 22, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 150288 (Sub-1F), filed December 22, 1980. Applicant: MADEMA's CARPETLAND, U.S.A., INC., 2914 Broadmoor, S.E., Kentwood, MI 49508. Representative: Curtis D. Jonker, 880 Union Bank Bldg., Grand Rapids, MI 49503. Transporting (1) chair bases and plated parts, and (2) carpet and floor covering, between points in the U.S., under continuing contract(s) with Valley City Plating of Grand Rapids, MI and Carpetland, U.S.A., INC. of Saginaw, MI.

MC 150578 (Sub-7), filed January 6, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant). Transporting such commodities as are dealt in by department and variety stores, between points in Dallas and Ellis Counties on the one hand, and, on the other, points in the U.S.

MC 151639 (Sub-1), filed January 5, 1981. Applicant: COMMAND TRANSPORTATION, INC., 280 Eastern Avenue, Chelsea, MA 02150. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting general commodities (except classes A and B explosives), (a) between points in MA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS, and (b) between points in NY and NJ, on the one hand, and, on the other, points in CT, ME, NH, RI, and VT.

MC 151768 (Sub-10F), filed December 29, 1980. Applicant: ARM TRANSPORTATION CORP., P.O. Box 9480, Amarillo, TX 79105. Representative: A. J. Swanson, 226 N. Phillips Ave., P.O. Box 4103, Sioux Falls,

SD 57101. Transporting general commodities (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities which because of size or weight require the use of special equipment), between points in the U.S., under continuing contract(s) with International Nu-Way Shippers, Inc. of Chicago, IL.

MC 151928 (Sub-1), filed January 9, 1981. Applicant: MELMARK CARTAGE CO., INC. 238 West Madison St., Villa Park, IL 60181. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603. Transporting general commodities (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, IA, KY, MI, MN, MO, OH, TN, and WI.

MC 153259 (Sub-1F), filed December 29, 1980. Applicant: INLAND MOLASSES COMPANY, a corporation, American Trust Building, Dubuque, IA 52001. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting molasses, molasses blends, and liquid feed, from Dubuque, IA, to points in IL, MN, and WI. Conditions: Applicant shall conduct separately its for-hire carriage and other business operations. It shall maintain separate accounts and records for each operation. And it shall not transport property as both a private and for-hire carriers in the same vehicle at the same time.

MC 153489F, filed December 29, 1980. Applicant: TEX-WEST ENTERPRISES, INC., 5802 1/2 Jensen, Houston, TX 72312. Representative: C. Jack Pearce, Suite 1200, 1000 Conn. Ave., NW, Washington, D.C. 20036. Transporting (1) iron and steel articles, (2) fabricated metal products, (3) lumber, (4) building materials, and (5) commodities which by reason of size or weight require the use of special equipment, between points in the United States on and west 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, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

MC 153518F, filed December 29, 1980. Applicant: H. ROSKIN MOTOR SERVICE, INC., 4710 West Roosevelt Rd., Chicago, IL 60650. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting such commodities as are dealt in by retail and wholesale food business houses, between the facilities of Hunt-Wesson

Foods, Inc., at Chicago, IL, on the one hand, and, on the other, points in IN.

MC 153528F, filed December 30, 1980. Applicant: HARRY MARVEL TRUCKING, 525 N. E. Halsey, Troutdale, OR 97060. Representative: Harry Marvel (same address as applicant). Transporting lumber, lumber mill products, and forest products, between points in OR, WA, ID, and CA.

MC 153538F, filed December 22, 1980. Applicant: RICK L. KING, P.O. Box 72, Gap, PA 17527. Representative: John W. Metzger, 49 North Duke St., Lancaster, PA 17602. Transporting agricultural limestone (1) from points in Lancaster County, PA, to points in NY, NJ, DE, MD, and VA, and (2) from points at or near Viola and Laurel, DE, to points in MD and VA.

Volume No. OP5-28

Decided: January 22, 1981.

By the Commission, Review Board No. 3, members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 35358 (Sub-59), filed January 5, 1981. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Transporting chemicals and related products and rubber and plastic products, between points in Cook County, IL, NJ, and those points in PA on and east of Interstate Hwy 81, on the one hand, and, on the other, points in the U.S.

MC 85460 (Sub-6), filed January 6, 1981. Applicant: LEWIE MONTGOMERY TRUCKING CO., West County Road South, P.O. Box 432, Odessa, TX 79760. Representative: George L. Fowler, 115 West Fifth St., Odessa, TX 79761. Transporting general commodities, (except classes A and B explosives), between points in AR, LA, TX, NM, OK, KS, NE, CO, SD, ND, WY, UT, MT, AZ, WA, ID, OR, NV, and CA.

MC 99398 (Sub-3), filed January 2, 1981. Applicant: CARRANO EXPRESS, INC., Middletown Ave., Northford, Ct., 06472. Representative: Richard H. Streeter, 1729 H St., Washington, DC 20006. Transporting general commodities (except classes A and B explosives), between points in CT and NJ, on the one hand, and, on the other, points in NH, ME, VT, and NY.

MC 115078 (Sub-8), filed January 5, 1981. Applicant: SINDALL TRANSPORT, INC., 102 N. Custer Ave., New Holland, PA 17557. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. Transporting such commodities,

as are dealt in or used by manufacturers and distributors of agricultural, industrial and construction machinery and equipment, between points in Lancaster and Mifflin Counties, PA, Platte, Hall and Dawson Counties, NE, Onondaga County, NY, Franklin County, OH, Mecklenburg County, NC, Johnson County, KS, St. Paul, MN, and Memphis, TN, on the one hand, and, on the other, the ports of entry on the international boundary line between the United States and Canada at points in ME.

MC 119639 (Sub-22), filed January 2, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101.

Transporting *such commodities*, as are dealt in by grocery and food business houses, (a) between points in WA, on the one hand, and, on the other, points in CA, OR, AZ, WA, and NV, and (b) between points in CA, AZ, and NV, on the one hand, and, on the other, points in OR.

MC 120978 (Sub-34), filed January 12, 1981. Applicant: MAYER TRUCK LINE, INC., 1203 South Riverside Dr., Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting *lumber and wood products*, between points in CA, ID, MT, OR, and WA, on the one hand, and on the other, points in IA, IL, MN, ND, SD, and WI.

MC 121589 (Sub-7), filed January 12, 1981. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *iron and steel articles*, between points in Madison and Lancaster Counties, NE, Brown County, WI, Madison County, IL, and Chicago, IL, on the one hand, and, on the other, points in Adair County, IA.

MC 123048 (Sub-491), filed January 13, 1981. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021-21st St., Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty St., Madison, WI 53703. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of wood burning stoves, between points in the U.S.

MC 129529 (Sub-9), filed January 9, 1981. Applicant: THRUWAY MESSENGER SERVICE, INC., P.O. Box 11, Pearl River, NY 10965. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *general commodities* (except classes A and B explosives) between points in Rockland, Orange, Dutchess, Putnam, Ulster, Westchester, Sullivan Counties, NY, and NJ, on the

one hand, and, on the other, New York, NY and points in NJ. Condition: Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation of certificates in MC 129529 lead and Sub-7F.

MC 135078 (Sub-73), filed January 13, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" St., Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, IL, NC, and SC, on the one hand, and, on the other, points in IA, MO, and NE.

Volume No. OP5-29

Decided: January 22, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 136898 (Sub-9-M1), filed January 13, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 668, Hartselle, AL 35850. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *paper and paper products, plastics, plastic articles, containers, metal ends, machinery parts, warp beams, pulpwood articles, cones, tubes, metal buildings and parts, lumber, forest products, adhesives, coatings, waste paper, pulpboard products, and materials, equipment and supplies* used in the manufacture, sale and distribution of the above commodities (except commodities in bulk, in tank vehicles), between points in the U.S., (except AK and HI) under continuing contract(s) with Sonoco Products Company, of Hartsville, SC and Paper Stock Dealers, Inc., of Statesville, NC.

Note.—The purpose of this application is to add a contracting shipper.

MC 145058, (Sub-2F), filed December 9, 1980. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., P.O. Box 16707, Greensboro, NC 27406. Representative: Michael F. Morrone, 1150 17th St., NW, Washington, DC 20036. Transporting *such commodities* as are dealt in or used by manufacturers of drugs and medicines, between points in the U.S., under continuing contract(s) with Vicks Health Care Division of Richardson-Merrell, Inc., of Philadelphia, PA.

MC 145108 (Sub-38), filed January 14, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K St., NW, Washington, DC 20006. Transporting *food and related products*, between points in the U.S., under continuing

contract(s) with Mid-Island Provision Company, Inc., of Mineola, NY.

MC 147028 (Sub-3), filed January 12, 1981. Applicant: MICHAEL L. GINEVRA, d.b.a. MICHAEL L. GINEVRA TRUCKING, 304 Kings Crown, San Antonio, TX 78233. Representative: Greg P. Steffire, 261 South Figueroa, Los Angeles, CA 90012. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Reikes Crisa Corp., of Omaha, NE.

MC 150339 (Sub-21F), filed December 8, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant).

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 The Rhodes Company.

MC 151649 (Sub-1), filed January 5, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Super Valu Stores, Inc., of Des Moines, IA.

MC 151839 (Sub-2F), filed December 23, 1980. Applicant: C & S TRUCKING, INC., 4717 West Military Hwy., Chesapeake, Va 23320. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510. 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 Norfolk and Suffolk, VA, on the one hand, and on the other, Richmond and Petersburg, VA, and points in NC and MD, restricted to traffic having a prior or subsequent movement by rail or waters.

MC 152008 (Sub-1), filed January 2, 1981. Applicant: CASE ENTERPRISES, INC., 322 Cedar Springs Rd., Athens, TN 37303. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. Transporting *(1) furniture and fixtures, and (2) textile mill products*, between points in the U.S., under continuing contract(s) with (a) Plastic Industries, Inc., of Athens, TN, (b) Athens Furniture, Inc., of Athens, TN, (c) James David, Inc., of St. Louis, MO, (d) Athens Manufacturing Co., of Athens.

TN, and (e) C & R Industries, of Etowah, TN.

MC 153519, filed January 6, 1981. Applicant: THOMAS' FREIGHT, 3814 White Ave., Baltimore, MD 21206. Representative: Martin E. Thomas (same address as applicant). Transporting (1) rubber and plastic products and (2) metal products, between points in the U.S., under continuing contract(s) with Specialty Plastics Co., Inc., of Owings Mills, MD, and W. R. McClayton & Co., Inc., of Baltimore, MD.

MC 153528F, filed December 22, 1980. Applicant: HERIBERTO CASTRO, d.b.a. HERIBERTO'S EXPRESS SERVICE, 464 Academy Street, South Orange, NJ 07079. Representative: Heriberto Castro (same address as applicant).

Transporting paper, paper articles and packaging materials, between points in NJ and NY.

Agatha L. Mergenovich,
Secretary.

[FR Doc. #1-3074 Filed 2-2-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Sunday, February 8, 1981, starting at 10:00 a.m., at the Ramada Inn, 901 North Fairfax Street, Alexandria, Virginia.

At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Allen F. Breed,
Director.

[FR Doc. #1-3085 Filed 2-2-81; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration [Docket No. M-80-158-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, 1728 Koppers Building, Pittsburgh, Pennsylvania 15219, has filed a petition to modify the application of 30 CFR

75.1700 (barriers around oil and gas wells) to its Federal Nos. 1 and 2 and Joanne Mines located in Marion, Fairview, and Marion Counties, West Virginia respectively. 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 barriers be established and maintained around oil and gas wells penetrating coal beds.

2. The large majority of oil and gas wells were drilled and abandoned between 1890 and 1920 with oil and gas sands now nearly depleted.

3. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mine after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gas-free atmosphere in the affected areas. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection 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 5, 1981. Copies of the petition are available for inspection at that address.

Dated: January 22, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. #1-3090 Filed 2-3-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-165-C]

Industrial Processing, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Industrial Processing, Inc., Post Office Drawer 517, Oneida, Tennessee 37841, has filed a petition to modify the application of 30 CFR 77.1605(k) (berms and guards) to its Preparation Plant located in Anderson County, Tennessee. 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 berms or guards shall be provided on the outer bank of elevated roadways.

2. Petitioner states that:

a. There is an existing haul road leading from the cleaning plant to a refuse area that is approximately three-fourths of a mile long;

b. The elevation on this road is 20 degrees and all drainage is controlled and checked;

c. The high wall abutting this road is stable, and the outer banks have vegetation growing on them;

d. There are four company-owned trucks that haul from petitioner's cleaning plant to the refuse area, and all four drivers are equipped with citizens band radios for their safety;

e. There are existing passing zones and safety signs along this road, and rock piles are located at various points along the haul roads; and

f. Visibility on this road is excellent, and petitioner has had no reported injuries on this haul road.

3. Petitioner states that the use of the safety devices and procedures outlined above will provide a greater degree of safety than 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 5, 1981. Copies of the petition are available for inspection at that address.

Dated: January 22, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3809 Filed 2-3-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-151-C]

Lester and Simpson Coals, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Lester and Simpson Coals, Inc., Route 2, Box 180-A, North Tazewell, Virginia 24630 has filed a petition to modify the application of 30 CFR 75.1100-2(b) (quantity and location of firefighting equipment) to its mine located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces.

2. As an alternate method to complying with the standard, petitioner proposes to:

a. Install a permanent stopping at the mouth of the drift with a door in the stopping;

b. Have a miner patrol the belt daily;

c. Locate ten-pound fire extinguishers with 250 pounds of rock dust every 250 feet in the belt;

d. Install and maintain a Pyott-Boone fire sensing unit the entire length of the belt; and

e. Supply a portable 600 gallon capacity water car provided with a pump and 500 feet of fire hose.

3. Petitioner states that the proposed alternate method outlined above will provide the same measure of protection 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 5, 1981. Copies of the petition are available for inspection at that address.

Dated: January 23, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3902 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-43-M

Dated: January 26, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-3905 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-155-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, P.O. Box 235, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Walton Creek Mine located in Ohio 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 berms or guards be provided on the outer bank of elevated roadways.

2. Petitioner states that:

a. The haul road is approximately three-fourths of a mile long;

b. The road is elevated with good drainage, and the high wall abutting the haul road is stable, with vegetation growing on the outer banks;

c. Visibility on the haul road is excellent and no accidents have been reported;

d. The trucks driving to and from the mine site are equipped with citizens band radios for the drivers' safety.

3. Petitioner states that the use of the safety devices and procedures outlined above will provide a greater degree of safety than 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 5, 1981. Copies of the petition are available for inspection at that address.

2. Petitioner is operating in a coal seam that ranges from 41 to 45 inches in height.

3. Petitioner states that installation of cabs or canopies on the mine's loader, cutter, drill, roof bolter, shuttle car and scoop would result in a diminution of safety to the miners affected because:

a. The equipment operator's vision is reduced by the canopy, endangering both the equipment operator and other nearby miners.

b. The cabs or canopies limits the space provided for the equipment operator and severely restricts leg and arm movement, increasing operator fatigue and the likeliness of an accident;

c. The cab or canopy may come in contact with the roof, destroying necessary roof support;

d. The cab or canopy may come in contact with line curtains, which can destroy or pull them down, affecting mine ventilation.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 5, 1981. Copies of the petition are available for inspection at that address.

Dated: January 22, 1981.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 81-3801 Filed 2-2-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-162-C]

**River Basin Coals, Inc.; Petition for
Modification of Application of
Mandatory Safety Standard**

River Basin Coals, Inc., P.O. Drawer 517, Oneida, Tennessee 37841, has filed a petition to modify the application of 30 CFR 77.1605(k) (berms and guards) to its Mine No. 1 located in Anderson County, Tennessee. 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 berms or guards be provided on the outer bank of elevated roadways.

2. Petitioner states that:

a. The existing haul road is approximately one-fourth of a mile long and is elevated with drainage-entering ditches. These ditches are maintained and controlled through large culverts which drain into a large sedimentation pond.

b. Safety signs have been posted on this road, controlling movement and speed:

c. Rock piles are kept at the mine site and are available upon a few seconds' notice;

d. No accidents have been reported and visibility on the road is excellent.

3. Petitioner states that the use of the safety devices and procedures outlined above will provide a greater degree of safety than 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 5, 1981. Copies of the petition are available for inspection at that address.

Dated: January 22, 1981.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 81-3802 Filed 2-2-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-170-C]

**Sandy Fork Mining Company, Inc.;
Petition for Modification of Application
of Mandatory Safety Standard**

Sandy Fork Mining Company, Inc., Route 4, Box 30, Beverly, Kentucky 40913, has filed a petition to modify the application of 30 CFR 77.1605(k) (berms and guards) to its No. 6 Mine located in Clay 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 berms or guards be installed on the outer bank of elevated roadways.

2. Petitioner states that installation of berms on the outer banks of the roadway would result in a diminution of safety to the miners because:

a. More than half of the haulage roads are county and state roads which do not have berms or guards and are more hazardous than the petitioner's roads;

b. Berms would prevent the removal of snow and ice from the roadways, causing the road to deteriorate;

c. Run-off water would channel down the roadway washing gravel and dirt from the road into settling ponds and silt ponds.

3. As an alternate method, petitioner proposes to:

a. Train all equipment operators in the use of haulage equipment and the safety of vehicles on haulage roads;

b. Insure that all haulage vehicles have original manufacturer's brakes, engine or Jacob brakes, and an emergency (parking) braking system;

c. Keep roadway surfaces free of debris, excessive water, snow and ice and as free as practicable of small ditches (washboard effects);

d. Post warning signs designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one lane of traffic. Stop signs shall be posted where one road intersects another giving main haulage traffic the right of way, and signs shall be posted designating passing points;

e. Use a traffic system for these roads requiring that loaded trucks have the right of way on the highwall side of roads regardless of their direction of travel; and

f. Store adequate supplies of crushed stone or other suitable material at strategic locations along the haulage roads for use when the roads become slippery.

4. Petitioner states that the alternate method outlined above will provide a greater degree of safety to the miners

affected than 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 5, 1981. Copies of the petition are available for inspection at that address.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 81-3803 Filed 2-2-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-80-182-C]

**Shannopin Mining Co.; Petition for
Modification of Application of
Mandatory Safety Standard**

Shannopin Mining Company, P.O. Box 364, Bobtown, Pennsylvania 15315 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Shannopin Mine located in Greene 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. The petition concerns the requirement that return airways be examined for hazardous conditions on a weekly basis.

2. The airways were developed prior to March 30, 1970. These airways have deteriorated due to massive roof falls, making the airways hazardous for inspection travel.

3. Petitioner states that rehabilitation of the airways would expose miners to undue hazards, resulting in a diminution of safety.

4. As an alternate method of compliance, petitioner proposes to establish specified air monitoring stations to examine for methane and the quantity of air flow. The results will be recorded in a date book at each location. Should any hazardous conditions be found, appropriate measures will be taken to alleviate these conditions.

5. Petitioner states that the proposed 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 5, 1981. Copies of the petition are available for inspection at that address.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FIR Doc. #1-3803 Filed 2-3-81: 8:45 am]

BILLING CODE 4510-43-M

Dated: January 22, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FIR Doc. #1-3804 Filed 2-2-81: 8:45 am]

BILLING CODE 4510-43-M

Dated: January 23, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances.

[FIR Doc. #1-3804 Filed 2-2-81: 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-157-C]

Webster County Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Webster County Coal Corporation, Rural Route 3, Clay, Kentucky 42404 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Retiki Mine located in Henderson 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 follow:

1. The petition concerns the requirement that examinations of the intake and return air courses in their entirety be made weekly.

2. Petitioner states that because of adverse roof conditions, weekly examinations of the return air courses would result in a diminution of safety to the miners affected.

3. As an alternate method, petitioner proposes to:

a. Install and utilize an approved methane monitor to continuously sample the return air;

b. Install an audible alarm device in conjunction with the methane monitor which will alert mine personnel of any methane content above one percent;

c. Maintain the monitoring and signalling device in accordance with 30 CFR 75.313-1;

d. Establish specified air measurement stations and maintain these stations and their approaches in a safe condition at all times, recording the results of examinations in a book at each location.

4. Petitioner states that the proposed alternate method outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 5, 1981. Copies of the petition are available for inspection at that address.

Office of the Secretary

[ITA-W-11,363]

Allied Chemical Corp., Automotive Products Division; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 20, 1980 in response to a petition received on September 15, 1980 which was filed on behalf of the workers at the Mount Clemens, Michigan administrative offices of the Automotive Products Division of Allied Chemical Corporation.

An active certification applicable to the petitioning group of workers remains in effect (TA-W-9035). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of January 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FIR Doc. #1-3809 Filed 2-2-81: 8:45 am]

BILLING CODE 4510-28-M

[ITA-W-10,064]

Bishop Products, Inc.; 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 August 25, 1980 which was filed on behalf of the workers at Bishop Products, Inc., Au Gres, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation has been terminated.

Signed in Washington, D.C., this 26th day of January 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FIR Doc. #1-3812 Filed 2-2-81: 8:45 am]

BILLING CODE 4510-28-M

[ITA-W-11,154]

Cannelton Industries, Inc., Kanawha Division; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was

initiated on October 6, 1980 in response to a petition received on September 25, 1980 which was filed by the United Mine Workers of America on behalf of workers at Cannelton Industries, Incorporated, Kanawha Division, Cannelton, West Virginia.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,852). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3911 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,529]

Gene Bell Chevrolet Inc.; 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 September 18, 1980 which was filed on behalf of the workers at Gene Bell Chevrolet Inc., Detroit, Michigan.

A negative determination applicable to the petitioning group of workers was issued on August 29, 1980 (TA-W-9646). 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 26th day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3900 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9955]

McGregor Sportswear; 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 worker petition received on June 17, 1980 which was filed on behalf of workers at McGregor Sportswear. The workers are regional sales representatives.

All sales representatives are covered under existing certifications issued on March 16, 1979 (TA-W-4702A, 4702B) and on March 10, 1980 (TA-W-6764).

Those certifications cover workers at the Dover, New Jersey and New York, New York Corporate Offices of McGregor-Doniger, Incorporated and the Berwick, Pennsylvania distribution center of McGregor Sportswear (formerly McGregor-Doniger, Incorporated). Those certifications remain in effect until March 16, 1981 (TA-W-4702A, 4702B) and March 10, 1982 (TA-W-6764) two years from their respective dates of issuance. Since the regional sales representatives who filed the present petition are eligible to apply for adjustment assistance under existing certifications, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed in Washington, D.C., this 22nd day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3814 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,298 and 11,299]

RPM Products, Inc.; 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 10, 1980 which was filed on behalf of the workers at the Roseville and Croswell, Michigan plants of RPM Products, Incorporated.

A negative determination applicable to the petitioning group of workers was issued on November 28, 1980 (TA-W-7862 and 7862A). 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 26th day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3910 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,896]

Selastomer Detroit, Inc.; Termination to Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a petition received on July 25, 1980 which was filed by the United Mine Workers of America on behalf of

workers at Selastomer Detroit, Incorporated, Farmington, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,255). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3908 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,855]

United Technologies Corp.; Automotive Products Division; 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 1, 1980 which was filed on behalf of the workers at the Lancaster, Ohio plant of the Automotive Products Division of the United Technologies Corporation.

A negative determination applicable to the petitioning group of workers was issued on November 19, 1980 (TA-W-9573). 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 26th day of January 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-3913 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,080]

White Motor Corp.; 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 22, 1980 which was filed on behalf of the workers at the Mount Clemens, Michigan administrative offices of the Cleveland, Ohio facility of White Motor Corporation.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-10,920). Consequently further investigation in this case would

serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 26th day of January 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. #1-3907 Filed 2-2-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Thursday, February 19, 1981, in Room N-3437C, U.S. Department of Labor, Third and Constitution Avenue, N.W., Washington, D.C.

The purpose of the meeting is to install new members, to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Administration of Oath to New Members.
2. Department of Labor Progress Report.
3. Council Work Group Reports:
Legislative Work Group
Reporting, Disclosure and Recordkeeping Work Group
Communications Work Group
4. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before February 18, 1981, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lyczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

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

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. #1-3918 Filed 2-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-8]

Class Exemption Covering Certain Short-Term Investments; Correction

Section III (H)(1) of Prohibited Transaction Exemption 81-8 (46 FR 7511, 7518, January 23, 1981) (covering certain short-term investments) is hereby corrected by adding in the thirteenth line thereof the words "or other instruments" immediately following the word "securities".

Dated: January 28, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. #1-3920 Filed 2-3-81; 8:45 am]

BILLING CODE 4510-29-M

Proposed Class Exemption To Permit Payment of Compensation to Plan Fiduciaries for the Provision of Securities Lending Services

Correction

In FR Doc. 81-2584 appearing on page 7518 in the issue of Friday, January 23, 1981, on page 7519, third column, fifth line of the paragraph numbered (1), "of" should read "or".

BILLING CODE 1505-01-M

[Prohibited Transaction Exemption 81-6]

Class Exemption To Permit Certain Loans of Securities by Employee Benefit Plans

Correction

In FR Doc. 81-2608 appearing on page 7527 in the issue of Friday, January 23, 1981, make the following changes.

(1) On page 7528, first column, third paragraph, thirteenth line, "request" should read "requested".

(2) On page 7532, third column, last paragraph, eighth line from the bottom, insert a period after "1", and insert the following thereafter:

"Effective January 23, 1981 the restrictions of section 406(a)(1) (A) through (D) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the lending of securities that are assets of an employee benefit plan to a broker-dealer registered under the Securities Exchange Act of 1934, or to a bank, if:

Also, place a "1" in front of "Neither".

BILLING CODE 1505-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-3)]

NASA Advisory Council, Historical Advisory Committee; Meeting Correction

In FR Doc. 81-1072 appearing on page 3097 in the issue of Tuesday, January 13, 1981, second column, first full paragraph, fifteenth line, insert the following after "the": "Candidates and other individuals involved. Since this".

BILLING CODE 1505-01-M

[Notice (81-12)]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Informal Advisory Subcommittee on Rotorcraft Technology; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

Name of committee: NAC AAC Informal Advisory Subcommittee on Rotorcraft Technology.

Date and time: February 25, 1981, 9:00 a.m. to 5:00 p.m., February 26, 1981, 8:15 a.m. to 4:30 p.m., February 27, 1981, 8:30 a.m. to 11:30 a.m.

Address: NASA Ames Research Center, Building 200, Room 217, Moffett Field, CA.

Type of meeting: Open.

Agenda:

February 25, 1981

9:00 a.m.—Summary of NASA/Ames FY 1981-1982 Rotorcraft Research and Technology Program

5:00 p.m.—Adjourn

February 26, 1981

8:15 a.m.—Summary of NASA/Langley FY 1981-1982 Rotorcraft Research and Technology Program

10:00 a.m.—Summary of NASA/Lewis FY 1981-1982 Rotorcraft Research and Technology Program

11:00 a.m.—Rotorcraft Program Planning for FY 1983

1:00 p.m.—Discussion of NASA Rotorcraft Research and Technology Plans

4:30 p.m.—Adjourn

February 27, 1981

8:30 a.m.—Subcommittee Recommendations on NASA Rotorcraft Program Plans

11:00 a.m.—Areas for Possible Future Discussion

11:30 a.m.—Adjourn

FOR FURTHER INFORMATION CONTACT:

Mr. John F. Ward, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration, Code RJL-2, Washington, DC 20546 (202/755-2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist the NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Subcommittee, chaired by Mr. Troy M. Gaffey, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

Gerald D. Griffin,
Acting Associate Administrator for External Relations.

January 27, 1981.

[FR Doc. 81-3665 Filed 2-2-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**National Council on the Humanities Advisory Committee; Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted in Washington, D.C. on February 19-20, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. A portion of the morning and afternoon sessions on February 19 and the afternoon session on February 20, 1981 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential;

information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sections on February 19, 1981 follows:

(Open to the public)

8:30-9:00 Coffee for Council Members in Chairman's Office
9:00-10:30 Committee Meetings—Policy Discussion
Education Programs—Room 807
Fellowship Programs—Room 314
Planning and Special Programs—Room 1025
Public Programs and State Programs (to discuss policy affecting Public Programs only)—1st Floor
Research Programs—Room 1134
1:00-2:30 Public Programs and State Programs (to discuss policy affecting State Programs only)—1st Floor
*10:30 to Adjourn Consideration of specific applications. (Closed to the public for the reasons stated above).
*From 10:30-1:00 and from 2:30-Adjournment The Committee for Public Programs and State Programs will be occupied with the consideration of specific applications. During these periods the meeting will be closed to the public for the reasons stated above.

The morning session on February 20, 1981 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.—9:00 a.m.)

Minutes of the Previous Meeting**Reports**

- A. Introductory Remarks
- B. Introduction of New Staff
- C. Chairman's Grants and Grants Departing from Council Recommendation
- D. Application Report
- E. Gifts and Matching Report
- F. FY 1981 Appropriations
- G. FY 1982 Appropriation Request
- H. Reauthorization
- I. Selected Project Evaluations
- J. Committee Reports on Policy and General Matters
- a. Fellowship Programs
- b. Planning and Assessment Studies
- c. Special Programs

- d. Research Programs
- e. Education Programs
- f. Public Programs
- g. State Programs

K. Education Programs—Special Discussion

The remainder of the proposed meeting will be given to the consideration of specific applications and to selection of the Jefferson Lecturer for 1982, (closed to the public for the reasons stated above).

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367. Stephen J. McCleary.

Advisory Committee Management Officer

[FR Doc. 81-3735 Filed 2-2-81; 8:45 am]

BILLING CODE 7535-01-M

Special Projects Panel (Interdisciplinary Arts Projects); 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 Special Projects Panel (Interdisciplinary Arts Projects) to the National Council on the Arts will be held on February 19-20, 1981, in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506 from 9:00 a.m.—5:30 p.m.

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 of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4) (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: January 27, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-3809 Filed 2-2-81; 8:45 am]

BILLING CODE 7535-01-M

Visual Arts Panel (Sculpture 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 (Sculpture Section) to the National Council on the Arts will be held on February 19-22, 1981, from 9:00 a.m.-5:30 p.m. on the first floor of the Counsel West Building of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 10506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: January 27, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-3894 Filed 2-2-81, 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

NSF Advisory Council, Task Group No. 13; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 13 of the NSF Advisory Council.

Place: Room 520, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Date: Thursday, February 28, 1981.

Time: 9:00 a.m. till 5:00 p.m.

Type of meeting: Open.

Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/537-9433.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the

Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to study the question of whether the transfer of technology for appropriate use by governments, industry, institutions, organizations and groups is as important as the research that provides the basis for technological advance and the development of applications.

Dated: January 29, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-3823 Filed 2-2-81, 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earth Sciences; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Earth Sciences.

Date: February 20, 1981.

Time: 9:00 a.m.

Place: The National Science Foundation, Room 642, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7958.

Purpose of committee: To provide advice and recommendations concerning support for research in the Earth Sciences.

Summary minutes: May be obtained from the contact person at the above address.

Agenda: Reorganization of the Division of Earth Sciences and the Advisory Committee, and Long range plans for the Division of Earth Sciences.

M. Rebecca Winkler,

Committee Management Coordinator.

January 29, 1981.

[FR Doc. 81-3817 Filed 2-2-81, 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology, Subcommittee on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cellular Physiology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 25, 26, 27, 1981—starting at 8:30 a.m. to 5:00 p.m.

Place: Room 325, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Barbara K. Zain, Assistant Program Director, Cellular Physiology Program, Room 332, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7377.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Cellular Physiology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 29, 1981.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 81-3822 Filed 2-2-81, 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology, Subcommittee on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 26, 27, 1981—starting at 9:00 a.m.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Mary E. Clutter, Program Director, Developmental Biology Program Director, Room 332-E, National Science Foundation, Washington, D.C. 20550, telephone 202/357-7989.

Purpose of subcommittee: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, July 6, 1979.

Dated: January 29, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-2024 Filed 2-2-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory for Physiology, Cellular, and Molecular Biology; Subcommittee on Molecular Biology, Group B; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B of the advisory committee for Physiology, Cellular and Molecular Biology.

Date and time: February 19 & 20, 1981; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, N.W., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. E. Moudrianakis, Program Director, Biochemistry Program, Room 329, National Science Foundation, Washington, DC 20550. Telephone: (202) 357-7045.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters were within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 29, 1981.

M. R. Winkler,
Committee Management Coordinator.

[FR Doc. 81-2015 Filed 2-3-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social and Economic Science, Subcommittee on Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Geography and Regional Science of the Advisory Committee for Social and Economic Science

Date and time: February 27, 1981; 8:30 a.m.-5:00 p.m.

Place: Room 828, National Science Foundation, 18th and G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Barry M. Moriarty, Program Director, Geography and Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7326.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 29, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-2016 Filed 2-2-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee on Special Research Equipment, Chemistry Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Special Research Equipment (2-year and 4-year colleges) [Chemistry Subcommittee].

Date and time: February 23-24, 1981—9:00 a.m. to 5:00 p.m.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Howard H. Hines, Program Director, Room 428, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9615.

Purpose of committee: To evaluate research equipment proposals.

Agenda: To review and evaluate research equipment proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature. Including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: January 29, 1981.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 81-2018 Filed 2-2-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Minority Programs in Science Education; Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Minority Programs in Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat, GSA, as required by the Federal Advisory Committee Act and other applicable regulations.

Authority for this advisory committee shall expire on January 31, 1982, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Dated: January 29, 1981.

Donald N. Langenberg,
Acting Director.

[FR Doc. 81-2023 Filed 2-2-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Science Education, Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is

hereby determined that the renewal of the Advisory Committee for Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Committee Management Secretariat, CSA, as required by the Federal Advisory Committee Act and other applicable regulations.

Authority for this advisory committee shall expire on January 31, 1983, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

Dated: January 29, 1981.

Donald N. Langenberg,
Acting Director

[FR Doc. 81-3925 Filed 2-2-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to add an operability requirement for the Boron Injection Tank (BIT) heat tracing channels consistent with other Technical Specification requirements for similar systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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 December 3, 1980, (2) Amendment No. 55 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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, Md., this 16th day of January 1981.

For the Nuclear Regulatory Commission.
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-3757 Filed 2-2-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Co.; Issuance of Amendments and Granting of Relief From ASME Section XI—Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Provisional Operating License No. DPR-19 and Amendment No. 47 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Units Nos. 2 and 3, respectively, located in Grundy County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to replace the existing inservice inspection requirements with an inservice inspection program that meets the requirements of 10 CFR 50.55a(g).

By letter dated December 31, 1980, as supported by the related Safety Evaluation, the Commission has also granted relief from certain requirements to the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the

inservice inspection program for Dresden Station Unit Nos. 2 and 3. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for amendments and requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments and letter and Safety Evaluation granting relief. 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 and granting of the relief will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these actions.

For further details with respect to these actions, see (1) the application for amendments dated July 31, 1978, and supplements thereto dated September 11, 1978, January 12, 1979, and June 26, 1979, (2) Amendment No. 54 to Provisional Operating License No. DPR-19 and Amendment No. 47 to Facility Operating License No. DPR-25, including the Commission's letter of transmittal dated December 31, 1980, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 31st day of December, 1980.

For the Nuclear Regulatory Commission.
Dennis M. Crutchfield,
*Chief, Operating Reactors Branch No. 5,
Division of Licensing.*

[FR Doc. 81-3748 Filed 2-2-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-39, and Amendment No. 56 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to allow the last irradiation cycle of four high burnup fuel assemblies, previously authorized to be performed in Zion Unit 2, to be performed instead in Zion Unit 1.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 3, 1980, (2) Amendment Nos. 59 and 56 to License Nos. DPR-39 and DPR-48, and (3) our letter to the licensee dated December 31, 1980. 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 31st day of December 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-3755 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-39, and Amendment No. 57 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments delete surveillance requirements for valves no longer functional, corrects typographical errors, revises surveillance requirements for a portion of the reactor trip protection system to be consistent with its use, and removes effluent discharge pH requirements which were superfluous to the Clean Water Act (Section 402, NPDES Permit).

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated October 31, 1977, December 22, 1978, and October 24, 1980, (2) Amendment Nos. 60 and 57 to License Nos. DPR-39 and DPR-48, and (3) the Commission's letter to the licensee dated January 14, 1981. 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 Zion-Benton

Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 14th day of January 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-3760 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-39, and Amendment No. 58 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised the licenses for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments combine license conditions for the Security Plan, Safeguards Contingency Plan, and add a condition to include the Commission-approved Guard Training and Qualification Plan. The amendments also remove license conditions on advance notification of heavy loads movement, implementation of a corrosion surveillance program for the spent fuel pool racks, and *in situ* neutron attenuation tests to verify boron in the racks in response to the decision of the Atomic Safety and Licensing Appeal Board decision (ALAP-616) dated October 2, 1980.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental

impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated August 16, 1979, as revised August 11, 1980, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) the licensee's filing dated August 16, 1979, as revised August 11, 1980, (2) Amendment Nos. 61 and 58 to License Nos. DPR-39 and DPR-48, (3) the Commission's letter to the licensee dated January 15, 1981, and (4) the decision of the Atomic Safety and Licensing Appeal Board (ALAP-616) dated October 2, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2800 Emmaus Avenue, Zion, Illinois 60099. 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 15th day of January 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1
Division of Licensing

[FPR Doc. 81-3758 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Provisional Operating License No. DPR-45, issued to Dairyland Power Cooperative (the licensee), which revised the Technical Specifications for operation of the LaCrosse Boiling Water Reactor (LACBWR) located in Vernon County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment modifies the provisions of the Technical Specifications to incorporate Recirculation Pump Trip (RPT) System requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 12, 1980, (2) Amendment No. 22 to License No. DPR-45, 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 LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of January, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5
Division of Licensing

[FPR Doc. 81-3758 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, FP 806-6 [which should be mentioned in all correspondence concerning this draft

guide], is entitled "Design of an Independent Spent Fuel Storage Installation (Water Basin Type)" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to provide guidance acceptable to the NRC staff for use in the design of an independent spent fuel storage installation of the water basin type that will comply with the Commission's regulations.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by March 12, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

[5 U.S.C. 552(a)]

Dated at Rockville, Maryland this 12th day of January 1981.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards,
Office of Standards Development

[FPR Doc. 81-3746 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co., Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-31, and Amendment No. 53 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments delete the fuel resident time limit from the Technical Specifications, Appendix A to the licenses. In addition, the Table of Contents for the Technical Specifications has been reissued to incorporate changes made by the Order for Modification of Licenses dated October 24, 1980 and to correct typographical errors.

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 prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated July 1962.

For further details with respect to this action, see (1) the application for amendments dated January 31, 1979, as supplemented on September 26, 1980, (2) Amendment Nos. 62 and 53 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 19th day of December 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-3753 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482-OL]

Kansas Gas & Electric Co., et al.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Kansas Gas and Electric Company, et al.
(Wolf Creek Generating Station, Unit No. 1 Construction Permit No. CPPR-147)

This action is in reference to a notice published by the Commission on December 18, 1980, in the Federal Register (45 FR 83360-61) entitled, "Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report, Consideration of Issuance of Facility Operating License, and Notice of Opportunity for Hearing".

This Board is comprised of the following Administrative Judges:

James P. Gleason, Esquire, Chairman, 513 Gilmore Drive, Silver Spring, Maryland 20901.

Dr. George C. Anderson, Department of Oceanography, University of Washington, Seattle, Washington 98195.

Dr. J. Venn Leeds, 10807 Atwell, Houston, Texas 77096.

Issued at Bethesda, Maryland, this 23d day of January 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-3702 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-548]

Omaha Public Power District; Withdrawal of Application for Construction Permit

By letter, Dated November 14, 1980, Omaha Public Power District filed a request to withdraw its application to construct and operate the Fort Calhoun Station, Unit 2. The site was located near the Village of Fort Calhoun in Washington County, Nebraska. In its Order, dated December 22, 1980, the NRC Atomic Safety and Licensing Board granted the applicant's request to terminate the construction permit proceeding.

Accordingly, the Commission considers the Fort Calhoun Station, Unit 2 construction permit application to be withdrawn and the corresponding licensing proceeding to be terminated.

Correspondence concerning this application will continue to be maintained at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. In addition, correspondence concerning this application will be maintained for at least the next six months at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Dated at Bethesda, Maryland this 12th day of January 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-3751 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-84, issued to the Power Authority of the State of New York (the licensee), which revised technical specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revised the Technical Specifications in several areas to make them more consistent with the Standard Technical Specifications, revises the Technical Specifications to assure at least 23 feet of water over the top of the reactor pressure vessel flange during movement of fuel assemblies, revises the Technical Specification to require

that two valves in the miniflow line for the Residual Heat Removal Pumps be kept open, and revises the license condition dealing with steam generator inspection.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 7, 1979, November 7, 1980 and two applications dated October 31, 1980, (2) Amendment No. 34 to License No. DPR-64, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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 15 day of January 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-3750 Filed 1-2-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light

Company and Atlantic City Electric Company (the licensees), which revised Appendices A and B Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications for this unit to reflect changes in the organization that operates and supports the operation of both Unit Nos. 1 and 2. Consistent "Administrative Controls" were also made to the Appendix B Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 20, 1980, (2) Amendment No. 31 to License No. DPR-70, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of January 1981.

For the Nuclear Regulatory Commission,
Steven A. Varga,
*Chief, Operating Reactors Branch No. 1,
Division of Licensing.*

[FR Doc. 81-3732 Filed 2-2-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-33, Amendment No. 61 to Facility Operating License No. DPR-52, and Amendment No. 36 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Environmental Technical Specifications (Appendix B) to delete the fish impingement monitoring program.

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 prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendments dated March 1, 1979, (2) Amendment No. 65 to License No. DPR-33, Amendment No. 61 to License No. DPR-52, and Amendment No. 36 to License No. DPR-68, and (3) the Commission's related Environmental Impact Appraisal. 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 Athens Public Library, South and Forrest, Athens, Alabama 35611. 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 29th day of December 1980.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
*Chief, Operating Reactors Branch No. 2,
 Division of Licensing.*
 [FIR Doc. 81-3750 Filed 2-2-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket Nos. 50-259-OLA, 50-260-OLA and
 50-296-OLA]

**Tennessee Valley Authority;
 Establishment of Atomic Safety and
 Licensing Board to Preside in
 Proceeding**

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register* (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Tennessee Valley Authority
 (Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3)
 Operating License Nos. DPR-33, DPR-52 and
 DPR-68

This Board is being constituted pursuant to a notice published by the Commission on December 11, 1980 in the *Federal Register* (45 FR 81697-98) entitled, "Consideration of Amendments to Facility Operating Licenses".

This Board is comprised of the following Administrative Judges:

Herbert Grossman, Esquire, Chairman, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Mrs. Elizabeth B. Johnson, Oak Ridge National Laboratory, P.O. Box X, Building 3500, Oak Ridge, Tennessee 37830.

Dr. Quentin J. Stober, Fisheries Research Institute, University of Washington, Seattle, Washington 98195.

Issued at Bethesda, Maryland, this 26th day of January 1981.

B. Paul Cotter, Jr.
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FIR Doc. 81-3761 Filed 2-2-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 35 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio.

This amendment was authorized by phone on November 17, 1980 and was confirmed by letter dated November 20, 1980. On November 17, 1980 it was discovered that the pressure transmitters for the containment high pressure channels have not been tested on a monthly basis, as required by the Technical Specifications. As a result, the Technical Specifications required that all four pressure transmitters be declared inoperable and that the plant be in hot standby within one hour and in cold shutdown within 30 hours. The amendment revised Technical Specification Table 4.3-2 so that plant shutdown was not required within one hour, even though the pressure transmitters for the containment high pressure channels have not been tested on a monthly basis. The change to the Technical Specifications applies only to the first test on each instrument following the first refueling outage. The amendment was issued on an expedited basis since maintaining the plant at steady state conditions at power during the full completion of the tests on the pressure transmitters was preferable to putting the plant through a rapid transient and shutdown as required by the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated November 18, 1980, (2) the Commission's letter to the licensee dated November 20, 1980, (3) Amendment No. 35 to License No. NPF-

3, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 5th day of January 1981.

For The Nuclear Regulatory Commission.
Robert W. Reid,
*Chief, Operating Reactors Branch No. 4,
 Division of Licensing.*

[FIR Doc. 81-3748 Filed 2-2-81; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-271]

**Vermont Yankee Nuclear Power Corp.,
 Issuance of Amendment to Facility
 Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance.

This amendment changes the Technical Specifications to revise the pressure-temperature limitations in order to comply with 10 CFR Part 50, Appendix G, "Fracture Toughness Requirements."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 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 5, 1980, (2) Amendment No. 62 to License No DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717, H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. 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 14th day of January 1981.

For The Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-3734 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised Technical Specifications for operations for the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to clarify the use of the term OPERABLE as it applies to the single failure criterion for safety systems in power reactors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 20, 1980, (Proposed Change No. 169), (2) Amendment No. 62 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of January 1981.

For The Nuclear Regulatory Commission,
Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 81-3747 Filed 2-2-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-7140]

Cenvill Communities, Inc. Common Stock, \$0.01 Par Value; Application To Withdraw From Listing and Registration

January 27, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. "Amex".

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Cenvill Communities, Inc. the "Company" is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on January 5, 1981, the Company is also listed and registered on the New York Stock Exchange "NYSE". The Company has determined that in view of the listing of the Company's common stock on the NYSE, it is advisable for the Company to withdraw from listing on the Amex.

2. This application relates solely to withdrawal of the common stock from

listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before February 18, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-3727 Filed 2-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17485; File No. SR-CBOE-1980-28]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 29, 1980, the above-mentioned self-regulatory organization ("SRO") filed with the Securities and Exchange Commission proposed rule change as follows:

Text of Substance of the Proposed Rule Change

Additions are italicized and deletions are bracketed.

Obligations of Market-Makers

Rule 8.7. No change.

Interpretations and Policies:

.01 through .04 No change.

.05 When unusual trading conditions exist and in the interest of maintaining a fair and orderly market, two Floor Officials may waive the requirements of Rule 8.7(b)(i) in those option series 10 or more points in the money to allow Market-Makers to make bid/ask differentials as wide as the quotation in the primary market as indicated by the Exchange's floor-support screens. Such a waiver shall not automatically carry over from one day to the next.

SRO's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

Because of the derivative nature of stock options, Market-Makers should not have the burden of making markets pursuant to Rule 8.7(b)(i) when the specialist in the underlying security is making wider markets. The proposed addition to Rule 8.7 would help to solve this problem. This new interpretation and policy includes safeguards: there must be unusual trading conditions; a waiver must be in the interest of maintaining a fair and orderly market; an option series must be 10 or more points in the money; and a waiver shall not automatically carry over to the following business day.

The basis under the Securities Exchange Act of 1934 for the proposed rule change is section 6(b)(5), in that the change would promote just and equitable principles of trade and thereby protect the public interest.

Although comments were solicited from members by means of a special mailing to the membership, no comments were received.

The Exchange does not believe that the proposed rule change will impose any burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, Securities and Exchange Commission, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and

should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

January 26, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-3728 Filed 2-2-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-10907]

General American Transportation Corp.; Application and Opportunity for Hearing

January 28, 1981.

Notice is hereby given that General American Transportation Corporation (the "Applicant") has filed an application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Manufacturers Hanover Trust Company ("Manufacturers") under two existing indentures and under a new indenture to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under the existing indentures and under the indenture to be qualified.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. Applicant was incorporated in June 1975 as a wholly owned subsidiary of GATX Corporation. On July 1, 1975, in connection with the restructuring of GATX Corporation, Applicant was assigned the rights of GATX Corporation under its 17 then existing Equipment Trust Agreements (including the Series 60 and 63 Equipment Trust Agreements) and assumed the obligations of GATX Corporation thereunder. Since July 1, 1975 four equipment trusts have been fully paid and terminated, and Applicant has issued equipment trust certificates under its Series 73, 74, 75 and 76 Equipment Trust Agreements. The Applicant is not in Default under any existing equipment trusts.

2. Applicant intends to file with the Commission a Registration Statement and Trust Indenture covering a proposed equipment trust to be designated as General American Transportation Corporation Equipment Trust, Series 77, under which equipment trust certificates are expected to be issued.

3. Applicant seeks to appoint Manufacturers to act as trustee under the Series 77 Indenture.

4. Manufacturers presently is acting as trustee under two Equipment Trust Agreements for Applicant: Equipment Trusts Series 60 and 63. The Series 60 Indenture was registered under the Act of December 14, 1962 and of the \$35,000,000 principal amount of Series 60 Certificates issued, \$3,466,000 remain outstanding. The Series 63 Indenture was registered under the Act on May 11, 1966, and of the \$40,000,000 principal amount of Series 63 Certificates issued, \$11,935,000 remain outstanding.

5. The Series 60 and 63 equipment trust certificates are, and the Series 77 Certificates will be, secured by separate lots of identified railroad cars. Thus, the existence of the other trusteeships should in no way inhibit or discourage Manufacturer's actions.

6. By Orders with regard to previous filings of applicant having similar relevant facts and issues, the Commission found that the trusteeship of a single bank under more than one of Applicant's equipment trust indentures was not so likely to involve a material conflict of interest as to require disqualification.

Applicant has waived notice of hearing, hearing on the issues raised by the application and all rights to specify procedures under Rule 8(b) of the Commission's Rule of Practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application, which is a public document on file in the office of the Commission's Public

Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than February 24, 1981 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact on law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary

[FR Doc. 81-3720 Filed 2-3-81; 8:45 am]
BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.: Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 27, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rules 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Dyco Petroleum Corp.

Common Stock, \$1 Par Value (Filed No. 7-5849)

Sysco Corporation

Common Stock, \$1 Par Value (File No. 7-5850)

Thompson Medical Company

Common Stock, \$10 Par Value (File No. 7-5851)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 18, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this

opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary

[FR Doc. 81-3720 Filed 2-2-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17493; File No. SR-NSCC-81-1]

National Securities Clearing Corporation; Proposed Rule Change

Relating to member staffing on nonclearing Days.

Comments requested on or before February 24, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

Add a new Section to Rule 5 as follows:

Sec. 4. The Corporation may, in its discretion, require Settling Members to provide appropriate staff in their offices during specified hours on non-clearing days when such is deemed necessary by the Corporation to insure the integrity of its systems and/or for the protection of the Corporation.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the spaces specified in Item IV below. The self-regulatory organization has

prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule states, with specificity, one of the means that NSCC has determined is appropriate, during exceptional times such as record volume days, to protect NSCC, to insure the integrity of its systems and to insure the prompt and accurate clearance and settlement of eligible securities. It is a clarification of Rule 2 Section 3(ii) that a proposed member " * * * meet the operational requirements * * * and * * * conform to any condition and requirement which the Corporation reasonably deems necessary for its protection * * * ". The proposed rule change will allow members to complete various operational processes, such as trade comparison and correction, which, during exceptional times, such as record volume days, may not be completed during normal business hours. The application of the rule will require settling members to provide appropriate staff in their offices during specified hours during non-clearing days. NSCC cannot perceive any significant problems which the settling members are likely to have in complying with the proposed rule change.

The proposed rule change is designed to protect NSCC, insure the integrity of its systems and to insure the prompt and accurate settlement of securities as mandated by Congress in Section 17A (a)(1) of the Securities Exchange Act of 1934, as amended, by allowing additional time for members to complete various operational processes, such as trade comparison and correction, which, during exceptional times, such as record volume days, may not be completed during business days. The proposed rule change is not applicable to the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible because the rule refers to non-clearing days upon which NSCC will not be processing securities or funds on behalf of itself or its members. The application of the rule will be made on a non-discriminatory basis and will pertain to all settling members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is concerned solely with the inter-relationship of settling members of NSCC with each other and with NSCC and therefore we do not perceive any burden on competition being occasioned by this rule.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others—

Comments on the proposed rule change were solicited pursuant to the attached Exhibit 2 and no comments have been received to date.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before February 24, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 28, 1981.

George A. Fitzsimmons,
Secretary.

[FBI Doc. 81-3731 Filed 2-3-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series No. 2-81]

Treasury Notes of August 15, 1984; Series J-1984

January 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,750,000,000 of United States securities, designated Treasury Notes of August 15, 1984, Series J-1984 (CUSIP No. 912827 LN 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated February 17, 1981, and will bear interest from that date, payable on a semiannual basis on August 15, 1981, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature August 15, 1984, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of

\$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 3, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 2, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank in New York their positions in the borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customers are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from

commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{4}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the bases of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be

notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, February 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, February 11, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the

Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public

announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

[PR Doc. 81-4049 Filed 1-30-81 4:20 pm]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 3-81]

13% Treasury Notes of November 15, 1990; Series B-1990

January 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,500,000,000 of United States securities, designated 13% Treasury Notes of November 15, 1990, Series B-1990 (CUSIP No. 912827 LF 7). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be issued February 17, 1981, and are offered as an additional amount of 13% Treasury Notes of November 15, 1990, Series B-1990 (CUSIP No. 912827 LF 7) dated November 17, 1980. Payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from November 17, 1980, to February 17, 1981. Interest on the securities offered as an additional issue is payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature November 15, 1990, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or

hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities or different denominations and on coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 4, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 3, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 97.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 17, 1980, to February 17, 1981, in the amount of \$33.03867 per \$1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4, must be made or completed on or before Tuesday, February 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, February 11, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the

inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

FPR Doc. 81-4050 Filed 1-30-81; 4:20 pm]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 4-81]

12 1/4% Treasury Bonds of 2005-2010
January 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,250,000,000 of the United States securities, designated 12 1/4% Treasury Bonds of 2005-2010 (CUSIP No. 912810 CS 5). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government Accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be issued February 17, 1981, and are offered as an additional amount of 12 1/4% Treasury Bonds of 2005-2010 (CUSIP No. 912810 CS 5) dated November 17, 1980. Payment for the securities will be calculated on the basis of the auction price determined in accordance with the circular, plus accrued interest from November 17, 1980, to February 17, 1981. Interest on the securities offered as an additional issue is payable on a semiannual basis on May 15, 1981, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature November 15, 2010, but may be redeemed at the option of the United States on and after November 15, 2005, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or

hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, February 5, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender; and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount, applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 17, 1980, to February 17, 1981, in the amount of \$32,40331 per \$1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4, must be made or completed on or before Tuesday, February 17, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, February 11, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the

inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20228. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20228. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-4051 Filed 1-30-81; 4:20 pm]

BILLING CODE 4810-40-M

ENVIRONMENTAL PROTECTION AGENCY

[A SFRL 1743-5]

Women's Business Enterprise Policy for the Construction Grants Program (PRM #80-4)

AGENCY: The Environmental Protection Agency.

ACTION: Notice of deferral of date of applicability of Construction Grants Program Requirements Memorandum PRM #80-4.

SUMMARY: This notice defers the date of applicability of PRM #80-4 (Women's Business Enterprise Policy for the Construction Grants Program), 45 FR 51490 (August 1, 1980), from February 1, 1981, until June 1, 1981. This action is necessary to allow for uniform national procedures for implementing the policy to be developed.

FOR FURTHER INFORMATION CONTACT:

Robert Knox, U.S. Environmental Protection Agency, Office of Small and Disadvantaged Business Utilization, 401 M Street, S.W., Washington, D.C. 20460. (202) 755-1127.

NOTICE OF DEFERRAL: The policies and requirements of Program Requirements Memorandum #80-4, Women's Business Enterprise Policy for the Construction Grants Program shall be applicable to all projects for which assistance is awarded after May 31, 1981. This defers the date of applicability from February 1, 1981 to June 1, 1981. Nothing in this notice precludes a grantee, contractor, or consultant from voluntarily implementing the policy set forth in PRM #80-4 for projects funded prior to June 1, 1981, and EPA encourages such action.

Dated: January 30, 1981.

Walter Barber, Jr.,

Acting Administrator.

[FR Doc. 81-4145 Filed 2-2-81; 8:45 am]

BILLING CODE 6560-36-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 22

Tuesday, February 3, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 3, 1981.

PLACE: Commission Conference Room 5240, fifth floor, 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. Ratification of Three Notation Votes.
2. Freedom of Information Act Appeal No. 80-11-FOIA-009-MK concerning a request by a charging party for access to intraoffice memorandum from his Title VII file.
3. Freedom of Information Act Appeal No. 80-11-FOIA-4-SF concerning a request for documents from an ADEA file.
4. Freedom of Information Act Appeal No. 80-11-FOIA-11-PX concerning a request for an open age discrimination charge file.
5. Section 501 Transition Year Accomplishment Reports.
6. 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:

Trevia L. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6718.

This Notice issued January 27, 1981.

[S-183-81 Filed 1-30-81; 3:58 pm]

BILLING CODE 6570-06-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Special Closed Meeting on the subject listed below on Thursday, February 5, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—Report of Committee of Commissioners on Relocation of Commission Offices.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 29, 1981.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[S-183-81 Filed 1-30-81; 10:20 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of the Office of Science and Technology from the list of agenda items scheduled for consideration at the January 29, 1981 Open Meeting, and previously listed in the Commission's Public Notice of January 22, 1981.

Agenda, Item No., and Subject

General—1—The Office of Science and Technology proposes to establish an advisory committee to assist in preparation for the 1983 Region 2 Broadcasting Satellite Service Planning Conference. This committee will provide advice in various technical areas dealt with by the Conference, including identification of the types of service possible for a Direct Broadcasting Satellite Service (DBS) and the technical parameters of those services.

Membership of the committee will be solicited from diverse public, private, and governmental sources to ensure full representation of all views.

Additional information concerning this meeting may be obtained from

Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 29, 1981.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[S-183-81 Filed 1-30-81; 10:20 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of the Common Carrier Bureau from the list of agenda items scheduled for consideration at the January 29, 1981 Open Meeting, and previously listed in the Commission's Public Notice of January 22, 1981.

Agenda, Item No., and Subject

Common Carrier—5—Title: Interim procedures for 43 MHz applications in Public Mobile Radio Services. Summary: The FCC is considering petitions for reconsideration of its earlier order freezing 43 MHz Public Mobile Radio Services applications. That policy was adopted in response to television interference associated with paging operations on 43.22 and 43.58 MHz.

Additional information concerning this item may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 29, 1981.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[S-183-81 Filed 1-30-81; 10:20 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The following item has been deleted at the request of Commissioner Washburn's Office from the list of agenda items scheduled for consideration at the January 29, 1981, Closed Meeting, and previously listed in the Commission's Public Notice of January 23, 1981.

Agenda, Item No., and Subject

Hearing—3—Draft Decision in the Alexander S. Klein, Jr., Media, Pennsylvania, comparative FM radio proceeding. (Docket Nos. 20587-9).

Additional information concerning this item may be obtained from Edward

Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: January 28, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-184-81 Filed 1-30-81; 10:21 am]

BILLING CODE 6712-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:45 p.m. on Thursday, January 29, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the application of The Mitsubishi Bank of California, Los Angeles, California, for consent to merge under its charter and title with First National Bank of San Diego County, Escondido, California, and for consent to establish the eleven offices of First National Bank of San Diego County as branches of the resultant bank.

In calling the meeting, the Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by authority of subsections (c)(8) and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Dated: January 30, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-181-81 Filed 1-30-81; 3:35 pm]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

January 30, 1981.

TIME AND DATE: 10 a.m., February 6, 1981.

PLACE: Room 9306, 825 North Capitol Street NE, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing on the Alaska Natural Gas Transportation System.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

[S-187-81 Filed 1-30-81; 11:23 am]

BILLING CODE 6450-85-M

8

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

January 28, 1981.

TIME AND DATE: 10 a.m., Wednesday, February 4, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Anaconda Copper Company, WEST 79-128-M, WEST 79-130-M, WEST 79-137-M (Issues include whether judge's findings of fact satisfy the requirements of the Administrative Procedure Act and the Commission's Rules of Procedures).

2. Old Ben Coal Company, VINC 75-83-P, VINC 75-230-P, IBMA 76-86 (Issues include interpretation and application of 30 CFR §§ 75.400, 75.1104, 75.316 and 75.323).

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Jean Ellen, 202-653-5632.

[S-188-81 Filed 1-30-81; 2:58 pm]

BILLING CODE 6820-12-M

9

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Monday, February 9, 1981.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 462-3204.

Dated: January 30, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-190-81 Filed 1-30-81; 3:16 pm]

BILLING CODE 6210-01-M

10

LEGAL SERVICES CORPORATION.

Meeting of the Provision of Legal Services Committee.

TIME AND DATE: 10 a.m.-5 p.m., Friday, February 13, 1981.

PLACE: Legal Services Corporation, eighth floor conference room 3, 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of November 13, 1980 Meeting.
3. Consideration of "A Plan For The Future."
4. Evaluation Report on Reginald Heber Smith Community Lawyer Fellowship Program.
5. Evaluation Report on Legal Services Institute.
6. Report on Standards Development.
7. Status Report on Pro Bono Grants.
8. Other Business.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272-4040.

Issued: January 29, 1981.

Dan J. Bradley,

President.

[S-179-81 Filed 1-30-81; 10:33 am]

BILLING CODE 6820-35-M

11

LEGAL SERVICES CORPORATION.

Meeting of the Operations Committee

TIME AND DATE: 11 a.m.-5 p.m., Thursday, February 12, 1981

PLACE: Legal Services Corporation, eighth floor conference room 3, 733 15th Street NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of October 14, 1980 Meeting.
3. Reauthorization of the Legal Services Corporation.
4. Amendment of 45 C.F.R. Section 1612.4 (Legislative and Administrative Representation).
5. Comprehensive Civil Rights Regulation.
6. Affirmative Action Plan for Legal Services Corporation.
7. Other Business.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272-4040.

Issued: January 29, 1981.

Dan J. Bradley,

President.

[S-180-81 Filed 1-30-81; 10:33 am]

BILLING CODE 6820-35-M

12

MERIT SYSTEMS PROTECTION BOARD.
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 3311, January 14, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10 a.m., Wednesday, January 21, 1981.

PLACE: United States District Court, Third and Constitution, Washington, D.C., Courtroom 8 (Monday, Feb. 2 and Wednesday, Feb. 4), Courtroom 10 (Tuesday, Feb. 3).

STATUS: Open.

CHANGES IN THE MEETING: The location of the hearing in *Acting Special Counsel v. Paul D. Sullivan*, Docket No. HQ120600018, convened on January 21, 1981, and continuing hereto, is changed, effective February 2, 1981, to the place listed above. Due to the continuing nature of the hearing, the Board announces upon adjournment of each session the time and place of the next session.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Kathy W. Semone, Director, Division of Records and Inquiries, Office of the Secretary, 202-632-4525.

January 29, 1981.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

[S-178-81 Filed 1-29-81; 4:15 pm]

BILLING CODE 6325-01-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 2, 1981.

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C., except as otherwise indicated.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Bethesda—Room P-118—7920 Norfolk Avenue (Phillips Bldg)—Monday, February 2:

2:30 p.m.: Discussion of Policy, Planning & Program Guidance for fiscal year 1983-87 (continuation) (approximately 1½ hours, public meeting)

Tuesday, February 3:

10 a.m.: Discussion of NRC Document Control System (approximately 1½ hours, closed—Exemption 9)

Wednesday, February 4:

10 a.m.: Meeting with Public Interest Groups on Future of Nuclear Power Regulation (approximately 2 hours, public meeting) (as announced)

2 p.m.: Discussion of Preliminary Policy Considerations in Development of a

Safety Goal (approximately 1½ hours, public meeting) (as announced)

Thursday, February 5:

- 10 a.m.: Discussion of Management-Organization and Internal Personnel Matters (chairman's conference room) (approximately 1½ hours, open/closed status to be determined)
- 2 p.m.: Affirmation/discussion session (approximately 1 hour, public meeting/ portions may be closed)
 - a. Sholly—Amendments to Part 2
 - b. Page Limitation on Briefs Filed w/ Appeal Boards
 - c. Part 60—Disposal of High Level Radioactive Wastes in Geologic Repositories-Licensing Procedures
 - d. Draft Bailly Show Cause Order (tentative) (closed—Exemption 10)

Friday, February 6:

No Commission meetings

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202)

634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-169-81 Filed 1-30-81; 3:02 pm]

BILLING CODE 7590-01-M

15

[1P0401]

PAROLE COMMISSION.

TIME AND DATE: 9 a.m.—1:30 p.m., Tuesday, February 3, 1981.

PLACE: Room 500, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On January 28, 1981, the Commission determined that the time for ending the above meeting be advanced to 12:00 noon on Tuesday, February 3, 1981. The meeting will be held in the above location for the purposes specified in the original announcement. The above change is being announced at the earliest practicable time.

CONTACT PERSONS FOR MORE INFORMATION:

INFORMATION: Linda Wines Marble, Analyst (202) 724-3094.

[S-169-81 Filed 1-30-81; 11:16 am]

BILLING CODE 4410-01-M

14

[1P0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters)

TIME AND DATE: 9:30 a.m., Tuesday, February 10, 1981.

PLACE: Room 724, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

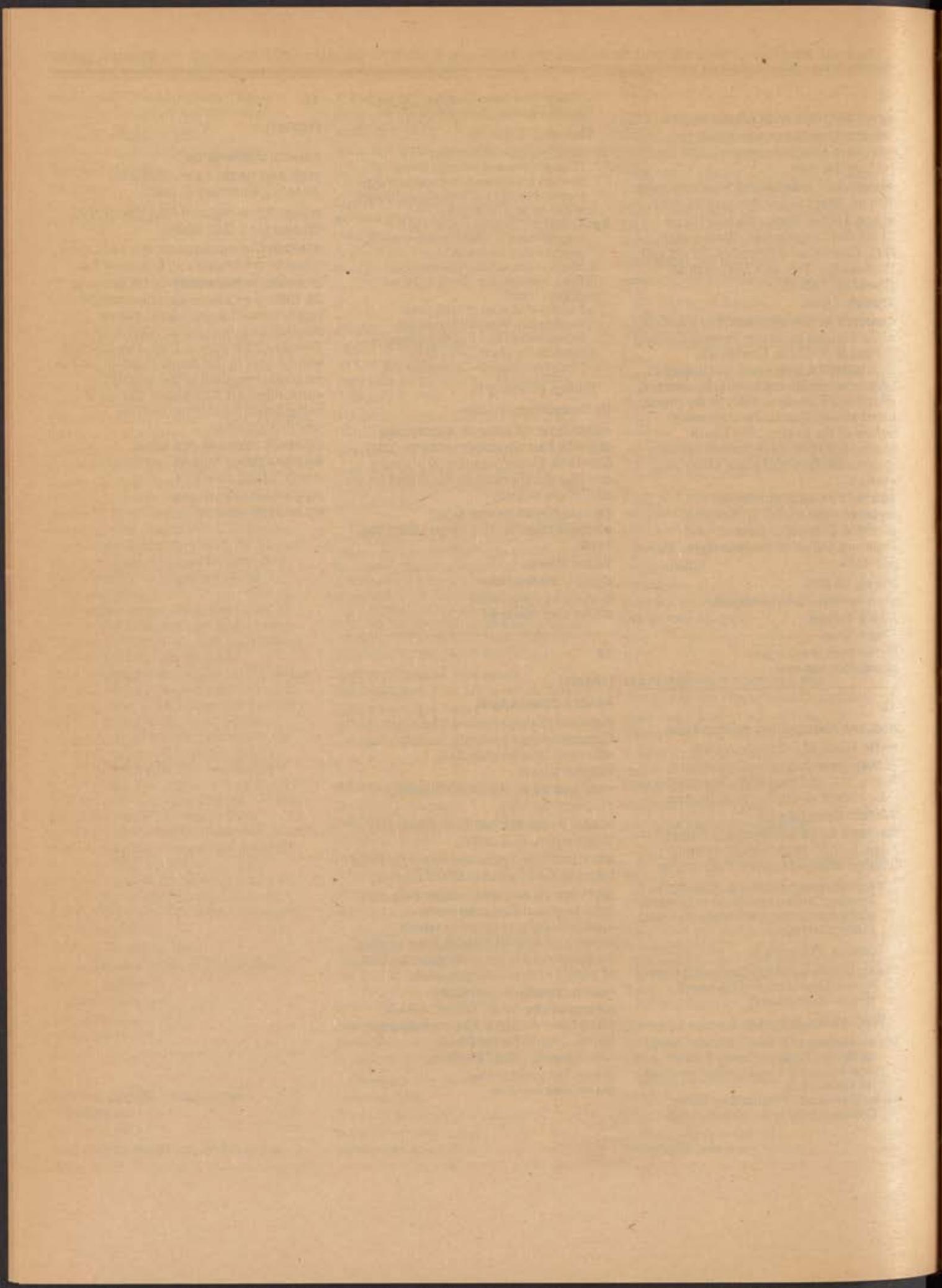
MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 13 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (202) 724-3094.

[S-169-81 Filed 1-30-81; 11:16 am]

BILLING CODE 4410-01-M



Tuesday
February 3, 1981

U.S. GOVERNMENT
PRINTING OFFICE
1981-100-1000

Part II

**Department of the
Interior**

Heritage Conservation and Recreation
Service

National Register of Historic Places;
Annual Listing of Historic Properties

DEPARTMENT OF THE INTERIOR**Heritage Conservation and Recreation Service****National Register of Historic Places; Annual Listing of Historic Properties**

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Heritage Conservation and Recreation Service, Department of the Interior, has undertaken steps to implement the purposes of that act through: (1) Expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the Nation's historic preservation program.

It is the purpose of this notice, through publication of the information included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the properties added to the National Register during 1980, and of the properties determined eligible for inclusion in the National Register through December 1980.

Ronald M. Greenberg,

Acting Chief, National Register of Historic Places.

The following properties were placed on the National Register of Historic Places between January and December 1980. Properties recorded by the Historic American Buildings Survey are designated by HABS and properties recorded by the Historic American Engineering Record are designated by HAER.

This listing differs from previous annual listings published by the Heritage Conservation and Recreation Service in that properties are listed that were entered on the National Register only for calendar year 1979. For a cumulative listing comprising all properties on the National Register, we recommend that users retain the Federal Register listing from February 6, 1979 (Vol. 44 No. 26, Part II) and March 18, 1980 (Vol. 45, No. 54, Part II). Together these listings provide accumulative information for all National Register properties and for properties determined eligible for inclusion on the National Register through 1980. The 1979 Federal Register Part II is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock No.

022-003-00971-0) price 75¢. A limited number of copies of the 1980 Federal Register Part II is available from the Division of the National Register of Historic Places, Heritage Conservation and Recreation Service, 440 G Street, NW Washington, D.C. 20243.

ALABAMA*Baldwin County*

Daphne, *Methodist Episcopal Church, South*, 1608 Old County Rd. (9-22-80)

Butler County

Greenville vicinity, *Oakey streak Methodist Episcopal Church*, Off SR 59 (1-4-80)

Calhoun County

Anniston, *Lyric Theatre*, 1302 Noble St. (5-22-80)

Chambers County

LaFayette, *Chambers County Courthouse Square Historic District*. Roughly bounded by Alabama and 2nd Aves., and 1st St. (3-27-80)

Clarke County

Gosport, *Woodlands (Frederick Blount Plantation)* Off U.S. 84 (4-28-80)

Coffee County

Enterprise, *Rowls Hotel*, 116 S. Main St. (9-17-80)

Elmore County

Wetumpka vicinity, *Hickory Ground (Ocheopofau)* S of Wetumpka (3-10-80)

Greene County

Eutaw, *Greene County Courthouse Square District*, U.S. 11 and Al. 7 (12-31-79)

Hale County

Greensboro vicinity, *McGehee-Stringfellow House*, NW of Greensboro on SR 30 (9-17-80)

Henry County

Headland, *Seaboard Coast Line Railroad Depot*, Broad St. (9-4-80)

Jefferson County

Birmingham, *Birmingham, Railway, Light and Power Building*, 2100 N. 1st Ave. (3-11-80)

Birmingham, *Bradshaw House*, 2154 Highland Ave. (4-28-80)

Birmingham, *First Christian Church Education Building*, 2100 N. 7th Ave. (3-15-80)

Birmingham, *Fox Building* 19th St. and 4th Ave. (8-11-80)

Birmingham, *Nabers, Morrow and Sinnige Building*, 109 20th St. (9-22-80)

Birmingham, *Sixteenth Street Baptist Church*, 6th Ave. and 16th St. (9-17-80)

Birmingham, *Waters Building*, 209-211 N. 22nd St. (3-11-80)

Birmingham, *Zinszer's Peter, Mammoth Furniture House*, 2115, 2117 and 2119 2nd Ave. N. (9-23-80)

Lauderdale County

Florence, *Southall Drugs*, 201 N. Court St. (8-21-80)

Florence, *Water Tower*, Seymour St. (4-28-80)

Lee County

Auburn, *Burton, Robert Wilton, House*, 315 E. Magnolia St. (5-8-80)

Macon County

Tuskegee, *Grey Columns*, 399 Old Montgomery Rd. (1-11-80) HABS

Madison County

Huntsville, *Downtown Huntsville Multiple Resource Area*. This area includes: *Beckers Block*, 105-111 N. Jefferson St.; *Big Spring, W. Side Sq.*; *Buildings at 104-128 S. Side Sq.*; *Church of the Visitation*, 222 N. Jefferson St.; *Clemons House*, 219 Clinton Ave. (previously listed in the National Register 10-16-74); *Donegan Block*, 105-109 N. Side Sq.; *Downtown Chevron Station*, 300 E. Clinton Ave.; *Dunnovan's Building*, 100 N. Washington, St.; *Everett Building*, 115-123 N. Washington, St.; *First Alabama Bank of Huntsville*, W. Side Sq. (previously listed in the National Register 10-25-74); *Halsey Grocery Warehouse*, 301 N. Jefferson St.; *Halsey, W. L., Warehouse*, 300 N. Jefferson St.; *Henderson National Bank*, 118 S. Jefferson St.; *Hotel Russel Erskine*, 123 W. Clinton Ave.; *Hundley, Oscar R., House*, 401 Madison St.; (previously listed in the National Register 4-22-78); *Hundley Rental Houses*, 108 Gates St. and 400 Franklin St.; *Hutchens, Terry, Building*, 102 W. Clinton Ave.; *Kelly Brothers and Rowe Building*, 307 N. Jefferson St.; *Kress Building*, 107 S. Washington St.; *Lombardo Building*, 315 N. Jefferson St.; *Mason Building*, 115 E. Clinton Ave.; *May and Cooney Dry Goods Company*, 205 E. Side Sq.; *Milligan Block*, 201-203 E. Side Sq.; *Rand Building*, 113 N. Side Sq.; *Randolph Street Church of Christ*, 210 Randolph Ave.; *Schiffman Building*, 231 E. Side Sq.; *Struve-Hay Building*, 117-123 N. Jefferson St.; *Times Building*, 228 E. Holmes Ave.; *Yarbrough Hotel*, 127-129 N. Washington St. (9-22-80)

Montgomery County

Montgomery, *Brame House*, 402-404 S. Hull St. (9-17-80)

Montgomery, *Brittan, Patrick Henry, House*, 507 Columbus St. (12-13-79)

Montgomery, *Gerald-Dowdell House*, 405 S. Hull St. (4-28-80) HABS

Morgan County

Decatur, *Bank Street Historic District*, Bank St. (3-27-80)

Decatur, *Dancy, Col. Francis, House*, 901 Railroad St., NW. (4-28-80)

Pickens County

Aliceville, *Aliceville Elementary and High School*, 420 3rd Ave., NE. (5-9-80)

Russell County

Pittsview vicinity, *Glenn-Thompson Plantation*, S of Pittsview on U.S. 431 (4-9-80)

St. Clair County

Ashville vicinity, *Green, Jacob, House*, E of Ashville on SR 33 (1-20-80)

Talladega County

Talladega, *Silk Stocking District*, Roughly Bounded by Coffee, 2nd, McMillan, and Court Sts. (12-13-79)

Tuscaloosa County

Northport, *Northport Historic District*, 25th, 26th, 28th and 30th Aves., Main, 5th, and 6th Sts. (5-1-80)

Tuscaloosa, *Wheeler House*, 2703 7th St. (4-28-80)

ALASKA

Russian Orthodox Church Buildings and Sites Thematic Resources. Reference—see individual listings under Aleutian Islands, Anchorage, Angoon, Bethel, Bristol Bay, Cordova-McCarthy, Juneau, Kenai-Cook Inlet, Kodiak, Kuskokwim and Sitka Divisions.

Aleutian Islands Division

Akutan, *Sir Alexander Nevsky Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Belkofski, *Holy Resurrection Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Nikolski, *St. Nicholas Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Perryville, *St. John the Theologian Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

St. George Island, *St. George the Great Martyr Orthodox Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

St. Paul Island, *Saints Peter and Paul Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Sand Point, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Unalaska, *Church of the Holy Ascension* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (previously listed in the National Register 4-15-70)

Anchorage Division

Anchorage vicinity, *Eklutna Power Plant* (*Anchorage Power and Light Company*) NE of Anchorage (6-20-80)

Eklutna, *Old St. Nicholas Russian Orthodox Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*)

Eklutna Village Rd. (previously listed in the National Register 3-24-72)

Angoon Division

Angoon, *St. John the Baptist Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Barrow-North Slope Division

Barrow vicinity, *Negilik, SE of Barrow* (4-15-80)

Barrow vicinity, *Rogers Post Site*, 13 mi. SW of Barrow (4-22-80)

Wainwright vicinity, *Aluakpak Site* (3-18-80)

Wainwright vicinity, *Anaktuvuk* (3-18-80)

Wainwright vicinity, *Atanik* (3-18-80)

Wainwright vicinity, *Avalikuk* (3-18-80)

Wainwright vicinity, *Ivishaat Site* (3-18-80)

Wainwright vicinity, *Kanitch* (3-18-80)

Wainwright vicinity, *Napanik, S of Wainwright* (3-18-80)

Wainwright vicinity, *Uyagaogruk* (3-18-80)

Bethel Division

Napaskiak, *St. Jacob's Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Bristol Bay Division

Ekuk, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Igiugig, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Naknek, *St. John the Baptist Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Nondalton, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Nushagak, *Transfiguration of Our Lord Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Pedro Bay, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Pilot Point, *St. Nicholas Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

South Naknek, *Elevation of Holy Cross Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Cordova-McCarthy Division

Cordova, *Reception Building*, 2nd and B Sts. (4-9-80)

Cordova, *St. Michael the Archangel Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Fairbanks Division

Fairbanks, *Joslin, Falcon, House*, 413 Cowles St. (4-29-80)

Fairbanks, *Masonic Temple*, 809 1st Ave. (6-3-80)

Fairbanks, *Oddfellows Hall (First Avenue Bathhouse)* 825 1st Ave. (6-3-80)

Haines Division

Haines, *Government Indian School*, 1st St. (2-8-80)

Juneau Division

Juneau, *St. Nicholas Russian Orthodox Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*)

326 5th St. (previously listed in the National Register 9-19-73)

Kenai-Cook Inlet Division

English Bay, *Saints Sergius and Herman of Valoam Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kenai, *Church of the Assumption of the Virgin Mary* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (previously listed in the National Register 5-10-70)

Ninilchik, *Holy Transfiguration of Our Lord Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) Sterling Hwy. (previously listed in the National Register 5-22-78)

Seldovia, *St. Nicholas Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kodiak Division

Afognak Island, *Nativity of Holy Theotokos Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Akhiok, *Protection of the Theotokos Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kariuk, *Ascension of Our Lord Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kodiak, *American Cemetery*, Upper Mill Bay Rd. (4-10-80)

Kodiak, *Holy Resurrection Church* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) Mission Rd. and Kashevaroff St. (previously listed in the National Register 12-12-77)

Kodiak Island, *Saints Sergius and Herman of Valoam Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kodiak vicinity, *Kodiak Oil Site* (7-21-80)

Ouzinkie, *Nativity of Our Lord Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Kuskokwim Division

Anvik, *Christ Church Mission* (5-8-80)

Chuathbaluk, *St. Sergius Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Lime Village, *Saints Constantine and Helen Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Lower Kalskag, *St. Seraphim Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Nikolai, *Presentation of Our Lord Chapel* (*Russian Orthodox Church Buildings and Sites Thematic Resources*) (6-6-80)

Matanuska-Susitna Division

Palmer, *United Protestant Church*, S. Denali and Elmwood Sts. (4-10-80)

Wasilla, Wasilla Elementary School, Off AK 3 (2-5-80)

Name Division

Nome, *Discovery Saloon*, 1st and D Sts. (4-3-80)

Solomon, *Solomon Roadhouse* (AHRs Site No. SOL-031) *Nome-Council Hwy.* (9-17-80)

Seward Division

Seward, *Government Cable Office*, 218 6th Ave. (1-4-80)

Seward, *St. Peter's Episcopal Church*, 2nd Ave. and Adams St. (12-21-79)

Sitka Division

Sitka, *Russian Bishop's House* (Russian Orthodox Church Buildings and Sites Thematic Resources) *Lincoln and Monastery Sta.* (previously listed in the National Register 10-15-66)

Sitka, *St. Michael's Cathedral* (Russian Orthodox Church Buildings and Sites Thematic Resources) (previously listed in the National Register 10-15-66)

Upper Yukon Division

Eagle vicinity, *Steele Creek Roadhouse* (4-29-80)

ARIZONA

Cochise County

Dos Cabezas vicinity, *Faraway Ranch Historic District*, AZ 181 (8-27-80)

Maricopa County

Gilbert, *Gilbert Elementary School*, Elliot and Gilbert Rds. (6-16-80)

Glendale, *Sahuaro Ranch*, N. 58th Dr. (3-7-80)

Tempe, *Petersen Building*, 409-413 S. Mill Ave. (3-18-80)

Tempe, *Tempe Hardware Building*, 520 S. Mill Ave. (6-26-80)

Temp, *Vienna Bakery*, 514 S. Mill Ave. (6-30-80)

Mohave County

Grand Wash Archeological District, Lake Mead National Recreation Area (2-8-80)

Navajo County

Snowflake, *Hulet, John R.*, House, Hulet Ave. and Smith St. (3-25-80)

Snowflake, *Snowflake Stake Academy Building*, Ballard and Hulet Aves. (3-25-80)

Pima County

Tucson, *El Conquistador Water Tower*, Broadway and Randolph Way (6-20-80)

Pinal County

Sacaton vicinity, *Ha-ak Va-ak Intaglio Site* (9-6-79)

Santa Cruz County

Nogales, *Old Nogales City Hall and Fire Station*, 223 Grand Ave. (4-3-80)

ARKANSAS

Benton County

Rogers, *Bank of Rogers Building*, 114 S. 1st St. (6-23-80)

Calhoun County

Calton vicinity, *Boone's Mounds* (4-14-80)

Drew County

Monticello, *Cavaness, Garvin, House*, 404 S. Main St. (5-23-80)

Faulkner County

Conway, *Halter, Frank U.*, House, 1355 College Ave. (8-29-80)

Jefferson County

Pine Bluff, *Pine Bluff Fifth Avenue Historic District*, 5th Ave. (10-29-80)

Miller County

Texarkana, *Whitmarsh, Alvah Horace, House*, 711 Pecan St. (8-29-80)

Monroe County

Clarendon, *Galloway, Orth C.*, House, 504 Park St. (5-23-80)

Holly Grove, *Walls, James A.*, House, Off AR 17 (6-9-80)

Polk County

Mena, *Janssen Park*, Off AR 8 (12-13-79)

Pulaski County

Little Rock, *Compton-Wood House*, 800 High St. (5-7-80)

Little Rock, *Dunbar Junior and Senior High School and Junior College*, Wright Ave. and Ringo St. (8-6-80)

Little Rock, *Leiper-Scott House*, 312 S. Pulaski St. (5-1-80)

Little Rock, *White-Baum House*, 201 S. Izard St. (2-29-80)

Randolph County

Pocahontas, *Bates, Daniel V.*, House, U.S. 67 (12-27-79)

Sebastian County

Fort Smith, *Atkinson-Williams Warehouse*, 320 Rogers Ave. (12-13-79)

Fort Smith, *Ferguson-Calderara House*, 214 N. 14th St. (12-11-79)

Washington County

Fayetteville, *Washington-Willow Historic District*, Roughly bounded by College and Walnut Aves., Rebecca and Spring Sts. (5-23-80)

Fayetteville, *Wilson-Pittman-Campbell-Gregory House*, 405 E. Dickson St. (5-6-80)

White County

Beebe, *Beebe Railroad Station*, Center St. (12-11-79)

CALIFORNIA

Twentieth Century Folk Art Environments in California Thematic Resources, Reference—see individual listings under Imperial County.

Alameda County

Alameda, *Alameda City Hall*, Santa Clara Ave. and Oak St. (10-14-80)

Alameda, *Union Iron Works Powerhouse*, 2308 Webster St. (1-10-80)

Alameda, *Union Iron Works Turbine Machine Shop*, 2200 Webster St. (4-10-80)

Berkeley, *Anna Head School for Girls*, 2538 Channing Way (8-11-80)

Oakland, *Main Post Office and Federal Building*, 201 13th St. (10-23-80)

Oakland, *White Mansion*, 604 E. 17th St. (10-31-80)

Contra Costa County

Concord, *Pacheco, Don Fernando*, Adobe, 3119 Grant St. (6-6-80)

Hercules, *Hercules Village*, Kings, Railroad, Santa Fe and Hercules Aves., Talley Way, Bay and Pinole Sts. (8-22-80)

Del Norte County

Klamath vicinity, *Redwood Highway*, W of Klamath (12-17-79)

Humboldt County

Arcata, *Whaley House*, 1395 H. St. (12-31-79)

Trinidad, *Holy Trinity Church*, Parker and Hector St. (8-6-80)

Imperial County

Ocotillo vicinity, *Desert View Tower* (*Twentieth Century Folk Art Environments in California Thematic Resources*) SW of Ocotillo (8-29-80)

Kern County

South Lake vicinity, *Long Canyon Village Site* (4-14-80)

Los Angeles County

Arcadia, *Queen Anne Cottage and Coach Barn*, 301 N. Baldwin Ave. (10-31-80)

Hollywood, *Crossroads of the World*, 6671 Sunset Blvd. (9-8-80)

Long Beach, *Point Vicente Light*, Rancho Palos Verdes (10-31-80)

Los Angeles, *Fire Station No. 23*, 225 E. 5th St. (6-9-80)

Los Angeles, *Los Angeles Harbor Light Station*, Los Angeles Harbor (10-14-80)

Los Angeles, *Sunset Towers*, 8358 Sunset Blvd. (5-30-80)

Pasadena, *Pasadena Civic Center District*, Roughly bounded by Walnut and Green Sts., Raymond and Euclid Aves. (7-28-80)

Whittier, *Jordan, Orin*, House, 8310 S. Comstock Ave. (7-28-80)

Whittier, *Standard Oil Building*, 7257 Bright Ave. (6-9-80)

Marin County

Navato, *Fashion Shop and Stephen Porcella House*, 800 Grant Ave. and 1009 Reichert Ave. (6-25-80)

San Rafael, *Bradford House*, 333 G St. (6-6-80)

Mendocino County

Anchor Bay vicinity, *Getchell, O. W.*, House, CA 1 (10-3-80)

Merced County

Merced, *Tioga Hotel*, 1715 N St. (10-3-80)

Monterey County

Salinas, *Bontadelli, Peter J.*, House, 119 Cayuga St. (7-15-80)

Salinas, *Sargent, B. V.*, House, 154 Central Ave. (10-20-80)

Nevada County

Nevada City, *Sargent's Aaron A.*, House, 449 Broad St. (6-20-80)

Orange County

Anaheim, *Backs, Ferdinand*, House, 225 N. Claudia St. (10-14-80)

Anaheim, *Kraemer Garage* (*Citrus Tire Company Building*), 252 N. Anaheim Blvd. (12-18-79)

Anaheim, *Old Backs House*, 215 N. Claudia St. (10-14-80)

Anaheim, *Pickwick Hotel*, 225 S. Anaheim Blvd. (12-31-79)

Fullerton, *Muckenthaler House*, 1201 W. Malvern Ave. (5-31-80)

Santa Ana, *Minter, George W., House*, 322 W. 3rd St. (6-9-80)

Riverside County

Riverside, *Administration Building, Sherman Institute*, 1010 Magnolia Ave. (1-9-80)

Riverside, *Masonic Temple*, 3850 11th St. (6-6-80)

Riverside, *Riverside-Arlington Heights Fruit Exchange*, 3391 7th St. (6-9-80)

Riverside, *Simon's, M. H., Undertaking Chapel*, 3610 11th St. (6-9-80)

Sacramento County

Hood vicinity, *Rosebud Ranch*, N of Hood (12-31-79)

Sacramento, *U.S. Post Office, Courthouse and Federal Building*, 801 I St. (1-25-80)

Walnut Grove, *Walnut Grove Gakuen Hall, Pine and C Sts.* (6-17-80)

San Bernardino County

Fontana vicinity, *Fontana Pit and Groove Petroglyph Site*, (4-17-80)

Ontario, *Frankish Building*, 200 S. Euclid Ave. (8-11-80)

Upland, *Old San Antonio Hospital*, 792 W. Arrow Hwy. (1-2-80)

San Diego County

San Diego, *Gaslamp Quarter Historic District*, Bounded by RR tracks, Broadway, 4th, San Diego, Arizona and 6th Sts. (5-23-80)

San Diego, *Grand Horton Hotel*, 332, 328 and 334 F St. (6-20-80) HABS.

San Diego, *Lee, Robert E., Hotel (Lyceum Theater)* 815 3rd Ave. and 314 F St. (5-31-80)

San Diego, *McClintock Storage Warehouse*, 1202 Kettner Blvd. (10-3-80)

San Diego vicinity, *Johnson-Taylor Ranch Headquarters*, E of San Diego and Black Mountain Rd. (10-31-80)

San Francisco County

San Francisco, *Fleishhacker, Della, Memorial Building*, Zoo Rd. and Sloal Blvd. (12-31-79)

San Francisco, *Fort Miley Military Reservation (Point Lobos Military Reservation)*, Off CA 1 (5-23-80)

San Francisco, *Payne, Theodore F., House*, 1409 Sutter St. (6-11-80)

San Francisco, *Phelps, Abner, House*, 1111 Oak St. (5-23-79)

San Joaquin County

Lodi, *Lodi Arch*, Pine St. (9-17-80)

Stockton, *Elks Building*, 42 N. Sutter St. (6-3-80)

Stockton, *Farmer's and Merchant's Bank*, 11 S. San Joaquin St. (10-9-80)

Tracy, *Bank of Tracy*, 801 Central Ave. (6-3-80)

Tracy, *Tracy Inn (Tracy Community Hotel)*, 24 W. 11th St. (10-31-80)

San Luis Obispo County

Cambria, *Guthrie House*, Burton and Center Sts. (1-10-80)

San Mateo County

Menlo Park, *Church of the Nativity*, 210 Oak Grove Ave. (10-31-80)

Pescadero, *First Congregational Church of Pescadero*, San Gregorio St. (10-31-80)

Santa Barbara County

Santa Barbara vicinity, *Modulce Guard Station and Site*, 40 mi. N of Santa Barbara (12-11-79)

Santa Barbara vicinity, *San Miguel Island Archeological District*, (9-12-79)

Santa Barbara vicinity, *Santa Barbara Island Archeological District*, (9-12-79)

Santa Barbara vicinity, *Santa Cruz Island Archeological District*, (1-30-80)

Santa Clara County

Campbell, *Galindo-Leigh House*, 140 S. Peter Dr. (8-22-80)

Morgan Hill vicinity, *Malaguerra Winery*, N of Morgan Hill on Burnett Ave. (10-23-80)

Palo Alto, *de Lemos, Pedro, House*, 100-110 Waverley Oaks (1-10-80)

Palo Alto, *Norris House*, 1247 Cowper St. (7-24-80)

Palo Alto, *Professorville Historic District*, Roughly bounded by Embarcadero Rd., Addison Ave., Emerson and Cowper Sts. (10-3-80)

Palo Alto, *Wilson House*, 860 University St. (1-2-80)

San Jose, *Hotel Sainte Claire*, 302 and 320 S. Market St. (6-3-80)

San Jose, *Leib Carriage House*, 60 N. Keeble Ave. (6-2-80)

San Jose vicinity, *Hamilton, Capt. James A., House*, 2295 S. Basom Ave. (6-9-80)

Santa Cruz County

Watsonville, *Judge Lee House*, 128 E. Beach St. (6-30-80)

Shasta County

Sulphur Creek Archeological District. Reference—see Tehama County.

Siskiyou County

Yreka, *Falkenstein, Lewis, House*, 40 S. Gold St. (12-31-79)

Sonoma County

Sebastopol, *Strout, George A., House*, 253 Florence Ave. (6-17-80)

Tehama County

Mill Creek vicinity, *Sulphur Creek Archeological District* (4-14-80) (also in Shasta County)

Red Bluff, *Old Bank of America Building*, 710 Main St. (7-28-80)

Tehama, *Molino Lodge Building*, 3rd and C. Sts. (6-8-80)

Ventura County

Port Hueneme vicinity, *Anacapa Island Archeological District* (9-12-79)

COLORADO

Arapahoe County

Englewood, *Brown, David W., House*, 2303 E. Dartmouth Ave. (4-10-80)

Littleton, *Littleton Town Hall*, 2450 W. Main St. (9-4-80)

Baca County

Deora vicinity, *Colorado Millennial Site* (4-8-80) (also in Las Animas County)

Boulder County

Boulder, *Norlin Quadrangle Historic District*, University of Colorado campus (3-27-80)

Lyons, *Lyons Sandstone Buildings*, U.S. 36 and CO 7 (4-29-80)

Nederland vicinity, *Denver, Northwestern and Pacific Railway Historic District*, W of Nederland (9-30-80) (See also listing in Gilpin and Grand counties)

Ward vicinity, *Denver, Boulder and Western Railway Historic District*, CO 72 (9-18-80)

Chaffee County

Buena Vista vicinity, *Winfield Mining Camp*, 15 mi. NW of Buena Vista (3-10-80)

Salida, *Gray, Garret and Julia, Cottage*, 125 E. 5th St. (9-12-80)

Clear Creek County

Idaho Springs vicinity, *Evans-Elbert Ranch*, Upper Bear Creek Rd. (9-11-80)

Denver County

Denver, *Bouvier-Lothrop House*, 1600 Emerson St. (9-4-80)

Denver, *Chamberlin Observatory*, 2930 E. Warren Ave. (3-27-80)

Denver, *Clements Rowhouse*, 2201—2217 Glenarm Pl. (9-12-80)

Denver, *Elsner, John, House*, 2810 Arapahoe St. (12-17-79)

Denver, *Evans School*, 1115 Acoma St. (10-3-80)

Denver, *Flower, John S., House*, 1618 Ogden St. (9-4-80)

Denver, *Foster, Ernest, LeNeve, House*, 2105 Lafayette St. (9-4-80)

Denver, *Keating, Jeffery and Mary, House*, 1207 Pennsylvania St. (10-22-80)

Denver, *Root, Amos H., Building*, 1501—1529 Platte St. (3-27-80)

El Paso County

Colorado Springs, *Second Midland School*, 815 S. 25th St. (9-12-80)

Colorado Springs, *Stockbridge House*, 2801 W. Colorado Ave. (9-11-80)

Manitou Springs, *Cliff House*, 306 Canon Ave. (3-27-80)

Manitou Springs, *Wheeler Bank*, 717—719 Manitou Ave. (9-12-80)

Elbert County

Elbert, *St. Mark United Presbyterian Church*, 225 Main St. (9-18-80)

Garfield County

Rifle vicinity, *Havemeyer-Willcox Canal Pumphouse and Forebay*, W of Rifle (4-22-80) HAER.

Gilpin County

Denver, *Northwestern and Pacific Railway Historic District*, Reference—see Boulder County.

Pinecliffe vicinity, *Winks Panorama*, SW of Pinecliffe (3-28-80)

Grand County

Denver, *Northwestern and Pacific Railway Historic District*, Reference—see Boulder County.

Huerfano County

La Veta, *La Veta Pass Narrow Gauge Railroad Depot*, Off U.S. 160 (6-6-80)

Jefferson County

Evergreen vicinity, *Everhardt Ranch*, SE of Evergreen (5-7-80)

Golden vicinity, *Magic Mountain Site* (8-21-80)

Lakewood, *Jewish Consumptives' Relief Society*, 6401 W. Colfax Ave. (6-26-80)

Morrison vicinity, *Bradford House III Archeological Site* (4-8-80)

Lake County

Leadville vicinity, *Leadville National Fish Hatchery*, W of Leadville (5-29-80)

La Plata County

Durango, *Main Avenue Historic District*, Main Ave. (8-7-80)

Larimer County

Fort Collins, *Laurel School Historic District*, Off U.S. 287 (10-3-80)

Fort Collins, *Maxwell, R. G., House*, 2340 W. Mulberry St. (9-29-80)

Los Animas County

Colorado Millennial Site. Reference—see

Baca County

Villegreen vicinity, *Torres Cave Archeological Site* (4-29-80)

Mesa County

Grand Junction, *U.S. Post Office*, 400 Rood Ave. (1-31-80)

Grand Junction vicinity, *Cross Land and Fruit Company Orchards and Ranch*, NE of Grand Junction at 3079 F Rd. (3-28-80)

Montezuma County

Pleasant View vicinity, *Pigge Site* (4-7-80)

Montrose County

Montrose, *Townsend, Thomas B., House*, 222 S. 5th St. (9-17-80)

Uravan, *Hanging Flume*, 5.7 mi. NW of Uravan on CO 141 (5-15-80)

Otero County

La Junta, *San Juan Avenue Historic District*, San Juan Ave. (8-27-80)

Park County

Bailey vicinity, *Estabrook Historic District*, NE of Bailey (10-20-80)

Pitkin County

Redstone, *Redstone Inn*, 0082 Redstone Blvd. (3-27-80)

Pueblo County

Pueblo, *Young Women's Christian Association*, 801 N. Santa Fe Ave. (3-24-80)

Pueblo vicinity, *Doyle Settlement*, SE of Pueblo on Doyle Rd. (4-10-80)

Rio Blanco County

Meeker, *Hotel Meeker*, 560 Main St. (5-7-80)

Rangely vicinity, *College Shelter Site* (8-27-80)

Rangely vicinity, *Whiskey Creek Trestle*, W of Rangely (4-22-80)

Saguache County

La Garita vicinity, *Capilla de San Juan Bautista*, NW of La Garita (2-8-80)

Summit County

Breckenridge, *Breckenridge Historic District*, Roughly bounded by Jefferson Ave., Wellington Rd., High and Main St. (4-9-80)

Dillon vicinity, *Porcupine Peak Site* (8-1-80)

Teller County

Victor, *Victor Hotel*, 4th St. and Victor Ave. (4-10-80)

CONNECTICUT*Fairfield County*

Bridgeport, *Stratfield Historic District*, CT 59 and U.S. 1 (8-23-80)

Monroe, *Hawley, Thomas, House*, 514 Purdy Hill Rd. (4-11-80)

Hartford County

Avon, *Pine Grove Historic District*, CT 167 (2-11-80)

Hazardville and vicinity, *Hazardville Historic District*, CT 190 and CT 192 (2-19-80)

Plainville vicinity, *New Haven District Campground*, Off CT 177 (5-19-80)

Middlesex County

Middletown, *Metro South Historic District*, Main and College Sts. (1-24-80)

New Haven County

New Haven, *Raynham (Kneeland Townsend House)*, 709 Townsend Ave. (7-11-80)

New London County

Salem, *Salem Historic District*, CT 85 (9-22-80)

DELAWARE*Kent County*

Smyrna, *Smyrna Historic District*, DE 6 and U.S. 13 (5-23-80)

New Castle County

Hockessin and vicinity, *Wilmington and Western Railroad*, DE 41 (9-8-80)

Middletown vicinity, *Achmester*, N of Middletown on SR 429 (12-23-79)

Mount Cuba, *Mount Cuba Historic District*, SR 281 and DE 82 (12-19-79)

Smyrna vicinity, *Fleming House*, NE of Smyrna on DE 9 (1-31-80)

Wilmington, *Logan House*, 1701 Delaware Ave. (4-2-80)

Wilmington, *Lower Market Street Historic District*, Market St. (5-15-80)

Wilmington, *Philips-Thompson Buildings*, 200-206 E. 4th St. (4-16-80)

Wilmington, *Rodney Court*, 1100 Pennsylvania Ave. (4-2-80)

Yorklyn vicinity, *Auburn Mills Historic District*, W of Yorklyn on DE 82 and DE 253 (1-22-80)

Yorklyn vicinity, *Graves Mill Historic District*, E of Yorklyn on Way Rd. (12-19-79)

DISTRICT OF COLUMBIA*Washington*

Arlington Memorial Bridge, Spans Potomac River (4-4-80)

Boulder Bridge and Ross Drive Bridge, Rock Creek Park (3-20-80)

Lenthall Houses, 806 and 610 21st St., NW, *Lightship Chesapeake*, East Potomac Park (8-1-80)

Northumberland Apartments, 2039 New Hampshire Ave., NW. (3-25-80)

President's Park South, Constitution Ave. (5-6-80)

Sumner, *Charles School*, 17th and M Sts., NW. (12-20-79)

Union Station, *Plaza and Columbus Fountain*, 1st St., Massachusetts and Louisiana Aves. NE. (3-24-69)

FLORIDA*Alachua County*

Gainesville, *Northeast Gainesville Residential District*, Roughly bounded by

1st, and 9th Sts., 10th and E. University Aves. (2-12-80)

Calhoun County

Blountstown, *Old Calhoun County Courthouse*, 314 E. Central Ave. (10-16-80)

Collier County

Carmestown vicinity, *Halfway Creek Site* (8-15-80)

Dade County

Miami, *Miami City Hospital, Building No. 1*, 1611 NW. 12th Ave. (12-31-79)

Miami, *Trinity Episcopal Cathedral*, 464 NE 16th St. (10-10-80)

Miami Beach, *Beth Jacob Social Hall and Congregation*, 301 and 311 Washington Ave. (10-16-80)

Miami Beach, *Miami Beach Architectural District*, Roughly bounded by Atlantic Ocean, Miami Beach Blvd., Alton Rd. and Collins Canal (5-14-79)

Duval County

Jacksonville, *Dyal-Upchurch Building*, 4 E. Bay St. (4-17-80)

Jacksonville, *El Modelo Block*, 513 W. Bay St. (10-16-80)

Jacksonville, *Masonic Temple*, 410 Broad St. (9-22-80)

Escambia County

Pensacola, *Thiesen Building*, 40 S. Palafox St. (12-13-79)

Warrington vicinity, *Perdido Key Historic District*, S of Warrington (3-10-80)

Lake County

Astor vicinity, *Bowers Bluff Middens Archeological District* (2-1-80)

Astor vicinity, *Kimball Island Midden Archeological Site*, Ocala National Forest (12-11-79)

Lee County

Boca Grande, *Charlotte Harbor and Northern Railway Depot*, Park and 4th Sts. (12-13-79)

Boca Grande vicinity, *Boca Grande Lighthouse*, S of Boca Grande on Gasparilla Island (2-28-80)

Leon County

Tallahassee, *Gallie's Hall and Buildings*, Off FL 61 (10-20-80)

Marion County

Ocala, *Marion Hotel*, 108 N. Magnolia Ave. (10-16-80)

Ocala, *Mount Zion, A.M.E. Church*, 623 S. Magnolia Ave. (12-17-79)

Orange County

Orlando, *First Church of Christ Scientist (St. George Orthodox Church)* 24 N. Rosalind Ave. (6-3-80)
 Orlando, *Tinker Building*, 16-18 W. Pine St. (7-17-80)

Palm Beach County

Boca Raton, *Boca Raton Old City Hall*, 71 N. Federal Hwy. (10-16-80)
 Boca Raton, *Florida East Coast Railway Passenger Station*, Off FL 808 (10-24-80)
 North Palm Beach, *Palm Beach Winter Club*, U.S. 1 (8-1-80)

Pinellas County

Clearwater, *Belleview-Biltmore Hotel*, Off FL 697 (12-20-79)
 Clearwater, *Cleveland Street Post Office*, 650 Cleveland St. (8-7-80)
 Clearwater, *Roebling, Donald, Estate*, 700 Orange Ave. (12-19-79)
 St. Petersburg, *Casa Coe da Sol*, 510 Park St. (7-17-80)

GEORGIA

Georgia County Courthouses Thematic Resources. Reference—see individual listings under Appling, Atkinson, Bacon, Baker, Banks, Barrow, Bartow, Ben Hill, Bleckley, Brooks, Bulloch, Burke, Butts, Camden, Candler, Carroll, Charlton, Chattooga, Clay, Clinch, Colquitt, Columbia, Coweta, Crawford, Dade, Dawson, Decatur, Dodge, Dooly, Early, Eufaula, Elbert, Evans, Fayette, Floyd, Franklin, Fulton, Gilmer, Glascock, Greene, Gwinnett, Harris, Henry, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Madison, Marion, Monroe, Montgomery, Murray, Newton, Paulding, Peach, Pierce, Pike, Pulaski, Schley, Seminole, Stephens, Stewart, Talbot, Taliaferro, Terrell, Tift, Treutlen, Turner, Twiggs, Union, Upson, Walker, Walton, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, and Worth Counties.

Appling County

Baxley, *Appling County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Atkinson County

Pearson, *Atkinson County Courthouse (Georgia County Courthouses Thematic Resources)* Austin at Main St. (9-18-80)

Bacon County

Alma, *Bacon County Courthouse (Georgia County Courthouses Thematic Resources)* Main St. (9-18-80)

Baker County

Newton, *Baker County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Baldwin County

Milledgeville vicinity, *Andalusia*, NW of Milledgeville on U.S. 441 (2-8-80)

Banks County

Homer, *Banks County Courthouse (Georgia County Courthouses Thematic Resources)* Off U.S. 441. (9-18-80)

Barrow County

Winder, *Barrow County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Bartow County

Cartersville, *Bartow County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)
 Cartersville, *Old Bartow County Courthouse (Georgia County Courthouses Thematic Resources)* 4 E. Church St. (9-18-80)

Ben Hill County

Fitzgerald, *Ben Hill County Courthouse (Georgia County Courthouses Thematic Resources)* E. Central Ave. (9-18-80)

Bibb County

Macon, *Railroad Overpass at Ocmulgee*, Off GA 49 (12-18-79)

Bleckley County

Cochran, *Bleckley County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Brooks County

Quitman, *Brooks County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Quitman, *Turner, Henry Gray, House and Grounds*, 1000 Old Madison Rd. (1-8-80)

Bulloch County

Statesboro, *Bulloch County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Burke County

Sardis vicinity, *Sapp Plantation*, NW of Sardis on GA 24 (2-8-80)

Waynesboro, *Burke County Courthouse (Georgia County Courthouse Thematic Resources)* Courthouse Sq. (9-18-80)

Waynesboro, *Jones, John James, House*, 525 Jones Ave. (2-15-80)

Butts County

Jackson, *Butts County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Camden County

Woodbine, *Camden County Courthouse (Georgia County Courthouses Thematic Resources)* 4th and Camden Aves. (9-18-80)

Candler County

Metter, *Candler County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Carroll County

Carrollton, *Carroll County Courthouse (Georgia County Courthouses Thematic Resources)* Newnan and Dixie Sts. (9-18-80)

Hickory Level vicinity, *Dorough Round Barn and Farm*, N of Hickory Level on Villa Rica Rd. (1-20-80)

Charlton County

Folkston, *Charlton County Courthouse (Georgia County Courthouses Thematic Resources)* Off GA 40. (9-18-80)

Chattooga County

Summerville, *Chattooga County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Clarke County

Athens, *Athens Factory, Baldwin and Williams Sts.* (7-31-80)
 Athens, *Clarke County Jail*, Courthouse Sq. (5-29-80)
 Athens, *First A.M.E. Church*, 521 N. Hull St. (3-10-80)

Clay County

Fort Gaines, *Clay County Courthouse (Georgia County Courthouses Thematic Resources)* Off GA 37. (9-18-80)

Clinch County

Homerville, *Clinch County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 84. (9-18-80)
 Homerville, *Clinch County Jail*, Court Sq. (1-11-80)

Cobb County

KENNESAW MULTIPLE RESOURCE AREA.
 This area includes: Kennesaw, *Big Shanty Village Historic District*, Park Ave., Whitfield Pl., Main, Harris, Lewis, and Cherokee Sts.; *Cherokee Street Historic District*, Cherokee St.; *North Main Street Historic District*, N. Main St.; *Summers Street Historic District*, Summers St.; *Camp McDonald*, Off U.S. 41; *Gibson, John S. Farmhouse*, 3370 Cherokee St. (3-20-80)
 Smyrna vicinity, *Carmichael, J. H. Farm and General Store*, SE of Smyrna at 501 Log Cabin Rd. (6-30-80)

Colquitt County

Moultrie, *Colquitt County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)
 Moultrie, *Colquitt County Jail*, 126 1st Ave. SE. (10-10-80)

Columbia County

Appling, *Columbia County Courthouse (Georgia County Courthouses Thematic Resources)* GA 47. (9-18-80)

Coweta County

Newman, *Coweta County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)
 Senoia, *Hollberg Hotel, Seavy and Barnes Sts.* (3-10-80)

Crawford County

Knoxville, *Crawford County Courthouse (Georgia County Courthouses Thematic Resources)* U.S. 80. (9-18-80)

Dade County

Trenton, *Dade County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Dawson County

Dawsonville, *Dawson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Decatur County

Bainbridge, *Decatur County Courthouse (Georgia County Courthouses Thematic Resources)* West and Water Sts. (9-18-80)

Dodge County

Eastman, *Dodge County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Dooly County

Vienna, *Dooly County Courthouse (Georgia County Courthouses Thematic Resources)* GA 27. (9-18-80)

Dougherty County

Albany, *Davis, John A., House*, 514 Pine Ave. (10-16-80)

Early County

Blakely, *Early County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Effingham County

Springfield, *Effingham County Courthouse (Georgia County Courthouses Thematic Resources)*. (9-18-80)

Elbert County

Elberton, *Elbert County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Evans County

Claxton, *Evans County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Claxton vicinity, *Green, Mitchell J.*

Plantation, NE of Claxton off U.S. 301 and GA 169 (4-9-80)

Fayette County

Fayetteville, *Fayette County Courthouse (Georgia County Courthouses Thematic Resources)* GA 85. (9-18-80)

Floyd County

Rome, *Floyd County Courthouse (Georgia County Courthouses Thematic Resources)* 5th Ave., and Tribune St. (9-18-80)

Rome, *Rome Clock Tower*, Off GA 101 (2-8-80)

Franklin County

Carnesville, *Franklin County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Fulton County

Atlanta, *Academy of Medicine*, 875 W. Peachtree St., NE. (4-30-80)

Atlanta, *Atlanta Biltmore Hotel and Biltmore Apartments*, 817 W. Peachtree St. (1-20-80)

Atlanta, *Brookwood Hills Historic District*, Off U.S. 19 and GA 9 (12-21-80)

Atlanta, *Fire Station No. 11*, 30 North Ave. (2-12-80)

Atlanta, *Fulton County Courthouse (Georgia County Courthouses Thematic Resources)*, 160 Pryor St., SW. (9-18-80)

Atlanta, *Gilbert, Jeremiah S., House*, 2238 Perkinson Rd., SW. (4-17-80)

Atlanta, *Retail Credit Company Home Office Building*, 90 Fairlie St., SW. (1-8-80)

Atlanta, *Underground Atlanta Historic District*, Roughly bounded by Martin

Luther King, Jr., Dr., *Central Ave., Wall and Peachtree Sts.* (7-24-80)

Atlanta, *Wilson, Judge William, House*, 501 Fairburn Rd., SW. (2-15-80)

Atlanta, *Yonge Street School*, 89 Yonge St. (1-24-80)

Palmetto, *Ballard, Levi, House*, U.S. 29 and GA 154 (10-22-80)

Gilmer County

Ellijay, *Gilmer County Courthouse (Georgia County Courthouses Thematic Resources)*, Courthouse Sq. (9-18-80)

Glascock County

Gibson, *Glascock County Courthouse (Georgia County Courthouses Thematic Resources)*, Main St. (9-18-80)

Greene County

Greensboro, *Greene County Courthouse (Georgia County Courthouse Thematic Resources)*, GA 12. (9-18-80)

Gwinnett County

Dacula vicinity, *Winn, Elisha, House*, N of Dacula at 908 Dacula Rd. (12-18-79)

Lawrenceville, *Gwinnett County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Norcross vicinity, *Mechanicsville School*, 3rd St. and Florida Ave. (10-18-80)

Habersham County

Clarkesville, *Grace Church*, Wilson and Greene Sts. (2-15-80)

Haralson County

Buchanan, *Haralson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Harris County

Hamilton, *Harris County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Henry County

Hampton vicinity, *Crawford-Talmadge House (Lovejoy Plantation)* NW of Hampton at U.S. 19/41 and Talmadge Rd. (4-1-80)

McDonough, *Henry County Courthouse (Georgia County Courthouse Thematic Resources)* Courthouse Sq. (9-18-80)

Stockbridge, *Walden-Turner House*, GA 42 and Ward St. (4-9-80)

Irwin County

Irwinville vicinity, *Davis, Jefferson, Capture Site*, N of Irwinville (4-1-80)

Ocilla, *Irwin County Courthouse (Georgia County Courthouses Thematic Resources)*, 2nd St. (9-18-80)

Jackson County

Jefferson, *Jackson County Courthouse (Georgia County Courthouses Thematic Resources)* GA 1 (9-18-80)

Jasper County

Monticello, *Jasper County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Jeff Davis County

Hazelhurst, *Jeff Davis County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Jefferson County

Louisville, *Jefferson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Jenkins County

Millen, *Jenkins County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Johnson County

Wrightsville, *Johnson County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Jones County

Gray, *Jones County Courthouse (Georgia County Courthouses Thematic Resources)* GA 49. (9-18-80)

Lamar County

Barnesville, *Lamar County Courthouse (Georgia County Courthouses Thematic Resources)* Thomaston St. (9-18-80)

Lee County

Leesburg, *Lee County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Liberty County

Hinesville, *Liberty County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Lincoln County

Lincolnton, *Lincoln County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Long County

Ludowici, *Long County Courthouse (Georgia County Courthouses Thematic Resources)* GA 99. (9-18-80)

Lowndes County

Valdosta, *Barber-Pittman House*, 416 N. Ashley St. (2-12-80)

Valdosta, *Crescent, The (Col. William S. West House)*, 904 N. Paterson St. (1-8-80)

Valdosta, *Lowndes County Courthouse (Georgia County Courthouses Thematic Resources)* Central and Ashley Sta. (9-18-80)

Lumpkin County

Dahlonega vicinity, *Dahlonega Consolidated Gold Mine*, NE of Dahlonega (2-27-80)

Macon County

Montezuma, *Montezuma Depot*, S. Dooly St. (6-12-80)

Oglethorpe, *Macon County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Madison County

Danielsville, *Madison County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Marion County

Buena Vista, *Marion County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Tazewell, *Old Marion County Courthouse (Georgia County Courthouses Thematic Resources)* GA 137. (9-18-80)

Meriwether County

Greenville. *Twin Oaks*, GA 100 (8-28-80)
 Warm Springs. *Warm Springs Historic District*, Off GA 41 and GA 194 (1-16-80)
 NHL.

Mitchell County

Camilla. *McRee, James Price, House*, 181 E. Broad St. (12-11-79)

Monroe County

Culloden. *Culloden Historic District*, Hickory Grove Rd., Main, College and Orange Sts. (3-13-80)

Forsyth. *Front Circle, Tift College*, Tift College Dr. (2-8-80)

Forsyth. *Monroe County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Montgomery County

Mount Vernon. *Montgomery County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Murray County

Chatworth. *Murray County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Muscogee County

Columbus. *Columbus Multiple Resource Area*. This area includes: *Berry, George O. House*, 912 2nd Ave.; *Building at 1007 Broadway*; *Building at 1009 Broadway*; *Building at 921 Fifth Avenue*; *Building at 920 Ninth Avenue*; *Building at 215 Ninth Street*; *Building at 221 Ninth Street*; *Building at 944 Second Avenue*; *Building at 1429 Second Avenue*; *Building at 1520 Second Avenue*; *Building at 1524 Second Avenue*; *Building at 1400 Third Avenue*; *Building at 1606 Third Avenue*; *Building at 1617 Third Avenue*; *Building at 1619 Third Avenue*; *Building at 1625 Third Avenue*; *Butts, Thomas v., House*, 1214, 3rd Ave.; *Cargill, Walter Hurt*, 1415 3rd Ave.; *Central of Georgia Railroad Terminal*, 1200 6th Ave.; *Church of the Holy Family*, 320 12th St.; *City Fire Department*, 1338 and 1340 Broadway; *Cole-Hatcher-Hampton Wholesale Grocers*, 22 W. 10 St.; *Colored Cemetery*, 10th Ave.; *Columbian Lodge No. 7 Free and Accepted Masons*, 101 12th St.; *Columbus High School*, 320 11th St.; *Columbus Investment Company Building*, 21 12th St.; *Curtis, Walter W. House*, 1427 2nd Ave.; *Davis, John T. House*, 1526 3rd Ave.; *Denson, William H. House*, 930 5th Ave.; *Depot Business Buildings*, 519, 521 and 523 E. 12th St.; *First African Baptist Church*, 901 5th Ave.; *First African Baptist Church Parsonage*, 911 5th Ave.; *First Presbyterian Church*, 1100 1st Ave.; *Fletcher, John T. House*, 311 11th St.; *Fontaine Building*, 13 W. 11th St.; *Gann's Pharmacy*, 1811 2nd Ave.; *Garrett-Bullock House*, 1402 2nd Ave.; *Girard Colored Mission*, 1002 5th Ave.; *Golden Brothers, Founders and Machinists*, 600 12th St.; *Harrison-Gibson House*, 309 11th St.; *Hunt, William P. House*, 1527 2nd Ave.; *Ilges, John Paul, House*, 1425 3rd Ave.; *Kress, 1117 Broadway*; *Lafkowitz, Abraham House*, 934 5th Ave.; *Lecroy, John, House*,

1640 3rd Ave.; *McArdle House*, 927 3rd Ave.; *McSorley, Patrick J. House*, 1500 2nd Ave.; *Methodist Tabernacle*, 1605 3rd Ave.; *Mischke, Charles, House*, 1638 3rd Ave.; *Old City Cemetery*, Linwood Blvd.; *Pearce, George A., House* 1519 2nd Ave.; *Phillips, George, House*, 1406 3rd Ave.; *Pond, George, House*, 922 2nd Ave.; *Pou, Joseph F., Jr., House*, 1528 2nd Ave.; *Price, William, House*, 1620 3rd Ave.; *Roberts, John Spencer, House*, 927 5th Ave.; *Rosenberg, Max, House*, 1011 3rd Ave.; *Rothschild, David, House*, 1220 3rd Ave.; *Rothschild's, David, Wholesale Dry Goods*, 1029 Broadway; *St. Christopher's Normal and Industrial Parish School*, 900 5th Ave.; *St. John Chapel*, 1516 5th Ave.; *Sixteenth Street School*, 1532 3rd Ave.; *Stewart, John, House*, 1618 3rd Ave.; *Triangle Building*, 1330 Broadway; *Trinity Episcopal Church*, 1130 1st Ave.; *Turner, Charles E., House*, 909 3rd Ave.; *U.S. Post Office and Courthouse*, 120 12th St.; *Walton, James A. House*, 1523 2nd Ave.; *Woodruff, Ernest, House*, 1414 2nd Ave.; *Woodruff, Henry Linsay Second House*, 1420 2nd Ave.; *Y.M.C.A.*, 124 11th St. (9-29-80)

Columbus. *Secondary Industrial School (S.I.S.)* 1112 29th St. (4-9-80)

Upatoi, Ridgewood. Jenkins Rd. (4-2-80)

Newton County

Covington. *Newton County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Oglethorpe County

Lexington vicinity. *Faust Houses and Outbuildings*, NE of Lexington off GA 77 (2-12-80)

Paulding County

Dallas. *Paulding County Courthouse (Georgia County Courthouse Thematic Resources)* Courthouse Sq. (9-18-80)

Peach County

Fort Valley. *Peach County Courthouse (Georgia County Courthouses Thematic Resources)* Off GA 49. (9-18-80)

Pierce County

Blackshear. *Pierce County Courthouse (Georgia County Courthouses Thematic Resources)* Main St. (9-18-80)

Blackshear. *Pierce County Jail*, Taylor St. (5-28-80)

Pike County

Zebulon. *Pike County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Pulaski County

Hawkinsville. *Pulaski County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Putnam County

Eatonton vicinity. *Turnbold*, SE of Eatonton on Old Phoenix Rd. (3-10-80)

Richmond County

Augusta. *Broad Street Historic District*, Broad St. between 5th and 13th Sts. (4-28-80)

Augusta. *Pinched Gut Historic District*, Roughly bounded by Gordon Hwy., E.

Boundary, Reynolds and Gwinnett Sts. (3-6-80)

Augusta. *Summerville Historic District*, Roughly bounded by Milledge Lane, Wrightsboro Rd., Highland and Heard Aves., Cumming and Henry Sts. (5-22-80)

Schley County

Ellaville. *Schley County Courthouse (Georgia County Courthouses Thematic Resources)* GA 26. (9-18-80)

Seminole County

Donalsonville. *Seminole County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Spalding County

Griffin vicinity. *Mills House and Smokehouse*, S of Griffin at 1590 Carver Rd. (1-20-80)

Stephens County

Toccoa. *Stephens County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Stewart County

Lumpkin. *Stewart County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Lumpkin vicinity. *Old Chattahoochee County Courthouse (Georgia County Courthouses Thematic Resources)*, (9-18-80)

Richland. *Smith-Alston House*, 405 Ponder St. (6-20-80)

Sumter County

Americus vicinity. *McBain, Newman, House*, S of Americus on U.S. 19 (2-8-80)

Talbot County

Talbotton. *Bailey, Frederick A., House*, U.S. 90 (9-4-80)

Talbotton. *Carreker, Newton P., House*, Jackson St. (8-26-80)

Talbotton. *Shelton, David, House*, George W. Towns Ave. (9-17-80)

Talbotton. *Talbot County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Talbotton. *Weeks-Kimbrough House*, Washington Ave. (12-27-79)

Taliaferro County

Crawfordville. *Taliaferro County Courthouse (Georgia County Courthouses Thematic Resources)* GA 12. (9-18-80)

Telfair County

McRae. *South Georgia College Administration Building*, College St. (10-16-80)

Terrell County

Dawson. *Terrell County Courthouse (Georgia County Courthouses Thematic Resources)* (9-18-80)

Tift County

Tifton. *Tift County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Treutlen County

Soperton. *Treutlen County Courthouse (Georgia County Courthouses Thematic Resources)* Courthouse Sq. (9-18-80)

Turner County

Ashburn, Turner County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Twiggs County

Jeffersonville, Twiggs County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Union County

Blairsville, Old Union County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Upson County

Thomaston, Upson County County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Thomaston vicinity, Rose Hill Mill and House, NW of Thomaston on Thompson Lane and Hanna Mill Rd. (3-10-80) HAER.

Walker County

Chickamauga, Lee and Gordon Mill, Red Belt Rd. (2-8-80)

LaFayette, Chattooga Academy, 306 N. Main St. (2-15-80)

LaFayette, Walker County Courthouse
(Georgia County Courthouses Thematic Resources) Duke St. (9-18-80)

Walton County

Monroe, McDaniel-Tichenor House, 319 McDaniel St. (2-8-80)

Monroe, Walton County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Social Circle, Social Circle Historic District, GA 11 and GA 229 (3-27-80)

Ware County

Waycross, U.S. Post Office and Courthouse, 605 Elizabeth St. (2-1-80)

Warren County

Warrenton, Warren County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Washington County

Sandersville, Washington County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Wayne County

Jesup, Wayne County Courthouse (Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Webster County

Preston, Webster County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Wheeler County

Alamo, Wheeler County Courthouse (Georgia County Courthouses Thematic Resources) Pearl St. (9-18-80)

White County

Nacoochee and Sautee, Nacoochee Valley, GA 17, GA 75 and GA 255 (5-22-80)

Wilcox County

Abbeville, Wilcox County Courthouse
(Georgia County Courthouses Thematic Resources) U.S. 280 and U.S. 129. (9-18-80)

Wilkes County

Washington, Wilkes County Courthouse
(Georgia County Courthouses Thematic Resources) Court St. (9-18-80)

Worth County

Sylvester, Worth County Courthouse
(Georgia County Courthouses Thematic Resources) Courthouse Sq. (9-18-80)

Sylvester, Worth County Local Building, 118 N. Isabella St. (8-21-80)

GUAM

Inarajan vicinity, Malolos Site (4-8-80)

Mangilao vicinity, Taogam Archeological Settlement (4-15-80)

Talofofo vicinity, Yokot's Cave (1-18-80)

Yona vicinity, Light Model Tank No. 95, SW of Yona on Cross Island Rd. (12-19-79)

*HAWAII**Honolulu County*

Haleiwa, Waialua School, 66-505 Haleiwa Rd. (8-11-80)

Honolulu, Brewer, C., Building, 827 Fort St. (4-2-80)

Honolulu, Canavarro, Georges de S., House, 2756 Rooke Ave. (5-28-80)

Honolulu, Guild, John, House, 2001 Vancouver Dr. (8-1-80)

Honolulu, Linneona School, Victoria and Beretania Sts. (5-28-80)

Honolulu, McKinley High School, 1039 S. King St. (8-11-80)

Honolulu, U.S. Coast Guard Diamond Head Lighthouse, 3399 Diamond Head Rd. (10-31-80)

Honolulu, War Memorial Natatorium, Kalakaua Ave. (8-11-80)

Honolulu, Young, Alexander, Building, Bishop St. (8-5-80)

Waipahu vicinity, Wakamiya Inari Shrine, Waipahu Cultural Garden (1-8-80)

*IDAHO**Ada County*

Boise, Harrison Boulevard Historic District, An irregular pattern along Harrison Blvd. (2-29-80)

Boise, Warm Springs Avenue Historic District, Warm Springs Ave. (9-22-80)

Eagle vicinity, Eagle Adventist Schoolhouse, NW of Eagle (8-18-80)

Eagle vicinity, Short, O. F., House, W. of Eagle on ID 44 (5-23-80)

Bannock County

Lava Hot Springs, Whitestone Hotel, 2nd Ave. and Main St. (4-7-80)

McCammon, Harkness, H. O., Stable Building, 111 S. Railroad St. (2-1-80)

Blaine County

Sun Valley, Proctor Mountain Ski Lift, Trail Creek (1-20-80)

Canyon County

Caldwell, Little, Thomas K., House, 703 E. Belmont St. (8-18-80)

Caldwell, Rice, John C., House, 1520 Cleveland Blvd. (5-27-80)

Custer County

Challis, Challis Brewery Historic District, Challis Creek Rd. (2-5-80)

Gooding County

Gooding, Citizens State Bank, 3rd Ave. and Main St. (5-7-80)

Latah County

Moscow, Davids' Building, 3rd and Main Sts. (12-11-79)

Lemhi County

Salmon vicinity, Geertson, Lars, House, SE of Salmon (4-3-80)

Nez Perce County

Lapwai, First Lapwai Bank, 302 W. 1st St. (3-12-80)

Lapwai, First Presbyterian Church, Locust and 1st St. East (3-12-80)

Shoshone County

Murray, Feehan, John C., House (8-27-80)

Twin Falls County

Twin Falls, Alvis, James, House, 1311 Pole Line Rd. (5-23-80)

Valley County

Lake Fork vicinity, Long Valley Finnish Church, SE of Lake Fork (5-27-80)

McCall, Rice Illinois Meetinghouse (4-9-80)

*ILLINOIS**Coles County*

Charleston, Briggs, Alexander, House, 210 Jackson St. (5-31-80)

Cook County

Chicago, Building at 14-16 Pearson Street (5-8-80)

Chicago, Buildings at 880-880 Lake Shore Drive (8-28-80)

Chicago, Drake Hotel, 140 E. Walton St. (5-8-80)

Chicago, Ludington Building, 1104 S. Wabash Ave. (5-8-80)

Chicago, Mundelein College Skyscraper Building, 6363 N. Sheridan Rd. (5-31-80)

Chicago, Patterson Apartments, 660-700 Irving Park Rd. (3-8-80)

Chicago, Story-Camp Rowhouses, 1526-1528 W. Monroe St. (5-8-80)

Chicago, Theurer-Wrigley House, 2466 N. Lake View Ave. (7-28-80)

Evanston, Evanston Lakeshore Historic District, Roughly bounded by Northwestern University, Lake Michigan, Calvary Cemetery, and Chicago Ave. (9-29-80)

DeKalb County

DeKalb, Haish Memorial Library, 309 Oak St. (10-9-80)

DuPage County

Westmont, Gregg, William L., House, 115 S. Linden St. (10-3-80)

Ford County

Paxton, Paxton First Schoolhouse, 406 E. Franklin St. (1-29-80)

Fulton County

METAL HIGHWAY BRIDGES OF FULTON COUNTY THEMATIC RESOURCES

Reference—see individual listings under Fulton County.

Ellisville vicinity, *Babylon Bend Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* SR 123 (10-29-80)

Lewistown vicinity, *Duncan Mills (Metal Highway Bridges of Fulton County Thematic Resources)* (10-29-80)

London Mills, *London Mills Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* SR 39 (10-29-80)

London Mills vicinity, *Indian Ford Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* SR 20 (10-29-80)

Seville, *Seville Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* (10-29-80)

Smithfield vicinity, *Bernadotte Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* SR 2 (10-29-80)

Smithfield vicinity, *Buckeye Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* Spans Spoon River (10-29-80)

Smithfield vicinity, *Eirod Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* (10-29-80)

Smithfield vicinity, *Tartar's Ferry Bridge (Metal Highway Bridges of Fulton County Thematic Resources)* (10-29-80)

Greene County

White Hall, *White Hall Foundry*, 102 S. Jacksonville St. (5-28-80)

Hancock County

Hamilton vicinity, *Felt, Cyrus, House*, 3 mi. N of Hamilton (3-18-80)

Kane County

Aurora, *Aurora Elks Lodge No. 705*, 77 S. Stolp Ave. (3-31-80)

Aurora, *Keystone Building*, 30 S. Stolp Ave. (3-18-80)

Aurora, *Paramount Theatre*, 23 E. Galena Blvd. (3-18-80)

Elgin, *Gifford-Davidson House*, 363-365 Prairie St. (5-31-80)

Elgin vicinity, *Teeple Barn*, NW of Elgin on Randall Rd. (12-10-79)

Montgomery, *Gray-Watkins Mill*, 211 N. River St. (12-17-79)

Sugar Grove vicinity, *Smith, Ephraim, House*, NE of Sugar Grove (6-8-80)

Lake County

Fort Sheridan, *Fort Sheridan Historic District*, Off IL 22 (9-29-80)

Lake Forest, *Vine-Oakwood-Green Bay Road Historic District*, Green Bay Rd., E. Vine and N. Oakwood Aves. (3-28-80)

Livingston County

Dwight, *Oughton, John R., House*, 101 W. South St. (9-23-80)

Logan County

Atlanta, *Atlanta Public Library*, Race and Arch Sts. (12-11-79)

Lincoln, *Lincoln Public Library*, 725 Pekin St. (9-12-80)

Macoupin County

Hagaman, *Robinson, J. L., General Store*, Off IL 108 (9-12-80)

Virden vicinity, *Shriver Farmstead*, NW of Virden (9-29-80)

Madison County

Alton, *Mount Lookout*, 2018 Alby St. (6-17-80)

Alton, *Post House*, 1518 State St. (5-28-80)

Edwardsville, *Berlemon House*, 115 S. Main St. (3-27-80)

Edwardsville, *Madison County Sheriff's House and Jail*, 210 N. Main St. (5-31-80)

Edwardsville, *Stephenson, Benjamin, House*, 409 S. Buchanan St. (5-31-80)

Montgomery County

Hillsboro, *Hayward-Hill House*, 540 S. Main St. (5-8-80)

Peoria County

Peoria, *Cumberland Presbyterian Church*, 405 N. Monson St. (3-18-80)

Peoria, *Peoria Waterworks (Pumping Station No. 1, Pumping Station No. 2, and Main Well House)* Lorentz Ave. (3-18-80)

Pike County

Pittsfield, *Pittsfield Historic District*, Roughly bounded by Washington Ct., Sycamore, Morrison and Griggsville Sts. (6-4-80)

Richland County

Olney, *Larchmount*, 1030 S. Morgan St. (1-3-80)

Rock Island County

Rock Island, *Fort Armstrong Theatre*, 1826 3rd Ave. (5-23-80)

Sangamon County

Springfield, *Christ Episcopal Church*, 611 E. Jackson St. (9-12-80)

Springfield, *Freeman, Clarkson W., House*, 704 W. Monroe St. (9-29-80)

Tazewell County

Pekin, *Pekin Federal Building*, 334 Elizabeth St. (10-9-80)

Warren County

Monmouth, *Martin, Sarah, House*, 310 E. Broadway (10-9-80)

Whiteside County

Sterling, *Kirk, Col. Edward N., House*, 1005 E. 3rd St. (10-9-80)

Will County

Joliet, *Joliet East Side Historic District*, Roughly bounded by Washington and Union Sts., 4th and Eastern Aves. (8-15-80)

Lockport, *Milne, Robert, House*, 535 E. 7th St. (12-17-79)

Plainfield, *Plainfield Halfway House*, 503 Main St. (9-29-80)

Winnebago County

Rockford, *East Rockford Historic District*, U.S. 20 and U.S. 51 (3-20-80)

Rockford, *Herick Cobblestone*, 2127 Broadway (5-14-80)

Rockford, *Lake-Peterson House*, 1313 E. State St. (6-25-80)

Rockford, *Spafford, Amos Catlin, House*, 501 N. Prospect St. (2-20-80)

Woodford County

Eureka, *Eureka College Administration Building and Chapel*, 300 College Ave. (5-31-80)

Metamora, *Stevenson, Adlai E. J., House*, 104 W. Walnut St. (3-18-80)

Indiana

Allen County

Fort Wayne, *Cathedral of the Immaculate Conception*, Jefferson and Calhoun Sts. (10-23-80)

Fort Wayne, *McCulloch, Hugh, House*, 616 W. Superior St. (10-23-80)

Fort Wayne, *Peters, John Claus, House*, 632 W. Wayne St. (9-17-80)

Fort Wayne, *Strunz, Christian G., House*, 333 E. Berry St. (10-4-79)

Bartholomew County

Columbus vicinity, *Marr, James, House and Farm*, NE of Columbus on Marr Rd. (10-23-80)

Blackford County

Hartford City, *Blackford County Courthouse*, Off IN 3 (8-11-80)

Carroll County

Delphi, *Barnett-Seawright-Wilson House*, 203 E. Monroe St. (9-17-80)

Dubois County

Jasper, *St. Joseph Catholic Church*, 1215 N. Newton St. (9-30-80)

Elkhart County

Bristol, *St. John of the Cross Episcopal Church, Rectory and Cemetery*, 601 and 611 E. Vistula Rd. (9-17-80)

Elkhart, *Green Block*, 109-115 E. Lexington (7-17-80)

Elkhart, *Lerner Theatre*, 401 S. Main St. (10-2-80)

Goshen, *Elkhart County Courthouse*, Courthouse Sq. (4-10-80)

Hamilton County

Noblesville vicinity, *Conner, William, House*, S of Noblesville at 30 Connor Lane (2-8-80)

Jay County

Portland vicinity, *Grouping of Religious Buildings at Trinity*, NE of Portland (10-23-80)

LaGrange County

Howe, *Williams, Samuel P., House*, 101 South St. (8-11-80)

LaGrange, *LaGrange County Courthouse*, Detroit St. (7-17-80)

Lake County

Whiting, *Whiting Memorial Community House*, 1938 Clark St. (2-8-80)

Madison County

Elwood, *Elwood Passenger and Freight Depot*, 16th and S. B Sts. (4-3-80)

Marion County

Indianapolis, *Bals-Wocher House*, 951 N. Delaware St. (12-17-79)

Indianapolis, *Chatham-Arch Historic District*, Roughly bounded by I-65, College Ave., 10th, 11th, North, New Jersey, Cleveland and East Sts. (3-13-80)

Indianapolis, *Circle Theater*, 45 Monument Circle (6-18-80)

Indianapolis, *Fidelity Trust Building*, 148 E. Market St. (9-27-80)

Indianapolis, *Hotel Washington*, 32 E. Washington St. (7-17-80)

Indianapolis, *St. John's Church and Rectory*, 121 S. Capitol Ave., 124 and 126 W. Georgia St. (9-17-80)

Indianapolis, *Walker, Madame C. J. Building*, 617 Indiana Ave. (7-17-80)

Indianapolis, *West Washington Street Pumping Station*, 801 W. Washington St. (7-17-80)

Oakandon, *Apple, Christopher, House*, 11603 Pendleton Pike (9-17-80)

Monroe County

Bloomington, *Old Crescent, The*, Indiana University campus (9-8-80)

Montgomery County

Ladoga vicinity, *Ashby*, SW of Ladoga on SR 350E (7-17-80)

Porter County

Valparaiso, *Rose, David Garland, House*, 156 Garfield St. (7-17-80)

Posey County

Mount Vernon, *Pitcher House (Fullinwider House)* 530 College Ave. (2-8-80)

St. Joseph County

Mishawaka, *Kamm and Schellinger Brewery*, 100 Center St. (10-11-79)

South Bend, *Chapin, Horatio, House*, 601 Park Ave. (8-11-80)

Spencer County

Fulda, *St. Boniface Church*, IN 545 (10-23-80)

Vanderburgh County

Evansville, *Alhambra Theatorium*, 50 Adams Ave. (10-1-79)

Evansville, *Bitterman Building*, 202—204 Main St. (9-22-80)

Evansville, *Garvin Park*, N. Main St. and Morgan Ave. (8-29-80)

Evansville, *Greyhound Bus Terminal*, 102 NW. 3rd St. (10-1-79)

Evansville, *McCurdy Building (Sears, Roebuck and Company Building)* 101 NW. 4th St. (10-1-79)

Evansville, *Old Bitterman Building*, 200 Main St. (9-22-80)

Evansville, *Ridgway Building*, 313—315 Main St. (1-3-80)

Evansville, *Smith, Robert, Mortuary*, 118—120 Walnut St. (9-22-80)

Vigo County

Terre Haute, *Williams-Warren-Zimmerman House*, 900—904 S. 4th St. (10-23-80)

Washington County

Salem, *Washington County Courthouse*, Public Sq. (6-16-80)

IOWA

Prairie School Architecture in Mason City Thematic Resources. Reference—see individual listings under Cerro Gordo County.

Adair County

Stuart, *Stuart Passenger Station*, Front St. (2-19-80)

Appanoose County

Centerville, *Porter Hall*, 706 Drake Ave. (1-24-80)

Black Hawk County

Cedar Falls, *Forrest Milling Company Oatmeal Mill*, N. Main St. (6-24-80)

Cerro Gordo County

Mason City, *Andrus, A. J., Duplex (Prairie School Architecture in Mason City Thematic Resources)* 687—681 E. State St. (1-29-80)

Mason City, *Franke, C. F., House (Prairie School Architecture in Mason City Thematic Resources)* 320 1st St., SE. (1-29-80)

Mason City, *Gibson, E. R., House (Prairie School Architecture in Mason City Thematic Resources)* 114 4th St., NW. (1-29-80)

Mason City, *Jewell Apartments (Prairie School Architecture in Mason City Thematic Resources)* 404—412 1st St., NW. (1-29-80)

Mason City, *Lippert House (Prairie School Architecture in Mason City Thematic Resources)* 122—124 N. Madison Ave. (1-29-80)

Mason City, *Norris, F. M., House (Prairie School Architecture in Mason City Thematic Resources)* 108 4th St., NE. (1-29-80)

Mason City, *Rock Crest-Rock Glen Historic District*, Off U.S. 18 (12-28-79)

Mason City, *Romey, George, House (Prairie School Architecture in Mason City Thematic Resources)* 428 1st St., SE. (1-29-80)

Mason City, *Rye, Chris, House (Prairie School Architecture in Mason City Thematic Resources)* 630 E. State St. (1-29-80)

Mason City, *Seney, Charles, House (Prairie School Architecture in Mason City Thematic Resources)* 109 7th St., NW. and 122 N. Washington St. (1-29-80)

Mason City, *Shipley, C. P., House (Prairie School Architecture in Mason City Thematic Resources)* 114 3rd St., NW. (1-29-80)

Mason City, *Stockman, Dr. G. C., House (Prairie School Architecture in Mason City Thematic Resources)* 311 1st St., SE. (1-29-80)

Mason City, *Wolf, Mier, House (Prairie School Architecture in Mason City Thematic Resources)* 811 N. Adams St. (1-29-80)

Mason City, *Ylland, Curtis, House (Prairie School Architecture in Mason City Thematic Resources)* 37 River Heights Dr. (1-29-80)

Mason City, *Youngblood, Tessa, House (Prairie School Architecture in Mason City Thematic Resources)* 36 Oak Dr. (1-29-80)

Des Moines County

Burlington, *Darwin, Mary, House*, 537 Summer St. (1-24-80)

Burlington, *Dodge, Augustus Caesar, House*, 829 N. 5th St. (1-25-80)

Burlington, *Mason, Charles, House*, 931 N. 6th St. (1-25-80) HABS.

Dickinson County

Spirit Lake, *Spirit Lake Public Library*, 1801 Hill Ave. (1-24-80)

Dubuque County

Sherrill vicinity, *Haberkorn House and Farmstead*, W of Sherrill (1-25-80)

Floyd County

Charles City, *Hart, Charles Walter, House*, 800 3rd Ave. (1-25-80)

Charles City, *Port, Charles Henry, House*, 100 W. Hulin St. (1-24-80)

Hardin County

New Providence vicinity, *Honey Creek Friends' Meetinghouse*, SW of New Providence (2-8-80)

Jefferson County

Fairfield, *Clarke, James F., House*, 500 S. Main St. (2-8-80) HABS.

Johnson County

Iowa City, *St. Mary's Church and Rectory*, 220 E. Jefferson St. (2-8-80)

Lee County

Fort Madison, *St. Mary of the Assumption Church*, 1031 Ave. E (2-8-80)

Linn County

Mount Vernon, *Cornell College-Mount Vernon Historic District*, Roughly bounded by RR tracks, College Blvd., N. 10th, N. 8th, and S. 3rd Aves., N. 2nd and S. 4th Sts. (7-18-80)

Muscatine County

Muscatine vicinity, *Pine Creek Gristmill*, NE of Muscatine in Wildcat Den State Park (12-10-79)

Pottawattamie County

Council Bluffs, *Dodge, Ruth Anne, Memorial, Fairview Cemetery* (2-8-80)

Poweshiek County

Grinnell, *Spencer, Charles H., House*, 611 6th Ave. (1-25-80)

Scott County

Davenport, *Davenport Village*, Roughly bounded by Mississippi River, Spring, Judson, and 13th Sts., Kirkwood Blvd., and Jersey Ridge Rd. (3-17-80)

Story County

Story City, *Grand Auditorium and Hotel Block*, Broad St. (1-25-80)

Winneshiek County

Decorah, *Cooley-Whitney House*, 305 Grove St. (1-25-80)

Decorah, *Steyer Opera House*, 102—104 W. Water St. (1-24-80)

Decorah vicinity, *Washington Prairie Methodist Church*, SE of Decorah (1-29-80)

KANSAS

Crawford County

Pittsburg, *Hotel Stillwell*, 707 Broadway (4-30-80)

Shawnee County

Topeka, *Old German-American State Bank*, 435 Kansas Ave. (4-30-80)

Topeka, *Potwin Place Historic District*, Roughly bounded by Elmwood, Grove, Broadmoor, and Willow Sts. (5-1-80)

KENTUCKY*Anderson County**Lawrenceburg, Hanks, Thomas H., House, 516 E. Woodford St. (5-14-80)*
*Lawrenceburg, Ripy, T. B., House, 320 S. Main St. (2-20-80)**Ballard County**Wickliffe, Ballard County Courthouse, 4th and Court Sts. (2-27-80)**Bell County**Cubage vicinity, Hensley Settlement, Cumberland Gap National Historical Park (1-8-80)*
Middlesboro, American Association, Limited, Office Building, 2215 Cumberland Ave. (12-29-78)
*Middlesboro vicinity, Cumberland Gap Historic District, E of Middlesboro (5-28-80) [also in Claiborne County, TN and Lee County, VA]**Boone County**Walton vicinity, Goines, Col. Abner, House, N of Walton at 84 Old Lexington Pike (4-10-80)**Bracken County**Augusta, Augusta College Historic Buildings, 205 Frankfort St. and 204 Bracken St. (2-20-80)**Germantown vicinity, Fee, John Gregg, House, NW of Germantown (8-26-80)**Bullitt County**Shepherdsville vicinity, Brooks, Solomon Neill, House, NE of Shepherdsville at Hebron Lane and KY 61 (4-10-80)**Butler County**Woodbury, U.S. Army Corps of Engineers Superintendent's House and Workmen's Office (Federal Hill) Woodbury Park (8-19-80)**Caldwell County**Princeton, Champion-Shepherdson Building, 115 E. Main St. (12-28-80)**Campbell County**Fort Thomas, U.S. Army Fort Thomas Mess Hall, Cochran Ave. (3-13-80)**Newport, Manison Hill Historic District, Roughly bounded by I-471, Washington Ave., 2nd and 6th Sts. (7-17-80)**Wilders, St. John the Baptist Roman Catholic Church, 641 Licking Pike (8-11-80)**Daviess County**Owensboro, Bogard, D. D., House, 303 E. 4th St. (5-22-80)**Owensboro, Medley House, 1220 Frederica St. (2-20-80)**Owensboro, Sweeney, James J., House, 121 E. 5th St. (8-11-80)**Fayette County**Athens, Athens Historic District, Athens-Boonesboro Pike (10-11-79)**Lexington, Brown, Joshua, House, 2705 Tates Creek Rd. (12-27-79)**Lexington, Cleveland-Rogers House, SE of Lexington at 8151 Richmond Rd. (8-26-80)**Lexington, Fayette National Bank Building (First National Bank Building) 159-167 W. Main St. (2-27-80)**Lexington, Fayette Safety Vault and Trust Company Building, 111-113 Cheapside St. (8-11-80)**Lexington, Grant, George W., House (Lexington House of Mercy; Florence Crittenton Home of Lexington) 519 W. 4th St. (10-24-80)**Lexington, Lexington City National Bank Building, 250-265 W. Main St. (4-1-80)**Lexington, Miller Brothers Building, 359-361 W. Main St. (4-2-80)**Lexington, Odd Fellows Temple, 115-119 W. Main St. (2-27-80)**Lexington, Price, Pugh, House, 2245 Liberty Rd. (9-25-79)**Lexington, Sanchez, Milton, Storage Warehouse, Merino St. (10-17-80)**Lexington, Second Presbyterian Church, 460 E. Main St. (8-11-80)**Lexington, Smith, Mitchell Baker, Company Building, 230-232 W. Main St. (8-26-80)**Lexington, Warfield, Dr. Walter, Building, 122-124 N. Upper St. and 140-160 W. Short St. (8-11-80)**Lexington vicinity, Hayes, Samuel T., House, NE of Lexington on Sulphur Well Rd. (3-19-80)**Floyd County**Prestonburg, May, Samuel, House, 690 Northlake Dr. (4-1-80)**Franklin County**Frankfort, Gooch House, 104 2nd St. (4-30-80)**Frankfort, Old Statehouse Historic District, Roughly bounded by Broadway, Blanton, St. Clair, Ann and High Sts. (6-19-80)**Gallatin County**Warsaw, Peck, Henry C., House, Sparta Pike (4-10-80)**Garrard County**Lancaster, Jennings-Salter House, 208 Danville St. (2-21-80)**Grant County**Elliston vicinity, Ford Stone House, S of Elliston (2-27-80)**Graves County**Mayfield, Wooldridge Monuments, Maplewood Cemetery (8-11-80)**Hardin County**Elizabethtown, Elizabethtown Courthouse Square and Commercial District, KY 61 (3-19-80)**Elizabethtown vicinity, Hart, John, House, 6 mi. E of Elizabethtown (4-30-80)**Harlan County**Harlan, Louisville and Nashville Railroad Depot, River St. (3-13-80)**Harrison County**Cynthiana, Lafferty, William T., House, 548 E. Pike St. (4-10-80)**Hart County**Munfordville, MUNFORDVILLE MULTIPLE RESOURCE AREA. This area includes:**Barrett, Dr. Lewis, House, 2nd and Caldwell Sts.; Chapline Building, Main St.; Cox, Alvey, House, 1st and Washington Sts.; Hart County Courthouse, Town Sq.; Hart County Deposit Bank and Trust**Company Building, Main St.; Munfordville Baptist Church, 313 S. 5th St.; Munfordville Presbyterian Church and Green, 3rd and Washington Sts.; Smith, F. A., House, 204 N. Washington St.; Wood, Gen. George T., House, 2nd and Caldwell Sts. (7-24-80)**Henderson County**Henderson, Douglass High School, 300 S. Alvasia St. (8-18-80)**Henderson, Henderson, Louisville and Nashville Railroad Depot, 300 Clark St. (5-14-80)**Hopkins County**Hanson vicinity, Archeological Site 15 Hk 8 (8-1-80)**White Plains vicinity, Archeological Site 15 Hk 46 and 47 (7-28-80)**Jefferson County**Anchorage vicinity, Dorsey-O'Bannon Hebel House, E of Anchorage at 13204 Factory Lane (9-25-79)**Louisville, Baker-Hawkins House, 3603 W. Market St. (8-21-80)**Louisville, Bray Place, 2227 Bashford Manor Lane (8-11-80)**Louisville, Cave Hill Cemetery, 701 Baxter Ave. (12-11-79)**Louisville, Hayfield, 1809 Tyler Lane (8-19-80)**Louisville, House of Weller, 121 W. Main St. (9-26-79)**Louisville, Inter-Southern Insurance Building, 239-247 S. 5th St. (3-19-80)**Louisville, Jefferson County Armory, 525 W. Muhammad Ali Blvd. (3-24-80)**Louisville, Jefferson County Courthouse Annex, 517 Court Pl. (4-21-80)**Louisville, Louisville Free Public Library, 301 W. York St. (3-27-80)**Louisville, Main Street District Expanded, 316, 320, 324 and 328 W. Main St. (4-1-80)**Louisville, National Foundry and Machine Company, 1402 W. Main St. (5-1-80)**Louisville, Old U.S. Customhouse and Post Office and Fireproof Storage Company Warehouse, 300-314 W. Liberty St. (5-31-80)**Louisville, Parkland Historic District, Roughly bounded by RR tracks, Hale Ave., S. 26th and S. 30th Sts. (6-4-80)**Louisville, Portland Historic District, Roughly bounded by Missouri Alley, Pflanz Ave., Bank, N. 33rd and N. 37th Sts. (2-21-80)**Louisville, Peterson Avenue Hill, Peterson Ave. (3-24-80)**Louisville, Russell Historic District, Roughly bounded by S. 15th, S. 26th, Congress and W. Broadway Sts. (5-7-80)**Louisville, Schuster Building, 1500-1512 Bardstown Rd. (3-19-80)**Kenton County**Covington, Odd Fellows Hall, 5th and Madison Sts. (8-11-80)**Covington, Seminary Square Historic District, Roughly bounded by RR tracks, Holman, 9th and 12th Sts. (5-27-80)**Laurel County**Bernstadt, First Evangelical Reformed Church, KY 80 (4-22-80)**Lincoln County**Stanford, Alcorn, James W., House, 409 Danville Ave. (4-22-80)*

Stanford vicinity, *Walnut Meadows*, SE of Stanford on U.S. 150 (12-22-78)

Madison County

Richmond vicinity, *Duncannon*, S of Richmond on John Parrish Lane (9-17-80)

Round Hill, Archeological Site 15 Ma 24 (8-18-80)

Marion County

Loretto vicinity, *Burks' Distillery* (Makers' Mark Distillery) E of Loretto (1-16-80) NHL

Nerinx, *Loretto Motherhouse*, Off KY 152 (4-2-80)

St. Mary vicinity, *St. Mary's College Historic District*, S of St. Mary (4-10-80)

McCracken County

Paducah, *People's First National Bank and Trust Company Building*, 300 Broadway (8-11-80)

Mercer County

Harrodsburg, *Daughters' College*, 638 Beaumont Dr. (4-2-80)

Harrodsburg, *Harrodsburg Commercial District*, Roughly bounded by Lexington, Greenville, and Chiles Sts., Moreland and Beaumont Aves. (4-3-80)

Montgomery County

Mount Sterling, *Mount Sterling Commercial District*, U.S. 60 and KY 11 (10-3-80)

Mount Sterling, *Smith, Enoch, House*, SR 1 (8-19-80)

Mount Sterling vicinity, *Morgan, Ralph, Stone House*, E of Mount Sterling on Harper's Ridge Rd. (4-10-80)

Muhlenberg County

Greenville, *Short, George, House*, 121 N. Main St. (9-15-80)

Nelson County

Bloomfield vicinity, *Merrifield, Samuel B., House*, N of Bloomfield on KY 55 (4-1-80)

Lenore vicinity, Archeological Site 15 Ne 3 (9-27-79)

Ohio County

Hartford, *Hill, Samuel E., House*, 519 E. Union St. (5-27-80)

Oldham County

Ballardsville vicinity, *Spring Hill*, S of Ballardsville off KY #53 (4-2-80)

Pulaski County

Somerset, *Crawford, A. Jackson, Building*, 207 S. Main St. (8-18-80)

Scott County

Georgetown vicinity, *Herndon, Dr. H. C., House*, W of Georgetown on KY 227 (4-10-80)

Simpson County

Franklin, *Simpson County Courthouse*, KY 73 (3-18-80)

Franklin vicinity, *Octagon Hall*, SE of Franklin on KY 31W (4-10-80)

Todd County

Trenton vicinity, *Idlewild*, SE of Trenton on U.S. 41 (4-10-80)

Trigg County

Canton, *Brick Inn (Canton Hotel)* Off KY 80 (4-10-80)

Union County

Morganfield, *Hughes, Daniel H., House*, 213 W. O'Bannon St. (5-27-80)

Warren County

WARREN COUNTY MULTIPLE RESOURCE AREA. This area includes: Bowling Green College Hill District, Roughly bounded by College and Chestnut Sts., 11th and 15th Aves.; Downtown Commercial District, Roughly bounded by Adams and State Sts., 8th and 10th Aves.; Upper East Main Street District, E. Main and Elm Sts.; Davis, Brinton B., Buildings on the Western Kentucky University Campus Thematic Resources (in alphabetical order within this thematic group): Smiths Grove, Smiths Grove District, 1st and Main Sts.; Bowling Green, Blakeley, W. H. House, 1182 College St.; Cecilia Memorial Christian Church, 718 College St.; Drakes Creek Baptist Church, Cemetery Rd.; Everhardt, W. H. House, 1223 College St.; Ewing, James F., House, Cemetery Rd.; First Colored Baptist Church, 340 State St.; Grider House, 1320 Park St.; Grider, Tobias, House, 864A Fairview Ave.; Hall House, 104 W. Main St.; Hines House, 1103 Adams St.; Hobson House, Ironwood; Kinlock, Church St.; Louisville and Nashville Railroad Station, Kentucky St.; Moore, Maria, House, State and 8th Sts.; Mount Olivet Cumberland Presbyterian Church, SR 526; Newton-Kemp Houses, 804-808 Chestnut St.; Nine Hearths, 1244 Park St.; Underwood-Jones House, 506 N. State St. Bowling Green vicinity, Elouise, Houchens, Elouise B., Center for Women, 1115 Adams St.; Kelley, James, House, SR 68; Merritt-Hardin House, SR 31W; Murrell, Samuel, House, SR 31W; Sloss, John, House, Old Springfield Rd.; Young's Ferry House, Ferry Rd.; Hays, Hays, James, House, U.S. 68 and SR 259; Oakland, Burnett, Aubrey, House, Aubrey Burnett St. Oakland vicinity, Bryant, Garnett, House, Sunnyside Rd.; Cooke, Peyton, House, off SR 31 W-Fairview Methodist Church, SR 526; Middleton, Jesse, House, Tuckertown Rd.; Wardlaw, Andrew James, House, Off SR 31W; Plum Springs vicinity, Campbell, David, C., House, Beech Bend Rd.; Ennis, Willis, House, Beech Bend Rd.; Gossom, William, House, SR 31W; Seeley, Edward B., House, Beech Bend Rd.; Sterrett House, SR 526; Pondsville vicinity, Joggers, J. C., House, E of Pondsville; Riverside vicinity, Old Log Church, W of Riverside; Smiths Grove, Smiths Grove Baptist Church, Main and 5th Sts.; Smiths Grove Presbyterian Church, College and 2nd Sts.; Wright, J. L., House, 1st St.; Smiths Grove Grove vicinity, Allen, Carter, House, Off SR 31W; Allen, Thomas, House, SR 31W; Ford, John Jackson, House, Off SR 101; Shobe, Moses, House, Wright, George, House, Off SR 68; Woodburn, Polk House, Ring Rd.; Robb, Dr. William, House, Market St. (12-18-79)

Bowling Green, *Cherry Hall* (Davis, Brinton B., Buildings on the Western Kentucky University Campus Thematic Resources) (12-18-79)

Bowling Green, *Health Buildings-Gymnasium (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Heating Plant (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Home Economics Building (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Industrial Arts Building (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Kentucky Building (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *President's Home (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Snell, Perry, Hall (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Stadium (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Van Meter Hall (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *West Hall (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Bowling Green, *Wilson, Gordon, Hall (Davis, Brinton B., Building on the Western Kentucky University Campus Thematic Resources)* (12-18-79)

Whitley County

Williamsburg, *Gatcliff, Dr. Ancil, House*, S. 5th St. (8-11-80)

Woodford County

Troy vicinity, *Paul Family Complex*, W of Troy on Paul's Mill Rd. (9-23-80)

Versailles, *Morgan Street Historic District*, Morgan St. (5-8-80)

LOUISIANA

ANTEBELLUM GREEK REVIVAL BUILDINGS OF MOUNT LEBANON THEMATIC RESOURCES. Reference—see individual listings under Bienville Parish.

Acadia Parish

Crowley, *Colorado Southern Railroad Depot*, N. Ave. G and E. Front St. (3-26-80)

Ascension Parish

Burnside vicinity, *Houmas, The*, W of Burnside off LA 22 and LA 44 (9-27-80)

Donaldsonville vicinity, *St. Emma*, S of Donaldsonville (6-30-80)

Avoyelles Parish

Evergreen vicinity, *Oakwold Plantation House*, W of Evergreen off LA 29 (7-23-80)

Marksville, *Bordelon, Hypolite, House*, LA 1 (10-16-80)

Bienville Parish

Gibsland vicinity. *Colbert House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 517 (2-1-80)

Gibsland vicinity. *Dog Trot (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 517 (2-1-80)

Gibsland vicinity. *Down House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 154 (2-1-80)

Gibsland vicinity. *Jones House (Antebellum Greek Revival buildings of Mount Lebanon Thematic Resources)*, LA 154 (2-1-80)

Gibsland vicinity. *Mount Lebanon Baptist Church (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 154 (2-1-80)

Gibsland vicinity. *Stage Coach Inn (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 517 (2-1-80)

Gibsland vicinity. *Thurmond House (Antebellum Greek Revival Buildings of Mount Lebanon Thematic Resources)*, LA 154 (2-1-80)

Caddo Parish

Shreveport. *Shreveport Water Works Company, Pump Station*, Off LA 3036 (5-9-80)

Calcasieu Parish

Lake Charles. *Waters Pierce Oil Company Stable Building*, 1019 Lakeshore Dr. (9-29-80)

Catahoula County

Sicily Island vicinity. *Ferry Place*, S of Sicily Island (8-29-80)

Concordia Parish

Frogmore. *Gillespie*, U.S. 84 (5-31-80)

East Baton Rouge Parish

Baton Rouge. *Beauregard Town Historic District*, LA 73 (10-14-80)

Baton Rouge. *Florence Coffee House*, 130 Main St. (1-20-80)

Baton Rouge. *Hart House*, Iowa St. (8-1-80)

Baton Rouge. *Old Post Office*, 355 North Blvd. (6-9-80)

East Carroll Parish

Lake Providence. *Fischer House*, 15 Lake St. (1-11-80)

Lake Providence. *LAKE PROVIDENCE MULTIPLE RESOURCE AREA*. This area includes: Lake Providence, *Lake Providence Historic District*, Lake, Levee, and Scarborough Sts. (previously listed in the National Register 12-6-79); *Lake Providence Residential Historic District*, Lake and Davis Sts.; *Arlington Plantation*, 214 Arlington; *Fischer House*, 15 Lake St.; (previously listed in the National Register 1-11-80)

Nelson House, 407 Davis St.; *Old Courthouse Square*, 1st and Hoad Sts. (10-3-80)

East Feliciana Parish

Clinton. *Boatner House*, Plank and Taylor Rds. (5-31-80)

Curley vicinity. *Oakland Plantation House*, W of Curley (10-3-80)

Jackson vicinity. *Center Building of East Louisiana State Hospital*, E of Jackson on LA 10 (8-1-80)

Jackson vicinity. *Linwood*, 7.3 mi. S of Jackson (6-9-80)

Jackson vicinity. *Thompson House*, E of Jackson (9-29-80)

Iberia Parish

New Iberia. *Broussard, Amant, House*, 1400 E. Main St. (6-9-80)

New Iberia. *Mintmere*, 1400 E. Main St. (6-6-80)

Iberville Parish

Bayou Goula. *Tally-Ho Plantation House*, River Rd. (1-20-80)

Plaquemine. *Iberville Parish Courthouse (Plaquemine City Hall)*, 209 Main St. (5-31-80)

White Castle vicinity. *Nottoway Plantation House*, NW of White Castle (6-6-80)

Lafayette Parish

Lafayette. *Mouton, Charles H. House*, 338 N. Sterling St. (6-9-80)

Lafourche Parish

Thibodaux. *Rienzi Plantation House*, LA 308 (5-31-80)

Lincoln Parish

Dubach vicinity. *Autrey House*, 1 mi. W of Dubach on LA 152 (10-20-80)

Livingston Parish

Holden vicinity. *Macedonia Baptist Church*, N of Holden (6-6-80)

Natchitoches Parish

Natchez vicinity. *Badin-Roque House*, S of Natchez (6-6-80)

Natchitoches. *Normal Hill Historic District*, Northwestern State University campus (1-15-80)

Orleans Parish

New Orleans. *Aldrich-Genella House*, 4801 St. Charles Ave. (10-8-80)

New Orleans. *Esplanade Ridge Historic District*, U.S. 90 (6-30-80)

New Orleans. *Long, Huey P. Mansion*, 14 Audubon Blvd. (6-9-80)

New Orleans. *Odd Fellows Rest Cemetery*, Canal St. and City Park Ave. (5-23-80)

New Orleans. *Old Handelman Building*, 1824-1832 Dryades St. (6-11-80)

Ouachita Parish

Monroe. *Block, J. S., Building*, 101 N. Grand St. (9-30-80)

Monroe vicinity. *Logtown Plantation*, S of Monroe (10-16-80)

Pointe Coupee Parish

New Roads vicinity. *Bonnie Glen*, SW of New Roads on LA 1 (1-11-80)

New Roads vicinity. *Pointe Coupee Parish Museum*, 6 mi. SW of New Roads on LA 1 (9-30-80)

Rapides Parish

Alexandria. *First Methodist Church*, 630 Jackson St. (6-6-80)

Alexandria. *Rapides Bank and Trust Company Building*, 933 Main St. (5-15-80)

Cheneyville vicinity. *Trinity Episcopal Church*, Bayou Rapides (10-16-80)

McNutt vicinity. *Bayouside*, N of McNutt off LA 121 (3-26-80)

St. Helena Parish

Greensburg. *Greensburg Land Office Courthouse Sq.* (10-7-80)

St. James Parish

Convent vicinity. *Colomb House*, NW of Convent on River Rd. (8-7-80)

St. Landry Parish

Washington vicinity. *Homeplace*, N of Washington on LA 182 (10-8-80)

Washington vicinity. *Macland plantation House*, 3.4 mi. N of Washington on LA 10 (10-8-80)

Washington vicinity. *Starvation Point*, N of Washington off LA 10/132 (5-15-80)

St. Martin Parish

Breaux Bridge vicinity. *Penne, Henri, House*, W of Breaux Bridge (6-9-80)

St. Mary Parish

Baldwin vicinity. *Heaton House*, N of Baldwin on Charenton Rd. (10-30-80)

Franklin. *Bittersweet*, 301 Main St. (10-28-80)

Franklin. *Grevemberg House*, Sterling Rd. (6-5-80)

Franklin. *Smith House*, 909 2nd St. (6-6-80)

St. Tammany Parish

Covington. *Christ Episcopal Church*, 120 N. New Hampshire St. (4-17-80)

Mandeville. *Merle-Nott House*, Lakefront Dr. (6-6-80)

Tangipahoa Parish

Amite. *Episcopal Church of the Incarnation*, 111 E. Olive St. (10-8-80)

Amite. *Greenlawn*, 200 E. Chestnut St. (5-31-80)

Hammond. *Hammond Historic District*, Roughly bounded by Magnolia, Robert, Cherry, and Morris Sts. (2-12-80)

Ponchatoula vicinity. *Nichols House*, 2 mi. W of Ponchatoula on LA 22 (5-31-80)

Terrebonne Parish

Houma vicinity. *Orange Grove Plantation House*, W of Houma on U.S. 90 (3-26-80)

Union Parish

Farmerville vicinity. *Edgewood*, 1 mi. W of Farmerville on Bernice Hwy. (10-8-80)

Vernon Parish

Anacoco vicinity. *Holly grove Methodist Church*, SW of Anacoco (10-8-80)

Washington Parish

Bogalusa. *Bogalusa Railroad Station*, 400 Austin St. (5-1-80)

West Baton Rouge Parish

Port Allen vicinity. *Monte Vista Plantation House*, N of Port Allen (6-9-80)

West Feliciana Parish

St. Francisville. *St. Francisville Historic District*, Royal and Prosperity Sts. (4-2-80)

St. Francisville vicinity. *Laurel Hill*, NE of St. Francisville (6-6-80)

Wakefield. *Wakefield*, U.S. 61 (6-6-80)

Weyanoke vicinity. *St. Mary's Episcopal Church*, NW of Weyanoke on LA 66 (9-29-80)

Winn Parish

Winnfield, *Winnfield Hotel*, 302 E. Main St. (6-11-80)

MAINE**WELLS TOWNSHIP CAPE COD HOUSES**

THEMATIC RESOURCES. Reference—see individual listings under York County.

Androscoggin County

Auburn, *Cushman, Charles L.*, *House*, 8

Cushman Pl. (6-16-80)

Auburn, *Dingley, Frank L.*, *House*, 291 Court St. (4-23-80)

Lewiston, *Dominican Block*, 141-145 Lincoln St. (1-15-80)

Lewiston, *Healey Asylum*, 81 Ash St. (10-1-79)

Lisbon vicinity, *Cushman Tavern*, NE of Lisbon on ME 9 (10-9-79)

Aroostook County

Houlton, *Market Square Historic District*, Market Sq., Main, Water and Court Sts. (6-22-80)

Houlton, *White Memorial Building*, 109 Main St. (1-15-80)

Cumberland County

Portland, *Brown, Harrison B.*, *House*, 400 Danforth St. (6-23-80)

Portland, *Chapman, Leonard Bond*, *House*, 90 Capisic St. (4-23-80)

Portland, *How Houses*, Danforth and Pleasant Sts. (1-20-80)

Portland, *St. Lawrence Church*, 76 Congress St. (10-1-79)

Portland, *Williston-West Church and Parish House*, 32 Thomas St. (6-22-80)

Franklin County

Farmington, *Merrill Hall*, Maine and Academy Sts. (1-23-80)

Stratton, *Blanchard, Ora. House*, Main St. (1-15-80)

Hancock County

Aurora, *Brick School House*, School House Hill (4-23-80)

Bar Harbor, *Criterion Theatre*, 35 Cottage St. (4-23-80)

Bar Harbor, *Ergonos*, 145 Eden St. (1-15-80)

Bar Harbor, *West Street Historic District*, West St. 5-6-80

Deer Isle, *Powers, Peter. House*, ME 15 and Sunshine Rd. (4-23-80)

Islesford, *Islesford Historical Museum and Blue Duck Ships Store*, Little Cranberry Island (9-30-80)

Kennebec County

Augusta, *South Parish Congregational Church and Parish House*, Church St. (6-22-80)

Gardiner, *Gardiner Historic District*, Water St. (5-8-80)

Sidney vicinity, *Powers House*, S of Sidney on ME 104 (10-1-79)

Knox County

Camden, *Bowdoin (schooner)* (2-12-80)

Camden, *Camden Yacht Club*, Bay View St. (1-11-80)

Lincoln County

Boothbay, *Knight-Corey House*, Corey Lane (3-13-80)

Bristol vicinity, *Nahanada Village Site* (7-22-80)

Medomak vicinity, *Weston, Daniel. Homestead*, W of Medomak on ME 32 (10-1-79)

Monhegan, *Monhegan Island Lighthouse and Quarters*, Monhegan Island (5-7-80)

Waldoboro vicinity, *Ludwig, Godfrey. House*, ME 32 (9-22-80)

Oxford County

Rumford Commercial Multiple Resource Area. This area includes: Rumford, *Mechanic Institute*, 44-58 Congress St.; *Municipal Building*, Congress St.; *Rumford Falls Power Company Building*, 59 Congress St.; *Strathglass Building*, 33 Hartford St. (5-13-80)

Buckfield, *Union Church*, Off ME 140 (6-22-80)

Parkertown vicinity, *Vail Site* (1-23-80)

Waterford, *Waterford Historic District*, ME 35 and ME 37 (4-24-80)

Penobscot County

Bangor, *Hamlin, Hannibal. House*, 15 5th St. (10-9-79)

Bangor, *West Market Square Historic District*, W. Market Sq. (12-27-79)

Mattawamkeag, *Smith, George W. Homestead*, Main St. (1-15-80)

Newport, *Hexagon Barn*, Spring and Railroad Sts. (1-24-80)

Piscataquis County

Guilford, *Hudson, H. Law Office*, Hudson Ave. (10-9-79)

Sagadahoc County

Bowdoinham, *Cornish House*, Main St. (1-15-80)

Woolwich, *Hathorn, L.L. Richard. House*, ME 127 (2-28-80)

Somerset County

Embden vicinity, *Hodggin Site* (4-23-80)

Fairfield, *Gerald, Amos. House*, 107 Main St. (6-24-80)

Pittsfield, *Founders Hall*, S. Main St. (10-9-80)

Pittsfield, *Pittsfield Railroad Station*, Central St. (1-23-80)

Solon vicinity, *South Solon Meetinghouse*, 5 mi. SE of Solon (6-16-80)

Waldo County

Belfast, *Belfast Commercial Historic District*, Main St. between Church and Cross Sts. (4-4-80)

Washington County

Eastport, *Todd House*, 11 Capens Ave. (4-23-80)

Machias, *Perry, Clark. House*, Court St. (10-9-79)

York County

Biddeford, *Flagg, James Montgomery. House*, St. Martin's Lane (4-23-80)

Biddeford, *Tarr, John. House*, 29 Ferry Lane (4-23-80)

Buxton, *First Congregational Church of Buxton*, ME 112 (6-22-80)

Hightide, *Energy House* (Wells Cape Cod Houses Thematic Resources) Sanford Rd. (12-27-79)

Kennebunk, *Bourne Mansion*, 8 Bourne St. (1-24-80)

Kennebunkport, *Groves, Abbott. House*, Ocean Ave. (4-23-80)

Kittery, *Rice Public Library*, 8 Wentworth St. (10-1-79)

Kittery Point, *Bray House*, Pepperell Rd. (10-9-79)

Limington, *Limington Academy*, ME 117 (8-23-80)

North Berwick vicinity, *Eaton House* (Wells Township Cape Cod Houses Thematic Resources) Sanford Rd. (12-27-79)

North Berwick vicinity, *Hatch House* (Wells Township Cape Cod Houses Thematic Resources) Sanford Rd. (12-27-79)

North Berwick vicinity, *Hussey Plow Company Building*, Dyer St. (12-19-79)

North Berwick vicinity, *Littlefield-Chase Farmstead* (Wells Township Cape Cod Houses Thematic Resources) Rt. 9 N. Berwick Rd. (12-27-79)

North Berwick vicinity, *Littlefield-Dustin Farm* (Wells Township Cape Cod Houses Thematic Resources) Dodge Rd. (12-27-79)

North Berwick vicinity, *Littlefield-Keeping House* (Wells Township Cape Cod Houses Thematic Resources) Rt. 9B Charles Chase L. Rd. (12-27-79)

North Berwick vicinity, *Littlefield Tavern* (Wells Township Cape Cod Houses Thematic Resources) 9B Charles Chase L. Rd. (12-27-79)

North Waterboro vicinity, *Elder Grey Meetinghouse*, N of North Waterboro (10-9-79)

Ogunquit, *Goodale-Bourne Farm* (Wells Township Cape Cod Houses Thematic Resources) N. Village Rd. (12-27-79)

Ogunquit, *Goodale-Stevens Farm* (Wells Township Cape Cod Houses Thematic Resources) N. Village Rd. (12-27-79)

Ogunquit, *Perkins, Charles. House* (Wells Township Cape Cod Houses Thematic Resources) Scotch Hill (12-27-79)

Ogunquit, *Winn House* (Wells Township Cape Cod Houses Thematic Resources) King's Hwy. (12-27-79)

Ogunquit vicinity, *Mill House* (Wells Township Cape Cod Houses Thematic Resources) Post Rd. (12-27-79)

Saco, *Saco City Hall*, 300 Main St. (10-9-79)

Sanford, *Emery Homestead*, 1 and 3 Lebanon St. (6-22-80)

Wells, *Early Post Office* (Wells Township Cape Cod Houses Thematic Resources) Bragdon's Crossing (12-27-79)

Wells, *Lord Farm* (Wells Township Cape Cod Houses Thematic Resources) Laudholm Rd. (12-27-79)

Wells, *Wells Homestead* (Wells Township Cape Cod Houses Thematic Resources) Sanford Rd. (12-27-79)

Wells vicinity, *Auston-Hennessey House* (Wells Township Cape Cod Houses Thematic Resources) Burnt Mill Rd. (12-27-79)

Wells vicinity, *Darfield Farm* (Wells Township Cape Cod Houses Thematic Resources) Harrisecket Rd. (12-27-79)

Wells vicinity, *Littlefield Homestead* (Wells Township Cape Cod Houses Thematic Resources) Chick's Crossing Rd. (12-27-79)

Wells vicinity, *Wells Baptist Church Parsonage* (Wells Township Cape Cod Houses Thematic Resources) ME 9A (12-27-79)

MARYLAND*Allegany County*

Flintstone vicinity, *Breakneck Road Historic District*, W of Flintstone (5-29-80)

Anne Arundel County

Annapolis, *Chesapeake Bay Brogan MUSTANG*, Dock St. (4-2-80)

Baltimore (*independent city*)

Baltimore General Dispensary, 500 W. Fayette St. (3-18-80)

Bancroft (*motor vessel*) Fell's Point (3-27-80)

Bankard-Gunther Mansion, 2102 E. Baltimore St. (8-6-80)

Benson Building, 4 E. Franklin St. (3-26-80)

Buildings at 10, 12, 14, and 16 East Chase Street (3-10-80)

Canary Historic District, Eastern Ave., Waterfront, Conklin and Chester Sts. (1-29-80)

Erlanger Buildings, 519-531 W. Pratt St. (3-10-80)

Green Mount Cemetery, Bounded by North and Greenmount Aves., Ensor and Hoffman Sts. (4-2-80)

Heiser, Rosenfeld, and Strauss Buildings, 32-42 S. Paca St. (3-10-80)

Industrial Building, 501 E. Preston St. (3-10-80)

Odd Fellows Hall, 300 Cathedral St. (3-25-80)

Ridgely's Delight Historic District, Roughly bounded by S. Fremont Ave., W. Pratt, Conway and Russell Sts. (6-6-80)

Tivoli (*Marble Hall*) 1301 Woodbourne Ave. (10-9-80)

Baltimore County

Baltimore vicinity, *Bare Hills House*, N of Baltimore at 6222 Falls Rd. (8-6-80)

Catonsville, *Hilton*, 800 S. Rolling Rd. (10-31-80)

Parkton vicinity, *Half-Way House*, 1.3 mi. S of Parkton at 18200 York Rd. (9-8-80)

Perry Hall vicinity, *Perry Hall*, N of Perry Hall on Perry Hall Rd. (4-23-80)

Stevenson and vicinity, *Green Spring Valley Historic District*, MD 25 and MD 140 (10-3-80)

Calvert County

Chesapeake Beach, *Chesapeake Beach Railway Station*, 8005 Bayside Rd. (9-11-80)

Solomons, *Chesapeake Bay Bugeye* (*William B. Tennison*) Calvert Marine Museum (3-27-80)

Carroll County

Linwood, *Linwood Historic District*, McKinstry's Mill Rd. (9-27-80)

Westminster, *Westminster Historic District*, MD 32 and MD 97 (8-6-80)

Cecil County

Conowingo vicinity, *Octorara Farm*, S of Conowingo (5-7-80)

Fair Hill, *Mitchell House* (*Fair Hill*) MD 213 and MD 273 (4-11-80)

Fredericktown, *Elf*, *The (yacht) Sassafrass River* (3-26-80)

Rising Sun vicinity, *Richards, Thomas, House*, 3 mi. W of Rising Sun on U.S. 1 (12-19-79)

Zion vicinity, *England, Isaac, House*, 1 mi. W of Zion (3-20-80)

Dorchester County

Cambridge, *LaGrange* (*Meredith House*) 904 LaGrange Ave. (1-24-80)

Frederick County

Frederick vicinity, *Prospect Hall*, SW of Frederick on Butterfly Lane (9-6-80)

Harford County

Bel Air, *Graham-Crocker House*, 30 N. Main St. (3-17-80)

Bel Air, *Harford National Bank*, Wall and Courtland Sts. (3-20-80)

Bel Air, *Hays House*, 324 S. Kenmore Ave. (1-3-80)

Bel Air, *Liriodendron*, 501 and 502 W. Gordon St. (9-27-80)

Bel Air vicinity, *Dibb House*, E of Bel Air at 1737 Churchville Rd. (3-18-80)

Darlington, *Deer Creek Friends Meetinghouse*, MD 161 (4-23-80)

Fallston, *Little Falls Meetinghouse*, Old Fallston Rd. (5-7-80)

Joppa vicinity, *McComas Institute*, N of Joppa on Singer Rd. (9-8-80)

Kent County

Fairlee vicinity, *St. Paul's Church*, S of Fairlee (6-6-80) HABS.

Worton vicinity, *Christ Church, Graveyard and Sexton's House*, N of Worton on MD 298 (4-2-80)

Montgomery County

Beallsville vicinity, *Hanover Farm House*, E of Beallsville off MD 28 (8-6-80) HABS.

Chevy Chase, *Woodend*, 8940 Jones Mill Rd. (3-20-80)

Kensington, *Kensington Historic District*, Roughly bounded by RR tracks, Kensington Pkwy., Summit Ave. Washington and Warner Sts. (9-4-80)

Washington Grove, *Washington Grove Historic District*, MD 124 (4-9-80)

Prince Georges County

Clinton vicinity, *Wyoming*, S of Clinton on Thrift Rd. (1-24-80)

Hyattsville, *Hyattsville Armory*, 5340 Baltimore Ave. (3-27-80)

oxon Hill, *Battersea*, 10511 Livingston Rd. (6-6-80) HABS.

Upper Marlboro vicinity, *Pleasant Hills*, 7001 Croom Station Rd. (8-6-80)

Queen Anne's County

Chestertown vicinity, *Chester Hall*, 1 mi. SE of Chestertown on SR 213 (1-18-80)

Millington vicinity, *Embert, John, Farm*, SE of Millington (6-22-80)

Queenstown vicinity, *St. Peter's Church*, SE of Queenstown on U.S. 50 (3-10-80)

St. Marys County

St. Marys, *Woodlawn*, S of St. Marys off Md 252 (4-2-80)

Somerset County

Princess Anne, *Princess Anne Historic District*, off MD 413 (10-14-80)

Talbot County

Easton, *Easton Historic District*, MD 565, MD 328 and MD 331 (9-17-80)

Matthews vicinity, *Rock Clift*, SE of Matthews off MD 328 (7-30-80)

Oxford vicinity, *Jena*, E of Oxford off MD 333 (8-6-80)

St. Michaels, *Old Inn*, *The Talbot and Mulberry Sts.* (3-25-80)

Washington County

Eakles Mills vicinity, *Snively Farm*, N of Eakles Mills on Mt. Briar Rd. (9-24-79)

Sharpsburg vicinity, *Wilson-Miller Farm*, SE of Sharpsburg (5-23-80)

Spielman vicinity, *Hogmire-Berryman Farm*, N of Spielman off MD 63 (3-28-80)

Wicomico County

Whitehaven, *Whitehaven Historic District*, Whitehaven Rd., Church and River Sts., Cinder and Locust Lanes (1-9-80)

Worcester County

Berlin, *Berlin Commercial District*, Main, Broad, Williams, Bay, Pitts and Commerce Sts. (4-17-80)

MASSACHUSETTS*Barnstable County*

West Falmouth, *Crowell-Bourne Farm*, W. Falmouth Hwy. (4-23-80)

*Berkshire County***MIDDLEFIELD-BECKET STONE ARCH RAILROAD BRIDGE DISTRICT**

Reference—see Hampshire County.

Pittsfield, *Allen, William Russell, House*, 359 East St. (5-7-80)

Pittsfield, *Old Central High School*, 1st St. (8-6-80)

Bristol County

Attleboro, *First Parsonage for Second East Parish Church*, 41 S. Main St. (4-2-80)

Fall River, *Osborn House*, 456 Rock St. (4-4-80)

New Bedford, *Central New Bedford Historic District*, Roughly bounded by Acushnet Ave., School, Middle and 6th Sts. (4-24-80)

New Bedford, *Palmer Island Light Station*, New Bedford Harbor (3-28-80)

South Dartmouth, *Hill School*, 4 Middle St. (4-11-80)

*Essex County***CENTRAL VILLAGE, IPSWICH, MASSACHUSETTS MULTIPLE RESOURCE AREA.** This area includes:

Ipswich, *East End Historic District*, East St.; *High Street Historic District*, High St.; *Meetinghouse Green Historic District*, N. Main St.; *South Green Historic District*, MA 1A; *Bailey House*, 40 Market St.; *Brown's Manor*, 115 High St.; *Burnham-Patch House*, 1 Turkey Shore Rd.; *Calef, Dr. John, House*, 7 Poplar St.; *Grant, Benjamin, House*, 47 County St.; *Heard-Lakeman House*, 2 Turkey Shore Rd.; *Merrifield House*, 7 Woods Lane; *Rust, Nathaniel, Mansion*, 83 County St.; *Wade House*, 5 Woods Lane; *Wilson, Shoreborne, House*, 4 S. Main St. (9-17-80)

Peabody, *O'Shea Building*, 1-15 Main St. (1-11-80)

Peabody, *Second O'Shea Building*, 9-13 Peabody Sq. (3-27-80)

Rowley, *Platts-Bradstreet House*, Main St. (9-27-80)

Franklin County

Greenfield, *Weldon Hotel*, 54 High St. (8-8-80)

South Deerfield, *Dedic Site* (7-16-80)

*Hampden County**MIDDLEFIELD-BECKET STONE ARCH RAILROAD BRIDGE DISTRICT*

Reference—see Hampshire County.

East Longmeadow vicinity, *Swetland-Pease House*, SE of East Longmeadow at 191 Pease Rd. (4-9-80)

Hampshire County

Middlefield vicinity, *Middlefield-Becket Stone Arch Railroad Bridge District* (4-11-80) (also in Berkshire and Hampden Counties)

Williamsburg, *Williamsburg Center Historic District, MA 9* (6-22-80)

Middlesex County

Bedford, *Lane, David, House*, 147 North Rd. (4-2-80)

Cambridge, *Colburn, Sarah Foster, House*, 7 Dana St. (6-10-80)

Chelmsford, *Chelmsford Center Historic District, MA 4*, MA 110 and MA 27 (2-20-80)

Concord, *Wayside, The*, 455 Lexington Rd. (7-11-80)

Framingham, *First Baptist Church*, 1013 Worcester Rd. (4-9-80)

Marlborough, *Rice, Capt. Peter, House*, 377 Elm St. (4-9-80)

Medford, *McGill, John H., House*, 56 Vernon St. (4-9-80)

Medford, *Oakes, Edward, House*, 5 Sylvia Rd. (4-9-80)

Natick, *Badger, Rev. Stephen, House*, 87 Eliot St. (4-1-80)

Newton, *Echo Bridge*, Spans Charles River (4-9-80) (also in Norfolk County)

Newton, *St. Mary's Church and Cemetery*, 258 Concord St. (4-16-80)

*Norfolk County**BLUE HILLS AND NEPONSET RIVER RESERVATIONS MULTIPLE RESOURCE AREA*

This area includes: Canton, *Green Hill Site*; Redman Farm House; Milton, *Blue Hills Headquarters*; *Brookwood Farm*; *Comfort Station*; *Eliot Memorial Bridge*; *Great Blue Hill Observation Tower*; *Great Blue Hill Weather Observatory*;

Massachusetts Hornfels-Braintree Slate Quarry; *Metropolitan District Commission Stable*; *Old Barn*; *Refreshment Pavilion*; Quincy, *Chickatawbut Observation Tower*; Lyon's *Turning Mill*; Randolph, *Ponkapoag Camp of Appalachian Mountain Club* (9-25-80)

DORCHESTER-MILTON LOWER MILLS INDUSTRIAL DISTRICT. Reference—see Suffolk County.

Echo Bridge. Reference—see Middlesex County.

Brookline, *Brookline Town Green Historic District*, Chestnut Pl., Fairmont, Dudley, Boylston, Walnut and Warren Sts., Hedge, Codman, and Kennard Rds. (6-22-80)

Quincy, *Quincy Town Hall*, 1305 Hancock St. (1-11-80)

Sharon, *Stoneholm*, 188 Ames St. (4-2-80)

Plymouth County

Middleboro, *Washburn, C. P., Grain Mill*, Central and Cambridge Sts. (4-8-80)

Plymouth vicinity, *Clifford-Warren House*, E of Plymouth at 3 Clifford Rd. (1-20-80)

Suffolk County

Boston, *All Saints' Church*, 211 Ashmont St. (6-16-80)

Boston, *Berger Factory*, 37 Williams St. (4-9-80)

Boston, *Charles Playhouse*, 74-78 Warenton St. (6-16-80)

Boston, *Dillaway School*, 16-20 Kenilworth St. (4-9-80)

Boston, *Dorchester-Milton Lower Mills Industrial District*. Both sides of Neponset River (4-2-80) (also in Norfolk County)

Boston, *Garrison, William Lloyd, School*, 20 Hutchings St. (4-16-80)

Boston, *New England Conservatory of Music*, 290 Huntington Ave. (5-14-80)

Boston, *Stearns, R. H., House*, 140 Tremont St. (6-16-80)

Boston, *Suffolk County Jail*, 215 Charles St. (4-23-80)

Boston, *Union Wharf*, 295-353 Commercial St. (6-22-80)

Boston, *United Shoe Machinery Corporation Building*, 138-164 Federal St. (8-19-80)

Worcester County

Gardner, *Elm Street Fire Station*, 58 Elm St. (4-2-80)

Gardner, *Lake Street Fire Station*, 2 Lake St. (3-25-80)

Grafton, *Grafton Inn*, 25 Central Sq. (6-16-80)

Lancaster, *Founder's Hall*, Atlantic Union College campus (4-14-80)

Shrewsbury vicinity, *Fisher, Nathan, House*, E of Shrewsbury on MA 9 (3-25-80)

Shrewsbury vicinity, *Lothrop, Joseph, House*, E of Shrewsbury at 208 Turnpike Rd. (3-27-80)

Shrewsbury vicinity, *Maples Cottage*, E of Shrewsbury on Oak St. (3-25-80)

Uxbridge, *Farnum, Coronet John, House*, Mendon St. (5-7-80)

Worcester, *Worcester Multiple Resource Area*. This area includes: Adamsby Block, 144-148 Main St.; Elwood Adams Store, 156 Main St.; Old State Mutual, 240 Main St.; Mechanics Hall District, properties

between 282 and 343 Main St.; WCIS Bank, 365 Main St.; Slater Building, 390 Main St.; Park Building, 507 Main St.; Enterprise Building, 540 Main St.; Colton's Block, 568 Main St.; Babcock Block, 600 Main St.; Worcester Market Building, 831 Main St.; Bancroft Hotel, 50 Franklin St.; Stevens' Building, 24-44 Southbridge St.; Union Station, Washington Sq.; Lower Pleasant Street District, 418-426 Main St. and 9-49 Pleasant St.; Green Hill Park Shelter, Green Hill Parkway; Bancroft Tower, Bancroft Tower Rd.; Bloomingdale School, 321 Plantation St.; Elm Park (Previously listed in the National Register 7-1-70); Elizabeth Street School, 31 Elizabeth St.; Bloomingdale Firehouse, 676 Franklin St.; Abbott Street School, 38 Abbott St.; Pleasant Street Firehouse, 408 Pleasant St.; English High School, 20 Irving St.; City Hall and Common (Previously listed in the National Register 3-29-78); East Worcester School-Norcross Factory, 10 E. Worcester St.

Downing Street School, 92 Downing St.

Beacon Street School, 108 Beacon St.

Ash Street School, Ash St.

Woodland Street Firehouse, 36 Woodland St.

Grafton Street School, 311 Grafton St.

Dartmouth Street School, 13 Dartmouth St.

Providence Street Firehouse, 98 Providence St.

Webster Street Firehouse, 40 Webster St.

Freeland Street School, 12 Freeland St.

Cambridge Street School, 510 Cambridge St.

Cambridge Street Firehouse, 534 Cambridge St.

Upsala Street School, 36 Upsala St.

Quinsigamond Firehouse, 837 Millbury St.

Ward Street School-Millbury Street, 389 Millbury St.

Greendale Branch Library, 470 W. Boylston St.

South Worcester Branch Library, 705 Southbridge St.

Quinsigamond Branch Library, 812 Millbury St.

Waldo Street Police Station, Waldo St. Worcester Asylum and related buildings, 305 Belmont St.

Greendale Improvement Society Building (Previously listed in the National Register 11-7-76); North Worcester Aid Society, 58 Holden St.

Odd Fellows' Home, 40 Randolph Rd.

American Antiquarian Society (Previously listed in the National Register 11-24-68); Mission Chapel, 205 Summer St.

Higgins Armory Museum, 100 Barber Ave. 100F Building, 674 Main St.

Masonic Temple, Ionic Ave.

Holy Cross College:

Worcester Academy, Worcester Academy campus

Clark University, Clark University campus Institutional District, properties on Lincoln and Wheaton Squares and on Salisbury and Tuckerman Sts.

Washburn and Moen North Works District, properties on Grove St.

Crompton Loom Works, 132-142 Green St.

Hammond Organ Factory, 9 May St.

Junction Shop and Herman Street District, properties on Jackson, Herman, and Beacon Sts.

Ashworth and Jones Factory

Harding-Winter Street Manufacturing District, 28-88 Winter St.

Whittall Mills, properties off Brussels St.

Salisbury Factory Building, 25 Union St.

Salisbury Factory Building, 49-51 Union St.

Adriatic Mills, 3-35 Armory St.

Southbridge-Sargent Manufacturing District, Southbridge, Sargent, and Gold Sts.

Union Congregational Church, 5 Chestnut St.

Cathedral of St. Paul, 15 Chatham St.

St. John's Catholic Church, 40 Temple St.

Emmanuel Baptist, 717 Main St.

St. Peters Catholic Church, 935 Main St.

South Unitarian, 888 Main St.

Pilgrim Congregational, 909 Main St.

St. Marks, Freeland St.

St. Matthews, 693 Southbridge St.

Smith-Thaxter-Merrifield House, 158 Holden St.

Amos Flagg House, 248 Burncoat St.

William McFarland House, 525 Salisbury St.

Chadwick-Brittan, 309 Lincoln St.

Chamberlain-Flagg House, 2 Brookshire Rd.

Timothy Paine House (Previously listed in the National Register 4-30-76);

Stafford Newton House, 124 Bailey St.
Salisbury Mansion and Store (Previously listed in the National Register 5-30-75);
Benjamin Flagg House, 138 Plantation St.
Stearns Tavern, 651 Park Ave.
Liberty Farm (Previously listed in the National Register 9-13-74);
Ezra Rice House, 1133 W. Boylston St.
Charles Newton House, 24 Brattle St.
John Brooks House, 12 Nelson Pl.
George Gabriel House, 31 Lenox St.
Harry Goddard House, 190 Salisbury St.
Frederick Daniels House, 148 Lincoln St.
Charles Miles House, 131 Lincoln St.
Soho Cottage, 21 Windsor St.
Forest Hill Cottage, 22 Windsor St.
William Trowbridge Forbes House, 23 Trowbridge Rd.
Salisbury House (Previously listed in the National Register 8-10-75);
Aldus Higgins House, 1 John Wing Rd.
Whitcomb Mansion, 51 Harvard St.
Bliss Building, 28 Old Lincoln St.
Goddard House, 12 Catherine St.
Draper Ruggles House, 21 Catherine St.
Jesse Moore House, 25 Catherine St.
Addison Prentiss House, 3 Channing Way
D. Wheeler Swift House, 22 Oak Ave.
George Bentley House, 9 Earle St.
George Gale House, 15 Elizabeth St.
Samuel Copeland House, 31 Harvard St.
Henry Goulding House, 26 Harvard St.
Otis Putnam House, 25 Harvard St.
Jerome Marble House, 23 Harvard St.
Tilley Raymond House, 12 George St.
Emory Bannister House, 3 Harvard St.
Gov. Levi Lincoln House, 4 Avalon Pl.
George Cobb House, 24 William St.
John Hastings Cottage, 31 William St.
Katz and Leavitt Apartment House, 53 Elm St.
Isaac Divis House, 1 Oak St.
Charles Allen House, 65 Elm St.
Francis Dewey House, 71 Elm St.
Merrill Double House, 18-20 West St.
William Hogg House, 54 Elm St.
Joseph Davis House, 41 Elm St.
Alexander Marsh House, 57 Elm St.
Marcus Hobbs House, 16 William St.
Richard Barker Octagon House, 312 Plantation St.
Leonard Starllevant House, 84 Mulberry St.
Charles Chamberlain House, 373 Pleasant St.
Haratio Tower, 71 Pleasant St.
Harris-Merrick House, 41 Fruit St.
Moody Shattuck House, 768 Main St.
Dowley-Taylor House, 770 Main St.
John Legg House, 5 Claremont St.
Franklin Wesson House, 8 Claremont St.
Norcross Brothers Houses, 16, 18 Claremont St.
C. H. Fitch House, 15 Oread St.
Edward Stark House, 21 Oread St.
James Schofield House, 3 Mt. Pleasant St.
Newton House, 8 Sycamore St.
Daniel Stevens House, 7 Sycamore St.
Arad Alexander House, 53 Waverly St.
Elias Crawford House, 3 Norwood St.
Larchmont, 36 Butler St.
Borden-Pond House, 40 Laurel St.
Lucius Knowles House, 838 Main St.
Elliot Smith House, 839 Main St.
Brightside Apartments, 2 King St.
Fairlawn 189 May St.
W. H. Goulding House, 4 Dix St.

Indian Hill-North Village, properties along Ararat St. and Delaval, Heroult, Marconi, Watt, and Westinghouse Rds.
Knollwood, 425 Salisburg St.
Massachusetts Avenue Historic District (Previously listed in the National Register 12-16-71)
Hammond Heights, properties along Germain, Haviland, Highland, and Westland Sts. and Institute Rd.
Oxford Crown Historic District (Previously listed in the National Register 5-6-76)
Oxford-Crown Extension District, properties along Ashland, Austin, Chatham, Congress, Crown, and Pleasant Sts.
May Street District, properties from 29 to 46 May St.
Castle Street Row, 4-18 Castle St.
Wellington Street Apartment House District, properties along Jacques Ave., and Wellington and Irving Sts.
Boynton and Windsor, 718 and 720 Main St.
Montvale, properties along Monadnock, Sagamore, Waconah, and Whitman Rds., and Salisbury St.
Lincoln Estate-Elm Park Historic District, properties along Cedar, Fruit, Oak, Sever, West, and William Sts.
Woodland Street Historic District, properties along Hawthorne, Loudon, Norwood, and Woodland Sts. (3-5-80)

MICHIGAN

Allegan County
Allegan, Second Street Bridge, 2nd St. (6-11-80)

Antrim County
Bellaire, Antrim County Courthouse, S. Cayuga St. (3-10-80)

Baraga County
Zeba, Kewawenon Mission, Peter Marksman Rd. (4-10-80)

Bay County
Bay City, Mercy Hospital and Elizabeth McDowell Bialy Memorial House, 15th and Water Sts. (4-22-80)
Bay City, Sage Library, 100 E. Midland St. (12-31-79)

Cheboygan County
Mackinaw City, Stimpson, Forrest J. House (Mackinaw City Marine Recording Station), 516 N. Huron Blvd. (5-12-80)

Clinton County
St. Johns, East Ward School, 106 N. Traver St. (5-12-80)
St. Johns, Union School, 205 W. Baldwin St. (5-15-80)

Dickinson County
Iron Mountain, Dickinson County Courthouse and Jail, 700 S. Stephenson Ave. (5-15-80)

Genesee County
Fenton, Vermont House and Fenton Grain Elevator, 302 and 234 N. Leroy St. (5-15-80)
Flint, Flint Brewing Company, 2001 S. Saginaw St. (4-10-80)
Flint, Whaley, Robert J., House, 624 E. Kearsley St. (5-15-80)

Grand Traverse County
Traverse City, Central Neighborhood Historic District, Roughly bounded by 5th, Locust, Union, 9th, and Division Sts. (12-11-79)

Houghton County
Calumet, Italian Hall, 7th and Elm Sts. (7-23-80)
Hancock, East Hancock Neighborhood Historic District, Roughly bounded by Front, Dunston and Vivian Sts., Mason and Cooper Aves. (6-23-80)
Hancock, Lieblein House, 525 Quincy St. (4-3-80)
Houghton, College Club House and Gymnasium, 4118 College Ave. (5-15-80)
Houghton, Shelden, Ransom B., House, 1304 College Ave. (6-18-80)

Ingham County
DOWNTOWN LANSING MULTIPLE RESOURCE AREA. This area includes: Lansing, Central Methodist Episcopal Church, 215 N. Capitol Ave.; Federal Building, 315 W. Allegan St.; First Baptist Church, 227 N. Capitol Ave.; Lansing Woman's Club Building, 118 W. Ottawa St.; Masonic Temple Building, 217 S. Capitol Ave.; Michigan Millers Mutual Fire Insurance Company Building, 120-122 W. Ottawa St.; Michigan State Capitol, Capitol Ave. (previously listed in the National Register 1-25-71); Mutual Building, 208 N. Capitol Ave.; Strand Theatre and Arcade, 211-219 S. Washington Ave. (9-17-80)
Stockbridge, Stockbridge Town Hall, 101 S. Clinton St. (3-10-80)

Jackson County
Jackson, Jackson District Library, 244 W. Michigan St. (3-10-80)

Jackson, Michigan Theater, 124 N. Mechanic St. (5-8-80)

Springport vicinity, Jameson, James M., Farm, E. of Springport at 10220 N. Parma Rd. (7-15-80)

Kalamazoo County
Kalamazoo, Masonic Temple Building, 309 N. Rose St. (5-12-80)

Kent County
Grand Rapids, Goodspeed Brothers Building, 188 Monroe St., NW. (4-17-80)

Keweenaw County
Copper Harbor vicinity, Keweenaw Mountain Lodge and Golf Course Complex, SW of Copper Harbor on U.S. 41 (6-18-80)

Marquette County
Marquette, Arch and Ridge Streets Historic District, Arch and Ridge Sts. from Front St. to Lake Superior (6-18-80)

Marquette, Longyear Hall of Pedagogy, Northern Michigan University, Presque Isle Ave. (4-3-80)

Marquette, Upper Peninsula Brewing Company Building, Meeske St. and U.S. 41 (5-15-80)

Montcalm County
Greenville, Winter Inn, 100 N. Lafayette St. (4-17-80)

Oakland County

Clarkston vicinity, *Sashabaw Presbyterian Church*, NE of Clarkston at 5331 Maybee Rd. (10-9-80)

Clarkston Village, *Clarkston Village Historic District*, MI 15 (5-15-80)

Davison vicinity, *Everts, Caleb, House*, 8880 Hickory Ridge Rd. (10-14-80)

Holly, *Hirst Hotel*, 110 Battle Alley (2-8-80)

Presque Isle County

Onaway, *Presque Isle County Courthouse*, State and Maple Sts. (4-3-80)

St. Clair County

Port Huron, *Port Gratiot*, Off U.S. 25 (4-14-80)

St. Joseph County

Constantine, *Art Gallery Building*, 156 S. Washington St. (5-9-80)

Shiawassee County

Corunna, *Ingwersoll, John N., House*, 570 W. Corunna Ave. (5-9-80)

Wayne County

Detroit, *Breitmeyer-Tobin Building*, 1308 Broadway St. (3-10-80)

Detroit, *Chapoton, Alexander, House*, 511 Beaubien St. (3-10-80)

Detroit, *East Ferry Avenue Historic District*, E. Ferry Ave. (3-10-80)

Detroit, *First Presbyterian Church*, 2930 Woodward Ave. (12-19-79)

Detroit, *Fisher and New Center Buildings*, 7430 2nd Ave. and 3011 W. Grand Blvd. (10-14-80)

Detroit, *Griswold Building*, 1214 Griswold St. (6-9-80)

Detroit, *Harmonie Club, The*, 267 E. Grand River Ave. (9-4-80)

Detroit, *Kresge, S. S., World Headquarters*, 2727 2nd Ave. (12-19-79)

Detroit, *Michigan State Fair Riding Coliseum, Dairy Cattle Building, and Agricultural Building*, Michigan State Fairgrounds (6-8-80)

Detroit, *Stearns, Frederick, Building*, 6533 E. Jefferson Ave. (10-14-80)

Detroit, *Trinity Episcopal Church*, 1519 Myrtle St. (5-22-80)

Detroit, *Sacred Heart Roman Catholic Church, Convent and Rectory*, 1000 Eliot St. (6-8-80)

Detroit, *Third Precinct Police Station*, 2200 Hunt St. (2-29-80)

Detroit, *West Village District*, Roughly bounded by Jefferson, Kercheval, Parker and Seyburn Aves. (10-14-80)

Detroit, *Woodbridge Neighborhood Historic District*, Bounded by Trumbull, Calumet, Gibson, Grand River, 12th, W. Warren and Wabash Sts., RR Tracks, and Edsel Ford Expwy. (3-6-80)

Livonia, *Everitt, Orson, House*, 39040 W. Seven Mile Rd. (10-14-80)

MINNESOTA*Anoka County*

Anoka, *Anoka-Champlin Mississippi River Bridge*, U.S. 52 (12-31-79) (also in Hennepin County)

Anoka, *Anoka Post Office*, 300 E. Main St. (12-31-79)

Anoka, *Colonial Hall and Masonic Lodge No. 30*, 1900 3rd Ave. South (12-31-79)

Anoka, *DeGraff-Follrath House*, 302 Fremont St. (12-26-79)

Anoka, *Ticknor, Heman L., House*, 1625 3rd Ave. S. (12-27-79)

Anoka, *Windego Park Auditorium*, Between S. Ferry St. and Rum River (1-8-80)

Anoka, *Woodbury House*, 1632 S. Ferry St. (12-28-79)

Anoka vicinity, *Kelsey, Porter, House*, 14853 N. 7th Ave. (12-26-79)

Anoka vicinity, *Kline Sanatorium*, 1500 S. Ferry St. (12-26-79)

Anoka vicinity, *School District No. 28*, 14100 St. Francis Blvd., NW. (12-27-79)

Anoka vicinity, *Sparre Barn*, 20071 Nowthen Blvd. (1-10-80)

Ham Lake, *Swedish Evangelical Lutheran Church*, 2200 Swedish Dr., NE. (12-26-79)

Martin Lake vicinity, *Crescent Grange Hall No. 512*, W. of Martin Lake on Type Lake Rd. (12-26-79)

Martin Lake vicinity, *Richardson Barn*, 22814 Sunrise Rd., NE. (12-26-79)

St. Francis, *Leathers, H. G., House*, 22957 Rum River Blvd. (12-26-79)

St. Francis, *Riverside Hotel*, 3631 Bridge St. (12-26-79)

Beltrami County

Saum, *Saum Public School*, SR 23 (3-27-80)

*Blue Earth County***BLUE EARTH COUNTY MULTIPLE RESOURCE AREA.**

This area includes: Mankato, *North Front Street Commercial District*, 301-415 N. Front St.; Garden City, *First Baptist Church*, U.S. 169; Garden City vicinity, *Gail, James P., Octagon Farmhouse*, U.S. 169; Mankato, *Blue Earth County Courthouse*, Courthouse Sq.; Brandrup, *J. R. House*, 704 Byron; Chapman, *Charles, House*, 418 McCauley; Cray, *Lorin, House*, 603 S. 2nd St.; Eberhart, *Adolph O. House*, 228 Clark St.; First Presbyterian Church, Hickory and S. Broad Sts.; Hubbard, *R. D. House*, 606 S. Broad St. (previously listed in the National Register 5-12-76); Irving, *William, House*, 320 Park Lane; Jefferson, *Adam, House*, Cleveland St.; Mankato Public Library and Reading Room, 120 S. Broad; Old First National Bank of Mankato, 229 S. Front St. (previously listed in the National Register 7-30-74); Schmidt, *Oscar, House*, 111 Part Lane; Union Depot, 112 Pike St.; Mankato vicinity, *Jones-Roberts Farmstead*, MN 68; Kern Bridge, SR 190; Mankato Holstein Farm Barn, SR 5; Marsh Concrete Rainbow Arch Bridge, SR 101; Seppman Mill, W. of Mankato off MN 68 in Minneopa State Park (previously listed in the National Register 8-26-71); Mapleton, *Main Street Commercial Buildings*, Main St.; Troendle, *Lucas, House*, 2nd and Silver Sts.; Mapleton vicinity, *Sterling Church*, SR 151; St. Clair vicinity, *Winnebago Agency House*, 1 mi. S of St. Clair on CR 138 (previously listed in the National Register 2-20-75); (7-28-80)

Mankato, *Federal Post Office and Courthouse*, 401 S. 2nd St. (6-17-80)

Brown County Multiple Resource Area. This area includes: New Ulm, *South Broadway Historic District*, 200-308 S. Broadway; *South German Street Historic District*, 110-312 S. German St.

Cobden, *Cobden Jail*, 2nd St.; Comfrey, *Chicago and North Western Section House*, Railroad and Brown Sts.; Essig, *Lampert Lumber Company Line Yard*, Center St.; Hanska, *Bjorneberg Garage*, Broadway St.; *Liberal Union Hall*, Broadway and Main Sts.; Hanska vicinity, *Thornmodson Barn*, Off MN 257; *Twente Farm Elevator and Granary*, Off SR 10; New Ulm, *Boesch, Hummel, and Moltzahn Block*, 6-12 N. Minnesota St.; *Chicago and North Western Railroad Depot*, S. Valley St.; *Fesemraier, Bernard, House*, 428 N. State St.; *Gag, Wanda, Childhood House*, 226 N. Washington St.; *New Ulm Armory*, 205 N. Broadway St.; *New Ulm Oil Company Service Station*, Broadway and 5th Sts.; *New Ulm Roller Mill Complex*, 222 S. 1st St.; *Old Main, Dr. Martin Luther College campus*; *Ruemke Mercantile Store*, 226 N. Minnesota St.; *St. Michael's School and Convent*, 500 N. State St.; *Schell, Otto, House*, Point Lookout; *Tivoli Gardens Building*, 313 N. 1st St.; *Turner Hall*, State and S. 1st Sts.; *Sleepy Eye, Smith, W. W., House*, 101 Linden St.; SW; *Winona and St. Peter Freight Depot*, Oak St., NE; Springfield, *Bendixon-Schmid House*, 123 N. Marshall St.; *Kreitinger Garage*, 1 N. Cass St.; *Ochs, A. C., House*, 303 N. Marshall St.; Springfield vicinity, *Shady Lane Stock Farm*, SR 14 (12-31-79)

CUYUNA IRON RANGE MUNICIPALLY-OWNED ELEVATED METAL WATER TANKS. Reference—see individual listings under Crow Wing County.

Carver County Multiple Resource Area. This area includes: Carver, *Carver Historic District*, Off U.S. 212; Chaska, *Walnut Street Historic District*, Walnut St.; Chanhassen, *Chanhassen Town Hall*, Great Plains Blvd.; Chaska, *Brinkhaus Saloon Livery Barn*, 112 W. 4th St.; *Courthouse Saloon*, 123 W. 3rd St.; *DuToit, Frederick E., House*, 121 Hickory St.; *Eder-Baer House*, 105 Elm St.; *Greiner, Frederick, House*, 319 E. 3rd St.; *Herald Block*, 123 W. 2nd St.; *Iltis Brewery and Ice House*, 597 Stoughton Ave.; *Lewis, E. H., House*, 321 W. 2nd St.; *Cologne, Guettler House*, Adams and Mill Sts.; *Knotz House and Carriage House*, Paul and Mill Sts.; *Mohrbacher, Paul, House*, Paul St.; East Union vicinity, *King Oscar's Settlement*, SR 40; Hamburg, *Hebeisen, Jacob, Hardware Store*, Railroad and Maria Sts.; *Hebeisen, Jacob, House*, Off SR 50; *Helvetia, Kusske and Hahn Saloon*, SR 23; *Norwood, Harms Bar*, Elm and Hazel Sts.; *Norwood United Methodist Church*, Hill and Union Sts.; *Norwood vicinity, Schimmelpfennig Farm*; *Victoria vicinity, Laketown Moravian Brethren's Church*, SR 11; *Waconia, Amblard, Emile, Guest House*, 32-36 N. Vine St.; *Maiser, Charles, House*, 16 W. Main St.; *Mock Cigar Factory and House*, 48 W. Main St.; *Zrust, Alois, House and Carpenter's Catalogue Houses*, 417, 429, and 453 W. Main St.; *Waconia vicinity, Zoar Moravian Church*, SR 10; *West Union, West Union*, SR 50; *Young America, Young America City Hall*, 2nd Ave., SE, and 1st St., SE. (1-4-80)

Cass County

Bena, *Winnibigoshish Resort*, U.S. 2 (5-23-80)

Cass Lake, *Neils, Julius, House*, N. 3rd St. (6-20-80)
 Cass Lake vicinity, *Great Northern Railway Company Bridge*, SW of Cass Lake off MN 371 (10-14-80)
 Pine River vicinity, *Sherwood Forest Lodge Complex*, SE of Pine River on SR 77 (6-16-80)
 Remer, *Minneapolis, St. Paul, and Sault Ste. Marie Railway Company Depot*, Off MN 200 (5-23-80)
 Walker, *New Hotel Chase*, 329 Cleveland Ave. (6-4-80)
 Walker, *Sixth Street Commercial Building*, 525 6th St. (5-23-80)

Chisago County

Chisago County Multiple Resource Area. This area includes: *Center City, Center City Historic District*, Summit Ave.; *Chisago County Courthouse*, Main St.; *Chisago Lake, Moody Barn*, SR 24; *Franconia, Munch, Paul, House*, Block 21, lots 1 and 2 (previously listed in the National Register 5-4-78); *Harris, Sayer House*, SR 9 and SR 30; *Lindstrom, Anderson, Gustaf, House*, 13045 Lake Blvd.; *Fridhem, Newell Ave., Victor, C. A., House*, 3495 Park St.; *Rush City, Carlson, J. C., House*, Bremer and 6th Sts.; *Grant House*, 4th St. and SR 30; *Johnson Block*, 4th St. and Ave. D; *Rushseba, Difffenbacher Farmhouse*, SR 5; *Taylors Falls, Angel's Hill Historic District* (previously listed in the National Register 4-11-72); *Daubney, John, House*, Oak and River Sts.; *Munch-Roos House*, 360 Bench St. (previously listed in the National Register 11-20-70); *Taylors Falls Public Library*, 417 Bench St. (previously listed in the National Register 10-15-70); (7-21-80) *Franconia, Franconia Historic District*, Off MN 95 (6-17-80)

Clay County

Clay County Multiple Resource Area. This area includes: *Barnesville, Barnesville City Hall and Jail*, Front and Main Sts.; *Patterson-Hernandez House* 1st. Ave. and Elm St.; *Comstock, Comstock Public School*, Main St.; *Comstock vicinity, Bernhardson Cabin*, SR 59; *Moorhead, Bergquist, John, Cabin*, 719 10th Ave. N.; *Comstock, Solomon Gilman, House*, 5th Ave. and 8th St. S. (previously listed in the National Register 12-30-74); *Federal Post Office Building*, 521 Main Ave.; *Huntoon House*, 709 8th St. S.; *Main Building, Concordia College*, S. 8th St.; *St. John the Divine Episcopal Church*, 120 S. 8th St.; *420 Main Avenue Commercial Building*, 420 Main Ave.; *Moorhead vicinity, Olness, John, House*, U.S. 75; *Probstfield, R. M., House*, SR 96; *Sabin vicinity, Krabbenhoft, Wulf C., Farmstead*, SR 69 (5-7-80)

Crow Wing County

Brainerd, Brainerd Public Library, 206 N. 7th St. (5-23-80)
Brainerd, Crow Wing County Courthouse and Jail, Laurel St. (5-23-80)
Brainerd, Hemstead, Werner, House, 303 N. 4th St. (5-23-80)
Brainerd, Parker Building (Citizens State Bank) 222-224 S. 7th St. (5-23-80)
Crosby, Elevated Metal Water Tank (Cuyuna Iron Range Municipally-Owned Elevated Metal Water Tanks) 1st Ave. (10-22-80)

Cuyuna, Elevated Metal Water Tank (Cuyuna Iron Range Municipally-Owned Elevated Metal Water Tanks) North St. (10-22-80)
Deerwood, Elevated Metal Water Tank (Cuyuna Iron Range Municipally-Owned Elevated Metal Water Tanks) 211 Maple St. (10-22-80)
Ironton, Elevated Metal Water Tank (Cuyuna Iron Range Municipally-Owned Elevated Metal Water Tanks) 7th St. (10-22-80)
Ironton, Spina Hotel, Curtis Ave. and 4th St. (5-23-80)
Ironton vicinity, Ironton Sintering Plant Site, N of Ironton (9-11-80)
Lake Hubert, Minnesota and International Railroad Freight House and Shelter Shed, SR 13 (5-27-80)
Nisswa, Grand View Lodge, Off SR 77 (5-23-80)
Nisswa, Minnewawa Lodge, Off MN 13 (8-11-80)
Pequot Lakes, Shawano House, Pequot Blvd. (5-23-80)
Pequot Lakes vicinity, Fawcett, Wilford H., House, SE of Pequot Lakes at Breezy Point Resort (5-23-80)
Trommald, Elevated Metal Water Tank (Cuyuna Iron Range Municipally-Owned Elevated Metal Water Tanks) (10-22-80)

Dakota County

Burnsville, Orchard Gardens Railway Station, SR 5 and 155th St. (12-31-79)
Farmington, Chicago, Milwaukee, St. Paul and Pacific Railroad Depot, 400 2nd St. (12-31-79)
Farmington, Church of the Advent, 412 Oak St. (12-31-79)
Farmington, Exchange Bank Building, 344 3rd St. (12-31-79)
Farmington vicinity, Akin, D. F., House, NW of Farmington at 19185 Akin Rd. (12-31-79)
Farmington vicinity, Horticulture Building, Dakota County Fairgrounds (12-31-79)
Hastings, Fasbender Clinic Building, 801 Pine St. (12-31-79)
Hastings, Hastings Foundry-Star Iron Works, 707 E. 1st St. (12-31-79)
Hastings, MacDonald-Todd House, 309 W. 7th St. (12-31-79)
Inver Grove Heights, Freeman, R., House, 9091 Inver Grove Trail (12-31-79)
Lakeville vicinity, Oberhoffer, E. J., House, 17045 Judicial Rd. West (12-31-79)
New Trier, St. Mary's Church, 8433 239th St. East (12-31-79)
Nininger, Good Templars Hall (School District 24), 9965 124th St. East (12-31-79)
Watford, Watford School district 72, 321st St. and Cornell Ave. (12-31-79)
West St. Paul, Wentworth, G. W., House, 1575 Oakdale Ave. (12-31-79)

Faribault County

Faribault County Multiple Resource Area. This area includes: *Blue Earth, Constans Hotel*, 121-127 N. Main St.; *Faribault County Courthouse*, N. Main and 2nd Sts. (previously listed in the National Register 4-11-77); *Good Shepherd Episcopal Church*, Moore and 8th Sts.; *Wakefield, James B., House*, 405 E. 6th St.; *Delavan vicinity, Bullis, Adams H., House*; *Minnesota Lake, Kremer, Peter, House*, Main and 4th Sts.; *Walters, Walters Jail*.

3rd and Main Sts.; *Wells, Chicago, Milwaukee, St. Paul and Pacific Railroad Depot and Lunchroom*, 89-100 1st St., NW; *Leland, Maret N., House*, 410 2nd Ave. SW; *Wells vicinity, District School No. 40, Winnebago, Dunn, Andrew C., House*, 133 S. Main St.; *First National Bank*, Main St. and Cleveland Ave. (5-23-80)

Goodhue County

RURAL GOODHUE COUNTY MULTIPLE RESOURCE AREA. This area includes: *Cannon Falls, Cannon Falls School*, 115 W. Minnesota St.; *Church of the Redeemer*, 123 N. 3rd St.; *Firemen's Hall*, 206 W. Mill St.; *Gellett, Capt. Charles, House*, 311 N. 6th St.; *Old Livery Stable*, 4th St.; *Yale, Darwin E., House*, 421 N. 6th St.; *Yale Hardware Building*, 139 N. 4th St.; *Cannon Falls vicinity, Oxford Flour Mill Ruins*; *Kenyon, Gronvold, Dr. Just Christian, Estate*, CR 8 (previously listed in the National Register 4-23-73); *Gunderson, Martin T., House*, 107 2nd St. (previously listed in the National Register 6-10-75); *Kenyon Opera House*, Main St.; *Kenyon vicinity, Hauge Lutheran Church*, W of Kenyon; *Holden Church Parsonage*, SR 60; *Old Frontenac, Old Frontenac Historic District* (previously listed in the National Register 6-4-73); *Pine Island, Bringhold, Jacob, House*, 314 SW. 2nd St.; *Opera Block House*, Main St.; *Pine Island City Hall and Fire Station*, Main and 3rd Sts.; *Pine Island vicinity, Baslington, George, Farmhouse*, Off SR 52 and SR 60; *Roscoe Butter and Cheese Factory*, SR 11; *Roscoe Store*, SR 11 and SR 27; *Red Wing vicinity, Cross of Christ Lutheran Church*, W of Red Wing; *Dammon, Henry, Round Barn*, E of Red Wing; *District No. 20 School*, MN 58; *Fryk, E. J., Barn*, Off MN 61; *Immanuel Lutheran Church*, Off MN 58; *Miller, John, Farmhouse*, SR 1; *Vasa*, SW of Red Wing in Minnesota Memorial Hardwood State Forest (previously listed in the National Register 5-30-75); *Stanton vicinity, Miller, Harrison, Farmhouse*, E of Stanton (previously listed in the National Register 5-22-78); *Wanamingo vicinity, Wanamingo Town Hall*, SR 1; *Zumbrota, First Congregational Church of Zumbrota*, 455 East Ave. Hall; *Dr. Orrin L. House*, 206 W. 3rd St.; *Zumbrota Covered Bridge*, Zumbrota Covered Bridge Park off MN 58 (previously listed in the National Register 2-20-75) (2-12-80)

Red Wing, Chicago Great Western Depot, W. Main and Fulton Sts. (6-4-80)

Red Wing, Minnesota Stoneware Company, 1997 W. Main St. (12-26-79)

Red Wing, Red Wing Historic Mall District, Roughly bounded by Levee Park, 7th, S. Dakota and Bush Sts. (1-8-80)

Hennepin County

ANOKA-CHAMPLIN MISSISSIPPI RIVER BRIDGE. Reference—see Anoka County, Edina, *Baird, George W., House*, 4400 W. 50th St. (3-27-80)
Minneapolis, Maternity Hospital, 300 Queen Ave. N. (3-27-80)
Minneapolis, New Century Mill, Oak and 5th Sts. (10-10-80)

Isanti County

ISANTI COUNTY MULTIPLE RESOURCE AREA. This area includes: *Athens*,

Erickson Farmstead, MN 65 and SR 56; Bradford, German Evangelical Lutheran Church, SR 5; Braham, Olson, Oscar, House, 309 Beechwood; Cambridge, Isanti County Courthouse, 237 SW. 2nd Ave., Cambridge vicinity, Linden Barn, SR 19; West Riverside School, District No. 38, SR 14; Maple Ridge, Swedish Mission Church of South Maple Ridge, SR 1; Spencer Brook, Isanti School District No. 1, Off SR 7; Stanford, Farmers Cooperative Mercantile Company of West Stanford, Off SR 7 (7-24-80)

Itasca County

Coleraine, Carnegie Library, Off U.S. 169 (7-17-80); Coleraine, Church of the Good Shepherd, Off U.S. 69 (8-11-80)

Jackson County

Jackson vicinity, Robertson Park Site (8-1-80)

Kanabec County

Kanabec County Multiple Resource Area.

This area includes: Mora, Williams, C. E., House, 208 E. Maple Ave.; Zetterberg Company, 630 E. Forest St.; Mora vicinity, Bronson Farm, MN 23; Coin School, SR 4 and SR 16; Ogilvie, Ogilvie Watertower, Anderson St. (8-18-80)

Morrison County

Little Falls, Church of Our Saviour, 113 4th St., NE (7-17-80)

Nicollet County

St. Peter, St. Peter Central School, 300 S. 5th St. (10-29-80)

Nobles County

Nobles County Multiple Resource Area. This area includes: Adrian, Adrian State Bank, Main St. and 2nd Ave.; Slade Hotel, 2nd and Main Sts. (previously listed in the National Register 6-30-75); St. Adrian's Catholic Church, Main and Church Sts.; Adrian vicinity, Siemer Silo and Barn, W of Adrian; Dundee, Sioux City and St. Paul Railroad Section House, Spencer and 1st Sts.; Worthington, Kilbridge, Dr. E. A., Clinic, 701 11th St. (previously listed in the National Register 11-23-77) (5-15-80)

Olmsted County

Dover vicinity, Krause, Christoph, Farmstead, S of Dover on SR 30 (10-10-80)

Rochester, Chateau Dodge Theatre, 15 1st St., SW. (7-17-80)

Rochester, Cutting, Lucius, Barn, 3210 19th St., NW. (10-22-80)

Rochester, Hotel Zumbro, 101 1st Ave., SW. (10-10-80)

Rochester, Pierce House, 426 2nd Ave., SW. (7-21-80)

Stewartville vicinity, Pleasant Grove Masonic Lodge No. 22 A.F. and A.M., E of Stewartville (10-10-80)

Pine County

Pine County Multiple Resource Area. This area includes: Askov, Bethlehem Lutheran Church, Kirke Alle; Kilstofte, P. P., Farmstead, SR 33 and MN 23; Partridge Township Hall, Kobmagergade; Bruno vicinity, Cloverton School; Doboszenski Homestead, SR 43; Red Clover Land

Company Demonstration Farm, SR 47; Finlayson, Northern Pacific Combination Depot; Kerrick, Hultgren House and Sand Pit, MN 23; Pine City, Pine City Naval Militia Armory, 1st Ave.; Sandstone, Hinckley Fire Relief House, Court Ave. and 6th St.; Minneapolis Trust Company Commercial Building, Main and 4th Sts.; Sandstone vicinity, Schwyzer Farmstead, Off SR 17 (8-18-80)

Pipestone County

Pipestone County Multiple Resource Area. This area includes: Ihlen, Ihlen Mercantile Company, Holman St. and Sherman Ave.; Jasper, Bauman Hall, 201 W. Wall St.; Christianson House and Store, 208 E. 2nd St.; Farrar House, 200 E. 2nd St.; Gerber Hospital and Garage, 120 E. Wall St.; Stordahl Building, 119 W. Wall St.; Pipestone, Calumet Hotel, 104 S. Hiawatha (previously listed in the National Register 3-16-78); Pipestone Architectural District, Main St. (previously listed in the National Register 5-2-77); Pipestone County Courthouse, 3rd St.; Pipestone Public Library, 3rd St., SE, and S. Hiawatha Ave.; Pipestone Water Tower, 2nd St., NE; Rock Island Depot, 400 N. Hiawatha Ave.; Pipestone vicinity, Pipestone National Monument, 1 mi. N of Pipestone (previously listed in the National Register 10-15-80) (3-3-80)

Redwood County

REDWOOD COUNTY MULTIPLE RESOURCE AREA. This area includes: Belview, Gimmestad Land and Loan Office, Main St.; Minneapolis and St. Louis Railroad Depot, Off Main St.; Clements, Clements State Bank Building, 1st and Pine Sts.; Clements vicinity, School district No. 8, SR 70; Lamberton, Anderson, J. A., House, 402 4th Ave.; City Blacksmith Shop, Douglas St. and 2nd Ave.; Lamberton Farmers Elevator, 1st Ave. and Douglas St.; Lucan, Chicago and North Western Railroad Depot, 1st St.; Milroy, Milroy Block, Euclid Ave. and Cherry St.; Milroy State Bank Building, Superior St. and Euclid Ave.; North Redwood, Honnor-Hosken House, North and Main Sts.; Redwood Falls, Bank of Redwood Falls Building, 2nd St.; Chollar, H. D., House, 4th and Minnesota Sts.; Ramsey Park Swayback Bridge, Ramsey Park; Redwood Falls Public Library, 334 S. Jefferson St.; Scenic City Cooperative Oil Company Building, 2nd and Mill Sts.; Redwood Falls vicinity, Gilfillan, MN 67; Revere, Revere Fire Hall, 2nd St.; Wabasso, Commercial Hotel, Front and Main Sts. (8-11-80)

Rock County

Rock County Multiple Resource Area. This area includes: Beaver Creek, First National Bank of Beaver Creek, 1st Ave.; Beaver Creek vicinity, Close Brothers Land Company Tenant House, N of Beaver Creek on SR 5; Hills vicinity, Nuffer Farmstead, NE of Hills; Kenneth, Kenneth School, 230 W. 1st Ave.; Luverne, Gerber, J. W., House, 324 W. Main St.; Holy Trinity Church, N. Cedar and E. Luverne Sts.; Kniss House, 209 N. Estey St.; Luverne Library, 205 N. Freeman St.; Maplewood Chapel, W. Warren St.; Omaha Depot, E. Fletcher St.

Palace Theater, Main St. and Freeman Ave.; Worthington and Sioux Falls Freight Depot, E. Fletcher St. (3-18-80)

St. Louis County

Buhl vicinity, Alango School, N of Buhl on SR 25 and SR 22 (7-17-80)

Chisholm, Saints Peter and Paul Eastern Rite Church, 530 Central Ave. (8-27-80)

Ely, Carpenter's Hospital, 204 E. Camp St. (7-28-80)

Eveleth, Eveleth Manual Training Center, Roosevelt Ave. (8-18-80)

Eveleth, Holy Family Church, 307 Adams Ave. (8-27-80)

Eveleth, Redstone Building, 705 Pierce St. (8-27-80)

Hibbing, Delvin Building, 1st Ave. and Howard St. (7-17-80)

Hibbing, Hibbing High School, 7th and 21st Sts. (8-11-80)

Tower, Old Fire Hall, MN 169 (7-17-80)

Virginia, B'nai Abraham Synagogue, 328 S. 5th St. (8-18-80)

Virginia, Coates House, 817 S. 5th Ave. (8-18-80)

Virginia, Dr. Lenont House, 202 N. 5th Ave. (8-18-80)

Virginia, Finnish Sauna, 105 S. 1st St. (8-26-80)

Virginia, Lumber Mill Manager Residence, 402 and 404 S. 5th Ave. (8-18-80)

Virginia, Old Polish Church, 309 S. 3rd Ave. (8-27-80)

Virginia, Virginia Brewery, 305 S. 7th Ave. (8-27-80)

Virginia, Virginia Depot, 600 Chestnut St. (8-18-80)

Virginia, Virginia-Rainy Lake Office, 8th Ave. W. and 3rd St. S. (8-26-80)

Scott County

SCOTT COUNTY MULTIPLE RESOURCE AREA. This area includes: Jordan, Jordan Historic District, Water St. and S.

Broadway: Shakopee, Shakopee Historic District, Memorial Park (previously listed in the National Register 4-11-72); Belle Plaine, Episcopal Church of the

Transfiguration, Walnut and Church Sts.; Hooper-Bowler-Hillstrom House, Court and Cedar Sts.; Jordan, Foss and Wells House,

613 S. Broadway St.; Jordan Brewery Ruins, S. Broadway St.; Jordan vicinity, Bisson House, SR 57; Mudbaden Sulphur Springs Company, Off SR 63; New Market, New Market Hotel and Store, Main St.; New Market vicinity, Kojer Farmstead, SR 2;

Shakopee, Collier House, 434 S. Lewis St.; Early Shakopee Houses, 411 and 419 E. 2nd St.; Merchants Hotel, 211 E. 2nd St.; Reis Block, 1st and Holmes Sts.; Shakopee

vicinity, Lenzmeier House, KY 300; St. Mary's Church of the Purification, SR 15; Strunk-Nyssen House, Off U.S. 169 (4-17-80)

Sherburne County

Becker vicinity, Fox, Herbert Maximilian, House, NE of Becker (4-10-80)

Washington County

Marine on St. Croix vicinity, Copas, John, House, N of Marine on St. Croix on MN 95 (7-21-80)

Stillwater vicinity, Croixsyde, N of Stillwater at 4 Croixside Rd. (6-3-80)

Stillwater vicinity, *Heath Summer Home*, N of Stillwater (2-12-80)
 Stillwater vicinity, *Mower House and Arcola Mill Site*, N of Stillwater (6-17-80)
 Stillwater vicinity, *Pest House*, N of Stillwater at 9033 Fairy Falls Rd. (6-17-80)
 Stillwater vicinity, *St. Croix Boom Company House and Barn*, NE of Stillwater at 9668 N. St. Croix Trail (6-3-80)

Wilkin County

Wilkin, *Wilkin County Multiple Resource Area*. This area includes: Breckenridge, *Wilkin County Courthouse*, 316 S. 5th; Doran vicinity, *Stiklestad Church*, SR 17; Kent vicinity, *Femco Farm No. 2*, Off SR 153; Rothsay, *IOOF Hall*, 1st Ave., SW and 1st St.; Tenney, *Tenney Fire Hall*, Concord Ave.; Wolverton, *Wolverton Public School*, N. 1st St.; Wolverton vicinity, *Peet, David N. Farm*, SR 32 (7-17-80)

MISSISSIPPI

Clarke County *Antebellum Houses Thematic Resources*. Reference—see individual listings under Clarke County.
 Lawrence County *Folk and Vernacular Thematic Resources*. Reference—see individual listings under Lawrence County.
 Adams County
 Natchez, *Ailes, William, House*, 657 S. Canal St. (3-12-80)
 Natchez, *Belvidere*, 70 Homochitto St. (4-8-80)
 Natchez, *Cemetery Bluff District*, Cemetery Rd. (10-24-80)
 Natchez, *Murphy, Patrick, House*, 21 Irvine Lane (4-9-80)
 Natchez, *Weymouth Hall*, 1 Cemetery Rd. (3-12-80)
 Natchez vicinity, *Cliffs Plantation*, S of Natchez (9-18-80)
 Natchez vicinity, *Montpellier*, SE of Natchez on MS 551 (12-18-79)
 Natchez vicinity, *Pine Ridge Church*, NE of Natchez at Pine Ridge Rd. and MS 554 (12-13-79)
 Washington vicinity, *Brandon Hall*, NE of Washington on U.S. 61 (6-12-80)

Alcorn County

Corinth, *Coliseum Theatre*, 404 Taylor St. (8-21-80)

Amite County

Liberty, *Amite Female Seminary*, MS 569 (4-17-80)
 Liberty vicinity, *Wilkinson, Winston, House*, N of Liberty on MS 567 (4-17-80)

Chickasaw County

Okolona, *Elliott-Donaldson House*, 109 Church St. (9-15-80)

Clarke County

DeSoto, *Carmichael House* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 DeSoto, *Cook-Sellers House* (Clarke County *Antebellum Houses Thematic Resources*) E. Station St. (5-22-80)
 DeSoto vicinity, *Covington House* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 Elwood Community, *Adams-Taylor-McRae House* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)

Energy vicinity, *Ford-Williams House* (Clarke County *Antebellum Houses Thematic Resources*) SR 514 (5-22-80)
 Enterprise, *Barbour-Estes House* (Clarke County *Antebellum Houses Thematic Resources*) River Rd. (5-22-80)
 Enterprise, *Bradshaw-Booth House* (Clarke County *Antebellum Houses Thematic Resources*) Stonewall St. (5-22-80)
 Enterprise, *Brown-Wilson House* (Clarke County *Antebellum Houses Thematic Resources*) SR 11 (5-22-80)
 Enterprise, *Compton-Short House* (Clarke County *Antebellum Houses Thematic Resources*) Tuscaloma St. (5-22-80)
 Enterprise, *Davis House* (Clarke County *Antebellum Houses Thematic Resources*) River Rd. (5-22-80)
 Enterprise, *Dearman House* (Clarke County *Antebellum Houses Thematic Resources*) Bridge St. and River Rd. (5-22-80)
 Enterprise, *Hunter-Frost House* (Clarke County *Antebellum Houses Thematic Resources*) River Rd. (5-22-80)
 Enterprise, *Lee-Mitts House* (Clarke County *Antebellum Houses Thematic Resources*) Stonewall St. (5-22-80)
 Enterprise, *McCrory-Deas-Buckley House* (Clarke County *Antebellum Houses Thematic Resources*) Bridge St. (5-22-80)
 Enterprise, *McGee-Hudson House* (Clarke County *Antebellum Houses Thematic Resources*) Tuscaloma St. (5-22-80)
 Enterprise, *Methodist Parsonage House* (Clarke County *Antebellum Houses Thematic Resources*) A St. (5-22-80)
 Enterprise, *Pilgrim's Rest* (Clarke County *Antebellum Houses Thematic Resources*) Tuscaloma St. (5-22-80)
 Enterprise, *Riverside Plantation* (Clarke County *Antebellum Houses Thematic Resources*) SR 11 (5-22-80)
 Enterprise, *Smith-McClain-Buckley House* (Clarke County *Antebellum Houses Thematic Resources*) Stonewall St. (5-22-80)
 Enterprise, *Stephenson-Allen House* (Clarke County *Antebellum Houses Thematic Resources*) Bridge St. (5-22-80)
 Enterprise, *Woolverton-Boyd House* (Clarke County *Antebellum Houses Thematic Resources*) Off SR 513 (5-22-80)
 Enterprise vicinity, *Ward House* (Clarke County *Antebellum Houses Thematic Resources*) 3 mi N of Enterprise (5-22-80)
 Lake Bounds, *McNeill-McGee House* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 Langsdale, *Overseer's House and Outbuildings of Lang Plantation* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 Langsdale, *Prairie Place* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 Pachuta, *Forestdale Plantation* (Clarke County *Antebellum Houses Thematic Resources*) (5-22-80)
 Quitman, *Trotter-Byrd House* (Clarke County *Antebellum Houses Thematic Resources*) 419 E. Franklin St. (5-22-80)
 Shubuta, *Hand House* (Clarke County *Antebellum Houses Thematic Resources*) North St. (5-22-80)
 Shubuta, *Price-Patton-Pettis House* (Clarke County *Antebellum Houses Thematic Resources*) North and 2nd Sts. (5-22-80)

Shubuta, *Sumrall-Albritton House* (Clarke County *Antebellum Houses Thematic Resources*) SR 45 (5-22-80)
 Stonewall, *Millbrook-Asher's Cabin* (Clarke County *Antebellum Houses Thematic Resources*) SR 513 (5-22-80)

Copiah County

Wesson, *Old Wesson Public School Building*, Off U.S. 51 (10-16-80)

Forrest County

Hattiesburg, *Hattiesburg Historic Neighborhood District*. Roughly bounded by RR tracks, Katie Ave., Frederick and Hardy Sts. (9-17-80)

Hattiesburg, *Hub City Historic District*, U.S. 49 and U.S. 11 (8-29-80)

Hattiesburg vicinity, *Tall Pines*, S of Hattiesburg on Memorial Dr. (10-16-80)

Harrison County

Long Beach, *Quarles, W. J., House and Cottage*, 120 and 122 E. Railroad St. (10-16-80)

Hinds County

Jackson, *Farish Street Neighborhood Historic District*. Roughly bounded by Amite, Mill, Fortification and Lamar Sts. (3-13-80)
 Jackson, *Welty House*, 741 N. Congress St. (10-27-80)

Jackson, *West Capitol Street Historic District*. Roughly bounded by RR tracks, Amite, Roach and Pearl Sts. (3-13-80)

Holmes County

Pickens, *Clark, Mollie, House*, 2221 Yazoo St. (9-15-80)

Pickens, *Tye House*, 2440 N. 1st St. (12-18-79)

Issaquena County

Mayersville vicinity, *Mayersville Archeological Site*, S of Mayersville (4-29-80)

Jackson County

Gautier vicinity, *Lewis, Col. Alfred E., House*, 1901 Watersedge Dr. (10-16-80)
 Ocean Springs, *Louisville and Nashville Railroad Depot at Ocean Springs*, 1000 Washington Ave. (12-31-79)

Jefferson County

Church Hill vicinity, *Pecan Grove*, N of Church Hill off MS 551 (3-13-80)

Lorman vicinity, *China Grove (McDonald Place)*, W of Lorman off U.S. 61 (4-3-80)

Lorman vicinity, *Rodney Center Historic District*, NW of Lorman (8-29-80)

Lafayette County

Oxford, *Isom Place*, 1003 Jefferson Av. (4-2-80)

Oxford, *Oxford Courthouse Square Historic District*, S. Lamar Blvd., Jackson and Van Buren Aves. (4-2-80)

Lawrence County

Jayess vicinity, *Boyd-Cothern House* (Lawrence County *Folk and Vernacular Thematic Resources*) (9-29-80)

Jayess vicinity, *Gunnell House* (Lawrence County *Folk and Vernacular Thematic Resources*) (9-29-80)

Jayess vicinity, *Robbins House* (Lawrence County *Folk and Vernacular Thematic Resources*) (9-29-80)

Jayess vicinity, *Tynes House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Monticello vicinity, *Armstrong-Lee House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Monticello vicinity, *Cannon House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Monticello vicinity, *Crane-Mason House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Monticello vicinity, *Smith, A. L. House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Monticello vicinity, *Wilson House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron, *Bush House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron vicinity, *Buckley House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron vicinity, *Knapp-Stephens House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron vicinity, *Newsom-Lane House* (Lawrence County Folk and Vernacular Thematic Resources) MS 43 (9-29-80)

New Hebron vicinity, *Newsom-Smith House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron vicinity, *Price-Stephens House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

New Hebron vicinity, *Stringer House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Silver Creek vicinity, *Rogers House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Sontag vicinity, *Douglas House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Sontag vicinity, *Johnson-White House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Vanilla vicinity, *Fox House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Vanilla vicinity, *Hilliard House* (Lawrence County Folk and Vernacular Thematic Resources) (9-29-80)

Leflore County

Greenwood, *Cotton Row Historic District*, Cotton, Front, Fulton, Howard, Main, and Market Sts. (5-15-80)

Greenwood, *Provine House*, 319 Grand Blvd. (4-8-80)

Lincoln County

Brookhaven, *Building at 306 South Jackson Street* (4-17-80)

Brookhaven, *Union Station* (Illinois Central Passenger Depot and Freight Office) S. Whitworth Ave. (8-21-80)

Lowndes County

Columbus, *Columbus Central Commercial Historic District*, U.S. 82 and U.S. 45 (4-23-80)

Columbus, *Factory Hill-Frog Bottom-Burns Bottom Historic District*, Roughly bounded by 2nd and 6th Aves., 2nd and 5th Sts. (9-2-80)

Columbus, *Friendship Cemetery*, 1300 4th St. (7-23-80)

Columbus vicinity, *Cox-Uithoven House*, N of Columbus on Old Aberdeen Rd. (5-8-80) HABS.

Columbus vicinity, *Plymouth*, NW of Columbus (4-22-80)

Marshall County

Holly Springs, *Holly Springs Courthouse Square Historic District*, U.S. 78 (1-20-80)

Holly Springs, *Mississippi Industrial College Historic District*, Memphis St. (1-20-80)

Monroe County

Aberdeen vicinity, *Baker Mound* (7-17-80)

Aberdeen vicinity, *Word Mound* (7-17-80)

Montgomery County

Winona, *Wisteria Hotel*, Central Ave. (12-18-79)

Neshoba County

Neshoba vicinity, *Neshoba County Fair Historic District*, NW of Neshoba on MS 21 (4-22-80)

Newton County

Newton, *Newton West Church Historic District*, W. Church St. (1-20-80)

Noxubee County

Shuqualak, *Central Shuqualak Historic District*, Off MS 39 (8-26-80)

Panola County

Sardis, *Kyle, Judge John William, Law Office*, 147 S. Main St. (7-24-80)

Sardis, *Short's Hill*, 203 Childress St. (10-16-80)

Pike County

McComb, *Kramertown-Railroad Historic District*, S. Railroad Blvd. (3-13-80)

Rankin County

Pelahatchie, *Lessel House*, Railroad St. and Brooks Ave. (9-11-80)

Warren County

Vicksburg, *Galleries, The*, 2421 Marshall St. (4-17-80)

Vicksburg, *Grove Street Houses* (Boer House and Isaacs House), 1117 and 1121 Grove St. (5-8-80)

Vicksburg, *Guider House*, 1115 Grove St. (5-8-80)

Washington County

Greenville, *Leavenworth-Wasson-Carroll House*, 623 S. Washington Ave. (7-23-80)

Wilkinson County

Woodville, *Hampton Hall*, MS 61 (10-24-80)

MISSOURI

Social Institutions of Columbia's Black Community Thematic Resources. Reference—see individual listings under Boone County.

Andrew County

Savannah, *Andrew County Courthouse*, 4th and Main Sts. (9-11-80)

Boone County

Columbia, *Boone, John W., House* (Social Institutions of Columbia's Black Community Thematic Resources) (9-4-80)

Columbia, *Douglass, Fred, School* (Social Institutions of Columbia's Black Community Thematic Resources) (9-4-80)

Columbia, *Missouri State Teachers Association*, 407 S. 6th St. (9-4-80)

Columbia, *Missouri United Methodist Church*, 204 S. 9th St. (9-4-80)

Columbia, *St. Paul A.M.E. Church* (Social Institutions of Columbia's Black Community Thematic Resources) 15th and Park Sts. (9-4-80)

Columbia, *Second Baptist Church* (Social Institutions of Columbia's Black Community Thematic Resources) 4th St. and Broadway (9-4-80)

Columbia, *Second Christian Church* (Social Institutions of Columbia's Black Community Thematic Resources) (9-4-80)

Columbia, *Tiger Hotel*, 23 S. 8th St. (2-29-80)

Columbia, *Wabash Railroad Station and Freight House*, 126 N. 10th St. (10-11-79)

Buchanan County

St. Joseph, *Corby-Forsee Building*, 5th and Felix Sts. (3-27-80)

St. Joseph, *Eckel, Edmond Jacques, House*, 515 N. 4th St. (1-31-80)

St. Joseph, *James, Jesse, House*, 12th St. and Mitchell Ave. (9-4-80)

St. Joseph, *Miller, Isaac, House*, 3003 Ashland Ave. (9-17-80)

St. Joseph, *Missouri Theater and Missouri Theater Building*, 112-128 S. 8th St. and 713-721 Edmond St. (10-11-79)

Callaway County

Fulton, *Hockaday, John Augustus, House*, 105 Hockaday Ave. (9-17-80)

Fulton, *Willing, Dr. George M., House*, 211 Jefferson St. (10-3-80)

Cape Girardeau County

Cape Girardeau, *Glenn House*, 325 S. Spanish St. (10-11-79)

Cape Girardeau, *Oliver-Leming House* (Home of the Missouri State Flag) 740 North St. (9-12-80)

Carroll County

Carrollton, *Carroll County Sheriff's Quarters and Jail*, 101 W. Washington St. (10-11-79)

Carter County

Grandin, *Missouri Lumber and Mining Company Historic Resources*. This area includes: *Sixth Street Historic District*, 6th St.; *Bedell, Mrs. Louis, House*, 3rd and Maple Sts.; *Boyer, Earl, House*, 5th St.; *Gibson, J. W., House*, 6th and Pine Sts.; *Greensfelder, Delia, House*, 4th and N. Cherry Sts.; *Herrington, Loretta, House*, 5th St.; *Hinton, James, House*, Walnut St.; *Jacobson, Nettie, House*, 6th and Oak Sts.; *Kitterman, Nola, House*, 6th St.; *Knapp, Wallace, House*, 6th and S. Elm Sts.; *Lawhorn, Buford, House*, 6th St.; *Lewis, Iva, House*, 6th St.; *Masonic Lodge*, 5th and S. Elm Sts.; *Mays, Terry House*, 6th and S. Plum St.; *McNew, Thornton, House*, 6th and Spruce Sts.; *Mill Pond, Off MO 21; Nance, Della, House*, 6th St.; *Owens, Hazel, House*, 5th St.; *Phillips, Ernie, House*, 3rd and N.

Cherry Sts.; Powers, Alvis, House, Walnut St.; Shoat, Hazel, House, 5d St.; Smith, James, House, 6th St.; Smith, Lawrence, House, 3rd St.; Smith, William F., House, 6th St.; Tucker, Lee, House, 3rd St. (10-14-80)

Chariton County

Brunswick vicinity, Locust Hill (McGruder Estate) E of Brunswick on SR Y (1-10-80)

Clark County

Wayland vicinity, Sickles Tavern, NW of Wayland on MO B (10-22-79)

Franklin County

Washington vicinity, Caldwell Farm, S of Washington on Bieker Rd. (10-20-80)

Gentry County

Albany, Gentry County Courthouse, Public Sq. (9-18-80)

Hickory County

Hermitage, Williams, John Siddle, House, Off U.S. 54 (9-27-80)

Howard County

Fayette, Central Methodist College Campus Historic District, Roughly bounded by Mulberry, Elm, Church and MO 5 (9-15-80)

Fayette vicinity, Jackson, Prior, Homeplace (Cedar Lawn) S of Fayette on MO DD (3-10-80)

New Franklin, Harris-Chilton-Ruble House, 108 N. Missouri Ave. (9-4-80)

Jackson County

Independence, Bingham-Waggner House and Estate, 313 W. Pacific Ave. (5-22-80)

Kansas City, Bellerive Hotel, 214 E. Armour Blvd. (2-28-80)

Kansas City, Chicago Apartments, 1110—1112 E. Armour Blvd. (9-11-80)

Kansas City, Kansas City Athenaem, 900 E. Linwood Blvd. (10-11-79)

Kansas City, Newbern Hotel, 525 E. Armour Blvd. (9-23-80)

Kansas City, Peck, George B., Dry Goods Company Building, 1044 Main St. (4-30-80)

Kansas City, Westminster Congregational Church, 3600 Walnut St. (2-28-80)

Jasper County

Carthage, Carthage Courthouse Square Historic District, Roughly bounded by E. Central Ave., S. Maple, Lincoln, and W. 5th Sts. (5-15-80)

Loclede County

Lebanon, Loclede County Jail, Adams and 3rd Sts. (3-27-80)

Lafayette County

Lexington, Waddell House, 1704 South St. (10-11-79)

Lawrence County

Mount Vernon, Lawrence County Courthouse, City Sq. (9-23-80)

Livingston County

Chillicothe, Grace Episcopal Church and Building, 421 Elm St. (9-17-80)

Mocon County

Macon, Blees Military Academy, U.S. 63 (10-11-79)

Marion County

Hannibal, Eighth and Center Streets Baptist Church, 722 Center St. (9-4-80)

Hannibal, Federal Building 600 Broadway (10-15-80)

Hannibal, Rockcliffe Mansion, 1000 Bird St. (9-18-80)

Miller County

Iberia, Iberia Academy and Junior College, SR 17 and SR 42 (9-4-80)

Mississippi County

Charleston, Moore House, 403 N. Main St. (9-18-80)

Montgomery County

Mineola vicinity, Mount Horeb Baptist Church, W. of Mineola (9-27-80)

Morgan County

Versailles, Morgan County Courthouse, Courthouse Sq. (1-10-80)

Nodaway County

Maryville, Big Pump, 903 S. Main St. (9-18-80)

Maryville, Nodaway County Courthouse, 3rd and Main Sts. (10-11-79)

Perry County

Frohna vicinity, Bergt, Christian A., Farm, E of Frohna (1-10-80)

Pettis County

Sedalia, Sedalia Public Library, 311 W. 3rd St. (1-10-80)

Pulaski County

Richland vicinity, Manes, Calloway, Homestead, NW of Richland (6-6-80)

Ray County

Richmond, Ray County Courthouse, Off MO 10 and MO 13 (10-11-79)

St. Charles County

St. Charles, Marten-Becker House, 837 First Capitol Dr. (10-11-79)

St. Louis (independent city)

Brown, A. D., Building, 1136 Washington Ave. (3-28-80)

Brown Shoe Company's Homes-Take Factory, 1201 Russell Blvd. (10-20-80)

CARONDELET, EAST OF BROADWAY, ST. LOUIS MULTIPLE RESOURCE AREA

This area includes Steins Street District, Steins St.; Otzenberger House, 7827 Reilly St.; Schlichtig House, 8402 Vulcan St.; Steins, Jacob, House, 7600 Reilly St.; Zeiss Houses, 7707—7713 Vulcan St. (5-29-80)

Convent of the Sisters of St. Joseph of Carondelet, 6400 Minnesota Ave. (2-28-80)

Fullerton's Westminster Place, Westminster Pl. (4-10-80)

Holy Cross Parish District, 8115 Church Rd. (3-27-80)

Lambert-Deacon-Hull Printing Company Building, 2100 Locust St. (10-20-80)

Lewis Place Historic District, Lewis Pl. (9-15-80)

Mayfair Hotel, 806 St. Charles Ave. (9-17-79)

Page Boulevard Police Station, Page and Union Blvds. (9-11-80)

St. Liborius Church and Buildings, 1835 N 18th St. (10-11-79)

St. Mary of Victories Church, 744 S. 3rd St. (8-28-80)

Stone Houses, 200—204 Steins St. (3-27-80)

Strassberger's Conservatory, 2302—2306 S. Grand St. (3-27-80)

Unitarian Church of the Messiah, Locust and Garrison Sts. (9-22-80)

St. Louis County

Crestwood vicinity, Sappington, Zephaniah, House, S of Crestwood at 11145 Gravois Rd. (9-18-80)

Florissant, Taille de Noyer (Mullanphy-Chambers House), 1 Rue Taille de Noyer (1-10-80)

Normandy, Hunt, Wilson Price, House, 7717 Natural Bridge Rd. (9-23-80)

St. Louis vicinity, Pappas, Theodore, A., House, 885 Masonridge Rd. (2-14-79)

University City, Assumption Greek Orthodox Church, 6900 Delmar Blvd. (9-23-80)

University City, Link, Theodore, Historic Buildings, 7100, 7104 and 7108 Delmar Blvd. (9-11-80)

University City, University Heights Subdivision Number One, Roughly bounded by Delmar Blvd., Yale, Dartmouth and Harvard Aves. (9-23-80)

Saline County

Sweet Springs, First Christian Church, 400 Bridge St. (9-12-80)

Warren County

Warrenton, Schowengerdt, Ernst, House, 308 E. Boone's Lick Rd. (10-3-80)

MONTANA

Beaverhead County

Big Hole Pumpstation. Reference—see Silver Bow County.

Dillion, Montana State Normal School, 710 S. Atlantic St. (8-27-80)

Blaine County

Chinook, Lohman Block, 239—225 Indiana St. (3-19-80)

Cascade County

Belt, Belt Jail, Castner St. (3-10-80)

Great Falls, Cascade County Courthouse, 415 2nd Ave. North (4-16-80)

Great Falls, Collins, Timothy Edwards, Mansion, 1003—1017 2nd Ave., NW. (8-27-80)

Chouteau County

Fort Benton, Chouteau County Courthouse, 1308 Franklin St. (9-29-80)

Fort Benton, Chouteau County Jail, Washington and 14th Sts. (8-11-80)

Fort Benton, Fort Benton Bridge, Spans Missouri River (8-6-80)

Fort Benton, Masonic Building (Sharps Store), 1418 Front St. (10-14-80)

Fort Benton, St. Paul's Episcopal Church, 14th and Chouteau Sts. (9-29-80)

Geraldine vicinity, Lonetree, S of Geraldine (9-11-80)

Fergus County

Lewistown, Culver Studio, 212 5th Ave. (8-11-80)

Lewistown, Fergus County Improvement Corporation Dormitory, 216 7th St. S. (2-1-80)

Lewistown, *Lewiston Carnegie Library*, 701 W. Main St. [8-11-80]

Flathead County

Columbia Falls, *St. Richard's Church*, 505 W. 4th Ave. [3-19-80]

Kalispell, *Dean, A. J. House*, 244 Woodland Ave. [8-11-80]

Gallatin County

Gallatin Gateway, *Gallatin Gateway Inn*, U.S. 191 [1-24-80]

Three Forks, *Sacajawea Hotel*, 5 Main St. [1-24-80]

Golden Valley County

Ryegate vicinity, *Sims-Garfield Ranch*, E of Ryegate [8-27-80]

Granite County

Philipsburg, *Granite County Jail*, Kearney St. [8-27-80]

Hill County

Havre, *Young-Almas House*, 419 4th Ave. [10-14-80]

Jefferson County

Boulder, *Jefferson County Courthouse*, 200 Centennial Ave. [8-8-80]

Lake County

Polson, *Polson Feed Mill*, 501 Main St. [4-29-80]

Lewis and Clark County

Helena, *Cathedral of Saint Helena*, 530 N. Ewing St. [4-30-80]

Helena, *Evans, Christmas Gift House*, 404 N. Benton Ave. [4-16-80]

Helena, *Kleinischmidt, T. H. House*, 1823 Highland Ave. [8-8-80]

Helena vicinity, *Silver Creek School*, N of Helena on Sierra Rd. [8-11-80]

McCone County

Circle, *Gladstone Hotel*, 101 Main St. [8-28-80]

Mineral County

DeBorgia, *DeBorgia Schoolhouse*, Thompson Falls DeBorgia Rd. [12-27-79]

Missoula County

Huson vicinity, *U.S. Forest Service Remount Depot (Ninemile Ranger Station)* 2.4 mi. SW of Huson [4-10-80]

Missoula, *Gibson, A. J. House*, 402 S. 2nd St. [4-16-80]

Missoula, *U.S. Post Office*, 200 E. Broadway St. [11-30-79]

Missoula, *Wilma Theatre*, 104 S. Higgins Ave. [12-31-79]

Missoula vicinity, *Flynn Farm*, W of Missoula on Mullan Rd. [3-19-80]

Park County

Livingston, *Livingston Multiple Resource Area*. This area includes: *B Street District*, B St.; *Commercial District*, Roughly bounded by Park, C, Clark, 3rd, and Callendar Sts.; *East Side Residential District*, Roughly bounded by I, Clark, E and Park Sts.; *West Side Residential District*, Roughly bounded by Sacajawea Park, 7th, Park, and 3rd Sts.; *Detention Hospital*, 325 E. Gallatin St.; *Ebert Ranch*, U.S. 89; *Krohne Island House*, Krohne

Island; *Krohne Spring House*, 329 S. H. St.; *Northside School*, 118 W. Chinook St.; *Trowbridge Dairy*, 207 S. M St.; *Urbach Cabin*, 9th Street Island; Livingston vicinity, *Harvet Ranch*, SE of Livingston off U.S. 89; *KPRK Radio*, E of Livingston off U.S. 89; *Rolfson House*, W of Livingston on Bozeman Rd. [9-5-79]

Phillips County

Malta, *Phillips County Carnegie Library*, S. 1st St. [8-27-80]

Pondera County

Conrad, *Conrad City Hall*, 15 4th Ave. SW. [2-1-80]

Ravalli County

Hamilton, *Hamilton Town Hall*, 175 S. 3rd St. [4-21-80]

Silver Bow County

Divide vicinity, *Big Hole Pumpstation*, MT 43 [9-24-80] (also in Beaverhead County)

Toole County

Kevin, *Kevin Depot*, Central Ave. and 1st St. [8-11-80]

Wheatland County

Harlowton, *Graves Hotel*, 106 S. Central Ave. [8-8-80]

Harlowton vicinity, *McQuitty Building*, 121 N. Central Ave. [2-15-80]

Yellowstone County

Billings, *Fire House No. 2*, 201 E. 30th St. [2-29-80]

Billings, *Yegen, Peter, House*, 209 S. 35th St. [4-16-80]

NEBRASKA

Buffalo County

Kearney, *Thomas, Dr. A. O., House*, 2222 9th Ave. [2-28-80]

Burt County

Tekamah vicinity, *Stork, John Henry, Log House*, [5-29-80]

Cass County

Plattsmouth, *McLaughlin-Waugh-Dovey House*, 414 B Ave. [10-14-80]

Cherry County

Spade Ranch. Reference—see Sheridan County.

Dodge County

Hooper, *Hooper Historic District*, Main, Elk, Fulton and Myrtle Sts. [5-8-80]

Douglas County

Omaha, *First Unitarian Church of Omaha*, 3114 Harney St. [3-27-80]

Omaha, *St. John's A.M.E. Church*, 2402 N. 22nd St. [5-29-80]

Omaha, *St. Philomena's Cathedral and Rectory*, 1335 S. 10th St. [1-3-80]

Lancaster County

Lincoln, *Mount Emerald and Capitol Additions Historic Residential District*, Roughly bounded by A. G. 17th and 22nd Sts. [6-5-80]

Lincoln, *Veith Building*, 816 P St. [9-18-80]

Lincoln, *Woods Brothers Building*, 132 S. 13th St. [9-18-80]

Waverly vicinity, *Peterson, Peter, Farmstead* [2-11-80]

Merrick County

Central City, *Morris, Wright, Boyhood House*, 304 D St. [10-22-80]

Nemaha County

Auburn, *Reed, Wilber T., House*, 1204 N St. [3-24-80]

Otoe County

Nebraska City, *Camp Creek School*, Otoe County District No. 54, SE of Nebraska City on SR 3 [6-5-80]

Saline County

Crete, *Rademacher, Frank J., House*, 1424 Grove St. [3-11-80]

Dorchester, *Freidell, William, House*, 10th and Main Sts. [10-3-80]

Western vicinity, *Witt, Michael, Fachwerkbau* [1-14-80]

Sarpy County

Papillion, *Sautter, John Farmhouse* (SY00-11) 220 N. Jefferson St. [9-30-80]

Sheridan County

Ellsworth vicinity, *Spade Ranch* [2-28-80] (also in Cherry County)

NEVADA

Carson (independent city), Brougher Mansion, 204 W. Spear St. [8-11-80]

Humboldt County

Winnemucca, *Record, W. C., House*, 146 W. 2nd St. [8-27-80]

Lyon County

Yerington vicinity, *East Walker River Petroglyph Site*, S of Yerington [7-24-80]

Washoe County

Reno, *Hawkins House*, 549 Court St. [12-17-79]

Reno, *Nevada-California-Oregon Railroad Depot*, 325 E. 4th St. [2-8-80]

Reno, *Rainier Brewing Company Bottling Plant*, 310 Spokane St. [3-26-80]

NEW HAMPSHIRE

Belknap County

Gilford, *Morrill, John J., Store*, Belknap Mountain Rd. [8-29-80]

Laconia, *Endicott Rock*, Weirs Channel [5-28-80]

Laconia vicinity, *New Hampshire Veterans' Association Historic District*, N of Laconia on Lakeside Ave. [5-22-80]

Tilton, *Tilton Island Park Bridge*, Tilton Island Park [3-21-80]

Carroll County

Center Sandwich, *Town Hall*, Maple St. [5-15-80]

Eaton Center vicinity, *White Meetinghouse*, S of Eaton Center on Towle Hill Rd. [5-15-80]

Moultonborough vicinity, *Swallow Boathouse*, S of Moultonborough [8-26-80]

Tamworth, *Cook Memorial Library*, Main St. [6-25-80]

Wakefield, *District No. 2 Schoolhouse*, NH 153 [10-3-80]

Cheshire County

Dublin, *Dublin Town Hall*, NH 101 (6-25-80)
 Fitzwilliam vicinity, *Old Patch Place*, W of Fitzwilliam on Rhododendron Rd. (6-15-80)
 Keene, *Sawyer Tavern*, 63 Arch St. (5-15-80)
 Richmond, *Richmond Town Hall*, NH 32 (12-19-79)
 Westmoreland, *Park Hill Meetinghouse*, Park Hill (9-8-80)
 West Swanzey, *West Swanzey Covered Bridge*, Main St. (2-29-80)
 Winchester, *New Hampshire Conservatory of Music and the Arts*, Central Sq. (5-15-80)

Coos County

Berlin, *Congregational Church*, 921 Main St. (1-4-80)

Grafton County

Ashland, *Ashland Gristmill and Dam*, Main St. (12-10-79)
 Bath vicinity, *Goodall-Woods Law Office*, NE of Bath on U.S. 302 (8-26-80) HABS.
 Woodsville, *Woodsville Opera Building*, 67 Central St. (5-15-80)

Hillsborough County

Francofurt vicinity, *Old County Road South Historic District*, S of Francofurt off NH 186 (5-15-80)
 Goffstown vicinity, *Parker's Store (Neighborhood Club)* W of Goffstown on NH 114 (5-14-80)
 Manchester, *Currier Gallery of Art*, 182 Orange St. (12-19-79)
 Nashua, *Abbott House*, 1 Abbott Sq. (4-17-80)

Merrimack County

Concord, *Merrimack County Bank (Old Historical Society Building)* 214 N. Main St. (2-28-80) HABS.
 Concord, *Upham, Nathaniel G. House (Walker House)* 18 Park St. (5-15-80)
 Hopkinton, *Hopkinton Railroad Covered Bridge (Contoocook Railroad Bridge)* Off NH 103 and NH 127 (1-11-80)
 Hopkinton vicinity, *Howe-Quimby House*, NW of Hopkinton on Sugar Hill Rd. (8-27-80)
 Newbury, *Center Meetinghouse*, NH 103 (12-19-79)
 Northfield, *memorial Arch of Tilton*, Elm St. (5-19-80)

Rockingham County

Atkinson, *Atkinson Academy School, Academy Ave.* (8-26-80)
 Deerfield, *Town House*, Old Centre Rd. (4-17-80)
 East Kingston vicinity, *Greeley House*, E of East Kingston on NH 108 (6-10-80)
 Exeter, *Sewall, Edward, Garrison*, 16 Epping Rd. (1-11-80)
 Hampstead, *Hampstead Meetinghouse, Emerson Ave.* (4-10-80)
 Kingston, *First Universalist Church*, Main St. (12-26-79)
 Nottingham, *Dame School*, NH 152 (10-30-80)
 Nottingham, *Square Schoolhouse*, SR 156 and Ledge Farm Rd. (4-17-80)
 Rye, *Locke, Elijah, House*, 5 Grove Rd. (12-19-79)

Strafford County

Dover, *Reade, Michael, House*, 43 Main St. (2-12-80)

Dover, Religious Society of Friends Meetinghouse

Dover, Sawyer Building (Flat Iron Building) 4-6 Portland St. (5-23-80)
Dover, Woodman Institute, 182 Central Ave. (7-24-80)
Durham, Durham Historic District, Main St. and Newmarket Rd. (5-31-80)
Rollinsford, Salmon Falls Mill Historic District, Front St. (2-29-80)
Somersworth, Lehouillier Building, 161-169 Main St. (12-26-79)

Sullivan County

Claremont, English Church (Union Episcopal Church) Old Church Rd. (2-1-80)
Goshen vicinity, Gunnison, Capt. John, House, E of Goshen on Goshen Center Rd. (12-19-79)
Lempster, Lempster Meetinghouse, Lempster St. (9-8-80)
Meriden vicinity, Meriden Bridge, NW of Meriden (8-27-80)
Newport, Town Hall and Courthouse, 20 Main St. (2-29-80)

NEW JERSEY*Burlington County*

Georgetown vicinity, Newbold, William and Susannah, House, E of Georgetown (9-29-80)

Camden County

Camden, Cooper Library in Johnson Park, 2nd and Cooper Sts. (3-11-80)
Camden, Sharp, Edward, House, 200 Cooper St. (2-29-80)

Cape May County

Cape May Court House vicinity, New Asbury Methodist Episcopal Meetinghouse, Shore Rd. (9-17-80)
Villas, Fishing Creek Schoolhouse, 2102 Bayshore Rd. (3-6-80)
Woodbine, Woodbine Brotherhood Synagogue, 612 Washington Ave. (9-17-80)

Cumberland County

Seabrook vicinity, Deerfield Presbyterian Church, NE of Seabrook (9-29-80)

Essex County

Millburn, Short Hills Park Historic District, Off NJ 24 (9-18-80)
Montclair, Presby Memorial Iris Gardens Horticultural Center, 474 Upper Mountain Ave. (9-17-80)
Newark, Dock Bridge, Spans Passaic River (10-3-80) [also in Hudson County]
Newark, St. Rocco's Roman Catholic Church, 212-216 Hunterdon St. (9-29-80)
West Caldwell, Harrison, Samuel Orton, House, 153 Orton Rd. (6-30-80) HABS.

Hudson County

DOCK BRIDGE. Reference—see Essex County.

Jersey City, St. Patrick's Parish and Buildings, Grand St., Ocean and Bramhall Aves. (9-17-80)
Jersey City, Van Vorst Park Historic District, Roughly bounded by Railroad Ave., Henderson, Grand, Bright, and Monmouth Sts. (3-5-80)

Weehawken, Hackensack Water Company Complex, 4100 Park Ave. (1-3-80)

Hunterdon County

Flemington, Flemington Historic District, Roughly bounded by NJ 12, NJ 31, N. Main, Shields, and Hopewell Aves. (9-17-80)
Flemington vicinity, Clover Hill Historic District, Amwell and Wertsville-Clover Hill Rds. (9-29-80) [also in Somerset County]
Holland vicinity, Pursley's Ferry Historic District, River and Church Rds. (10-8-80)
Milford vicinity, Everittstown Historic District, E of Milford at int. of SR 12, SR 15 and Palmyra Rd. (8-28-80)

Mercer County

Lawrenceville vicinity, Princessville Inn, E of Lawrenceville at 3510 Princeton Pike (6-27-80)
Trenton, Adams and Sickles Building, 1 W. End Ave. (1-31-80)
Trenton, Hog Island Cranes, Trenton Marine Terminal (6-17-80)
Trenton, House at 379 West State Street (1-23-80)

Middlesex County

Cranbury, Cranbury Historic District, Off U.S. 130 (9-18-80)
Edison, Edison, Thomas A. Memorial Tower, Christie St. (11-30-79)
Helmetta, Helme, G. W., Snuff Mill District, Irregular pattern along Main St. (8-15-80)

Monmouth County

Allenhurst, Allenhurst Railroad Station, Main St. (9-17-80)
Fort Hancock and vicinity, Fort Hancock and the Sandy Hook Proving Ground Historic District, NJ 36 (4-24-80)
Holmdel, Holmdel Dutch Reformed Church, 41 Main St. (10-22-80)
Imlaystown, Salter's Mill, Imlaystown-Davis Station Rd. (9-29-80)

Morris County

Boonton, Boonton Historic District, Main, Church, Birch, Cornelia and Cedar Sts. (9-29-80)
Chatham vicinity, Kemble, Peter, House (Mount Kemble) Old Camp Rd. and Mount Kemble Ave. (8-26-80) HABS
Dover, Delaware, Lackawanna and Western Railroad Station, N. Dickerson St. (5-23-80)
Madison, Madison Public Library and the James Building, Main St. and Green Village Rd. (2-8-80)
Madison, Sayre House, 31 Ridgedale Ave. (2-12-80) HABS.
Morristown, Delaware Lackawanna and Western Railroad Station, 132 Morris St. (3-11-80)

Passaic County

Haledon, Kossuth Street School, 47 Kossuth St. (4-10-80)
Paterson, Ferguson, John W., House, 421 12th Ave. (5-23-80)

Somerset County

CLOVER HILL HISTORIC DISTRICT. Reference—see Hunterdon County.

Sussex County

Walpack Center, Wallpack Center Historic District, Wallpack Center Rd. (7-17-80)

Hamburg, *Bethany Chapel (Hamburg Presbyterian Church)* 103 Hamburg Tpke. (2-29-80)

Wallpack Center vicinity, *Peters Valley Historic District*, Sandyston-Haney's Mill, Walpack, and Kuhn Rds. (2-29-80)

Union County

Fanwood, *Central Railroad of New Jersey (Fanwood Railroad Station Complex)* 238 North Ave. (7-17-80)

New Providence vicinity, *Feltville Historic District*, S of New Providence (6-8-80)

Warren County

Belvidere, *Belvidere Historic District*, Off U.S. 46 (10-3-80)

Vienna vicinity, *Mount Bethel Methodist Church*, S of Vienna on Mount Bethel Rd. (2-29-80)

NEW MEXICO

ANASAZI SITES WITHIN THE CHACOAN INTERACTION SPHERE THEMATIC RESOURCES. Reference—see individual listings under McKinley and San Juan Counties.

Bernalillo County

Albuquerque, *Hope Building*, 220 Gold St., SW. (8-29-80)

Albuquerque, *Pacific Desk Building*, 213-215 Gold Ave., SW. (9-30-80)

Grant County

San Juan vicinity, *Wheaton-Smith Site* (7-23-80)

San Lorenzo vicinity, *Janss Site* (7-23-80)

Luna County

Deming, *Mahoney Building*, Gold and Spruce Sts. (9-30-80)

McKinley County

Crownpoint vicinity, *Casa De Estrella Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources)* (10-10-80)

Crownpoint vicinity, Dalton Pass

Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources) (10-10-80)

Crownpoint vicinity, *Greenlee Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources)* (10-10-80)

Crownpoint vicinity, *Haystack Archeological District (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources)* (10-10-80)

Crownpoint vicinity, *Upper Kin Kizhin Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources)* (10-10-80)

Fort Wingate vicinity, Fort Wingate

Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources) (10-10-80)

Otero County

LA LUZ TOWNSITE MULTIPLE RESOURCE AREA. This area includes: La Luz, *La Luz Historic District*, Off NM 83; Garcia, Juan House, Tularosa St.; Queen Anne House, Kearny St.; Sutherland, D. H., House, Main St. (10-23-80)

Rio Arriba County

Espanola, *Bond, Frank, House*, Bond St. (3-6-80)

Sandoval County

Bernalillo, *Abenicio Salazar Historic District*, U.S. 85 (6-6-80)

Corrales, *San Ysidro Church*, Church Rd. (7-30-80)

Guadalupe vicinity, *Guadalupe Ruin*, SE of Guadalupe (3-24-80)

San Juan County

Bloomfield vicinity, *Halfway House Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources)* (10-10-80)

Bloomfield vicinity, Twin Angels

Archeological Site (Anasazi Sites Within the Chacoan Interaction Sphere Thematic Resources) (10-10-80)

San Miguel County

Las Vegas, *Distrito de las Escuelas*, S. Pacific and S. Gonzales Sts. (3-18-80)

Las Vegas, *Ilfeld, Adele, Auditorium*, New Mexico Highlands University campus (1-8-80)

Santa Fe County

Santa Fe vicinity, *Acequia System of El Rancho de las Golondrinas*, 12 mi. SE of Santa Fe (2-1-80)

Socorro County

Magdalena, *MacDonald Merchandise Building*, U.S. 60 (9-25-80)

Toos County

Taos, *Fechin, Nicholai, House*, NM 3 (12-31-79)

Valencia County

Encinal, *Village of Encinal Day School* (8-8-80)

NEW YORK

INTERBOROUGH RAPID TRANSIT SUBWAY CONTROL HOUSES

THEMATIC RESOURCES. Reference—see individual listings under Bronx, King, and New York counties.

Women's Rights Historic Sites Thematic Resources. Reference—see individual listings under Seneca County.

Albany County

Albany, *Abrams Building*, 55-57 S. Pearl St. (2-14-80)

Albany, Center Square/Hudson-Park

Historic District, Roughly bounded by Park Ave., State, Lark and S. Swan Sts. (3-18-80)

Albany, *Downtown Albany Historic District*, Broadway, State, Pine, Lodge and Columbia Sts. (1-31-80)

Albany, *St. Peter's Episcopal Church*, 107 State St. (1-16-80) NHL

Alcove, *Alcove Historic District*, SR 11 and Alcove Rd. (7-24-80)

Guilford, *Albany Glassworks Site* (7-22-80)

Allegheny County

Alfred, *Fireman's Hall*, 7 W. University St. (3-18-80)

Bronx County

Bronx, *Bronx Central Annex-U.S. Post Office*, 558 Grand Concourse (5-6-80)

Bronx, *Fonthill Castle and the Administration Building of the College of Mount St. Vincent*, W. 261st St. and Riverdale Ave. (7-11-80)

Bronx, *Mott Haven Historic District*, An irregular pattern along Alexander Ave. and E. 140th St. (3-25-80)

Bronx, *New York, Westchester and Boston Railroad Administration Building*, 481 Morris Park Ave. (4-23-80)

Bronx, *Poe Cottage*, 2640 Grand Concourse (8-19-80)

Bronx, *St. Ann's Church Complex*, 295 St. Ann's Ave. (4-16-80)

New York, *Mott Avenue Control House (Interborough Rapid Transit Subway Control Houses Thematic Resources)*, 149th St. and Grand Concourse (5-6-80)

Broome County

Binghamton, *Roberson Mansion*, 30 Front St. (3-25-80)

Binghamton, *Rose, Robert H., House*, 3 Riverside Dr. (8-26-80)

Windsor, *Windsor Village Historic District*, College Ave., Academy, Chapel, Church, Dewey, Elm and Main Sts. (7-30-80)

Cayuga County

Auburn, *Case Memorial-Seymour Library*, 178 Genesee St. (5-6-80)

Chautauqua County

Dunkirk, *Point Gratiot Lighthouse Complex*, Sycamore Rd. (12-18-79)

Chemung County

Elmira, *Elmira Civic Historic District*, E. Church, Lake, E. Market, Baldwin, Carroll, and State Sts. (7-30-80)

Horseheads, *Horseheads 1855 Extension Historic District*, Grand Central Ave., Fletcher, Sayre, W. Mill and Center Sts. (7-30-80)

Columbia County

Claverack, *Double-Span Whipple Bowstring Truss Bridge*, Van Wyck Lane (4-17-80)

Hudson vicinity, *Wiswall, Oliver, House*, W. of Hudson (9-4-80)

Delaware County

Franklin, *New Stone Hall*, Center St. (5-6-80)

Dutchess County

Fishkill vicinity, *Stony Kill Farm*, W. of Fishkill on NY 9D (3-20-80)

Hyde Park, *Roosevelt, Eleanor, National Historic Site*, Violet Ave. (3-20-80)

Pawling, *Kane, John, House*, 125 E. Main St. (10-20-80)

Red Hook vicinity, *Heermance Farmhouse*, N. of Red Hook on W. Kerley Corner Rd. (5-6-80)

Erie County

Buffalo, *Allentown Historic District*, Off NY 384 (4-21-80)

Buffalo, *Buffalo and Erie County Historical Society*, 25 Nottingham Ct. (4-23-80)

Buffalo, *Niagara Frontier Transit Buildings*, 855 Main St. (5-14-80)

Buffalo, *West Village Historic District*, Roughly bounded by S. Elmwood Ave.,

Chippewa, Georgia, Prospect, Carolina and Tracy Sts. (5-6-80)

Orchard Park, *Johnson-Jolls Complex*, S-4287 S. Buffalo St. (5-6-80)

Fulton County

Ephratah vicinity, *Goroga Site* (7-22-80)

Ephratah vicinity, *Klock Site* (7-22-80)

Ephratah vicinity, *Pagerie, Smith, Site* (4-22-80)

Genessee County

North Bergen, *Gifford-Walker Farm*, 7083 N. Bergen Rd. (1-10-80) (also in Orleans County)

Greene County

Coxsackie, *Reed Street Historic District*, Reed, Ely, Mansion, and River Sts. (5-6-80)

Jefferson County

Alexandria Bay vicinity, *Ingleside*, W of Alexandria Bay on Cherry Island (4-16-80)

Watertown, *Flower, Roswell P., Memorial Library*, 229 Washington St. (1-10-80)

Watertown, *Paddock Mansion*, 228 Washington St. (12-11-79)

Watertown, *Watertown Masonic Temple*, 240 Washington St. (1-23-80)

Kings County

Brooklyn, *Brooklyn Borough Hall*, 209 Joralemon St. (1-10-80)

Brooklyn, *Hanson Place Seventh Day Adventist Church*, 88 Hanson Pl. (4-23-80)

Brooklyn, *Kings County Savings Bank*, 135 Broadway (4-16-80)

Brooklyn, *Monsignor McGolrick Park and Shelter Pavilion*, Bounded by Nassau and Driggs Aves., Russell and Monitor Sts. (5-6-80)

Brooklyn, *New Utrecht Reformed Church and Buildings*, 18th Ave. and 63rd St. (4-9-80)

Brooklyn, *Prospect Park*, Bounded by Parkside, Ocean and Flatbush Aves., Prospect Park W. and Prospect SW. (9-17-80)

Brooklyn, *Old Gravesend Cemetery*, Gravesend Neck Rd. and MacDonald Ave. (9-17-80)

Brooklyn, *Russian Orthodox Cathedral of the Transfiguration of Our Lord*, 228 N. 12th St. (4-16-80)

Brooklyn, *St. Bartholomew's Protestant Episcopal Church and Rectory*, 1227 Pacific St. (4-23-80)

Brooklyn, *State Street Houses*, 291-299, 290-324 State St. (1-17-80)

Brooklyn, *Twentythird Regiment Armory*, 1322 Bedford Ave. (5-6-80)

Brooklyn, *Williamsburgh Savings Bank*, 175 Broadway (4-9-80)

New York, *Atlantic Avenue Control House* (Interborough Rapid Transit Subway Control Houses Thematic Resources) Flatbush and Atlantic Aves. (5-6-80)

New York, *Bennett, Floyd, Field Historic District*, Flatbush Ave. (4-11-80)

New York, *Public School 39*, 417 6th Ave. (4-17-80)

Livingston County

Avon vicinity, *Barber-Mulligan Farm*, NE of Avon at 5403 Barber Rd. (5-19-80) (also in Monroe County)

Lima, *Hillcrest*, 7242 W. Main St. (5-6-80)

Oakland vicinity, *Edgerley*, S of Oakland at 9303 Creek Rd. (7-16-80)

Monroe County

BARBER-MULLIGAN FARM. Reference—see Livingston County.

Fairport, *DeLand, Henry, House*, 99 S. Main St. (4-17-80)

Fairport, *Wilbur House*, 187 S. Main St. (5-6-80)

Perinton, *Richardson's Tavern*, 1474 Marsh Rd. (5-6-80)

Montgomery County

Amsterdam, *Greene Mansion*, 92 Market St. (12-31-79)

Canajoharie vicinity, *Rice's Woods* (7-18-80)

Nelliston, *Nelliston Multiple Resource Area* This area includes: *Nelliston Historic District*, Prospect, River, Railroad and Berthoud Sts.; *Ehle, Peter, House*, E. Main St.; *Lasher-Davis House*, U.S. 5; *Nellis, Jacob, Farmhouse*, Nellis St.; *Walrath-Van Horne House*, W. Main St.; *Waterman-Gramps House*, School St. (9-27-80)

Nassau County

Manhasset, *Onderdonk, Horatio Gates, House*, 1471 Northern Blvd. (4-16-80)

New York County

New York, *Alwyn Court Apartments* 180 W. 58th St. (12-26-79)

New York, *American Fine Arts Society*, 215 W. 57th St. (5-6-80)

New York, *American Roditor Building*, 40-52 W. 40th St. (5-7-80)

New York, *Ansonia Hotel*, 2101-2119 Broadway (1-10-80)

New York, *Association of the Bar of the City of New York*, 42 W. 44th St. (1-3-80)

New York, *Audubon Terrace Historic District*, Bounded by Broadway, Riverside Dr., W. 155th and W. 158th Sts. (5-30-80)

New York, *Bailey House*, 10 St. Nicholas Pl. (4-23-80)

New York, *Battery Park Control House* (Interborough Rapid Transit Subway Control Houses Thematic Resources) State St. and Battery Pl. (5-6-80)

New York, *Belnord Apartments*, 225 W. 86th St. (4-23-80)

New York, *Bowling Green Fence and Park*, Broadway and Beaver Sts. (4-9-80)

New York, *Building at 45 East 66th Street* (5-6-80)

New York, *Building at 85 Leonard Street* (4-23-80)

New York, *Building at 376-380 Lafayette Street* (12-28-79)

New York, *Bouwerie Lane Theater*, 330 Bowery St. (4-23-80)

New York, *Bowery Savings Bank*, 130 Bowery St. (4-23-80)

New York, *Chanin Building*, 122 E. 42nd St. (4-23-80)

New York, *Chapel of the Intercession Complex and Trinity Cemetery*, 550 W. 155th St. (7-24-80)

New York, *Church of Notre Dame and Rectory*, 405 W. 114th St. and 40 Morningside Dr. (5-6-80)

New York, *Church of St. Ignatius Loyola Complex*, Park Ave., 83rd and 84th Sts. (7-24-80)

New York, *Church of the Holy Communion and Buildings*, 656-682 6th Ave. (4-17-80)

New York, *Church of the Immaculate Conception and Clergy House*, 408-414 E. 14th St. (3-26-80)

New York, *Church of the Transfiguration*, 25 Mott St. (4-16-80)

New York, *Claremont Stables (Claremont Riding Academy)* 173-177 W. 89th St. (4-16-80)

New York, *Control House on 72nd Street* (Interborough Rapid Transit Subway Control Houses Thematic Resources) W. 72nd St. and Broadway (5-6-80)

New York, *East 78th Street Houses*, 157, 159, 161, and 163-165 E. 78th St. (3-25-80)

New York, *East 80th Street Houses*, 116-130 E. 80th St. (3-26-80)

New York, *Eldridge Street Synagogue*, 12-16 Eldridge St. (3-28-80)

New York, *Federal Reserve Bank of New York*, 33 Liberty St. (5-6-80)

New York, *First Houses*, E. 3rd St. and Ave. A (12-18-79)

New York, *First Shearith Israel Graveyard*, 55-57 St. James Pl. (4-17-80)

New York, *Former Police Headquarters Building*, 240 Centre St. (3-28-80)

New York, *Gramercy Park Historic District*, Roughly bounded by 3rd and Park Aves. S., E. 18th and 22nd Sts. (1-23-80)

New York, *Harlem Courthouse*, 170 E. 121st St. (4-16-80)

New York, *Harlem River Houses*, 151st to 153rd St., Macombs Pl. and Harlem River Dr. (12-18-79)

New York, *Harvard Club of New York City*, 27 W. 44th St. (3-26-80)

New York, *Holy Trinity Church, St. Christopher House and Parsonage*, 312-316 and 332 E. 88th St. (5-30-80)

New York, *House at 37 East 4th Street* (1-3-80)

New York, *Knickerbocker Hotel*, 142 W. 42nd St. (4-11-80)

New York, *Lescaze House*, 211 E. 48th St. (5-19-80)

New York, *Marble Collegiate Reformed Church*, 275 5th Ave. (4-9-80)

New York, *Mariner's Temple*, 12 Oliver St. (4-16-80)

New York, *McGraw-Hill Building*, 326 W. 42nd St. (3-28-80)

New York, *Municipal Asphalt Plant*, Between 90th and 91st Sts. (5-23-80)

New York, *New Amsterdam Theater*, 214 W. 42nd St. (1-10-80)

New York, *New York City Marble Cemetery*, 52-74 E. 2nd St. (9-17-80)

New York, *New York Public Library*, 115th Street Branch, 203 W. 115th St. (5-6-80)

New York, *New York Public Library and Bryant Park*, Avenue of the Americas, 5th Ave., 40th and 42nd Sts. (10-15-66) NHL

New York, *No. 8 Thomas Street Building*, 8 Thomas St. (4-30-80)

New York, *Old Colony Club*, 120 Madison Ave. (4-23-80)

New York, *Old Grolier Club*, 29 E. 32nd St. (4-23-80)

New York, *Park Avenue Houses*, 680, 684, 686 and 690 Park Ave. (1-3-80)

New York, *Public Baths*, Asser Levy Pl. and E. 23rd St. (4-23-80)

New York, *Public School 35 (Public School 135)* 931 1st Ave. (10-27-80)

New York, *Rice, Isaac L., Mansion (Villa Julia)* 346 W. 89th St. (6-25-80)

New York, *Riverside-West 105th Street Historic District*, Roughly bounded by W. End Ave., Riverside Dr., W. 104th and W. 106th Sts. (8-19-80)

New York, Roosevelt, Sara Delano, Memorial House, 47 and 49 E. 65th St. (3-28-80)
 New York, St. Andrew's Episcopal Church, 2087 5th Ave. (3-18-80)
 New York, St. Augustine's Chapel, 290 Henry St. (5-6-80)
 New York, St. Bartholomew's Church and Community House, 109 E. 50th St. (4-16-80)
 New York, St. Jean Baptiste Church and Rectory, 1067-1071 Lexington Ave. (4-23-80)
 New York, St. Peter's Roman Catholic Church, 22 Barclay St. (4-23-80)
 New York, St. Thomas Church and Parish House, 1-3 W. 53rd St. (4-9-80)
 New York, Schinasi House, 351 Riverside Dr. (4-23-80)
 New York, Scribner Building, 153-157 5th Ave. (5-6-80)
 New York, Sea and Land Church, 61 Henry St. (4-9-80)
 New York, New York, Town Hall, 113-123 W. 43rd St. (4-23-80)
 New York, Union Theological Seminary, W. 120th St. and Broadway (4-23-80)
 New York, University Club, 1 W. 54th St. (4-18-80)

New York, Waldo, Gertrude Rhinelander, Mession, 867 Madison Ave. (5-6-80)
 New York, West End Collegiate Church and Collegiate School, W. End Ave. and W. 77th St. (5-6-80)
 New York, West 78th Street Historic District, W. 76th St. (7-24-80)

Niagara County

Niagara Falls, Williams, Johann, Farm, 10831 Cayuga Dr. (1-10-80)
 North Tonawanda, Riviera Theatre, 27 Webster St. (3-20-80)

Onondaga County

Skaneateles vicinity, Kelsey-Davey Farm, NE of Skaneateles on Old Seneca Tpke. (4-16-80)
 Syracuse, Montgomery Street-Columbus Circle Historic District, E. Jefferson, E. Onondaga, Montgomery and E. Fayette Sts. (2-19-80)

Syracuse, Syracuse University-Comstock Tract Buildings, Syracuse University campus (7-22-80)

Ontario County

Victor, Osborne House, 146 Maple Ave. (7-11-80)

Orange County

Chester, Yelverton Inn and Store, 112-116 Main St. (3-28-80)
 Gardnertown, Gardner, Silas, House, 1141 Union Ave. (3-28-80)
 Port Jervis, Erie Railroad Station, Jersey Ave. and Fowler St. (4-11-80)
 Tuxedo Park, Tuxedo Park, Tuxedo Lake and environs (3-13-80)

Orleans County

Gifford-Walker Farm, Reference—see Genesee County.

Oswego County

Oswego, Sheldon Hall, Washington Blvd. (5-13-80)

Otsego County

Oneonta, Walnut Street Historic District, Ford Ave., Walnut, Dietz, Elm and Maple Sts. (7-30-80)
 Otego vicinity, Otsdawa Creek Site (7-22-80)
 Unadilla, Mann, Andrew, Inn, 33 Riverside Rd. (1-10-80)
 Unadilla vicinity, Russ-Johnsen Site (7-22-80)

Putnam County

Carmel, Reed Memorial Library, 2 Brewster Ave. (3-28-80)
 Garrison vicinity, DeRham Farm, N of Garrison on Indian Brook Rd. (3-28-80)

Queens County

Elmhurst, Reformed Church of Newtown Complex, 8515 Broadway (4-23-80)
 Jamaica, St. Monica's Church, 9420 180th St. (4-9-80)
 New York, First Reformed Church, 153 Jamaica Ave. (4-16-80)
 Queens, Office of the Register (Jamaica Arts Center), 161-04 Jamaica Ave. (1-3-80)

Rensselaer County

Hoosick Falls, Estabrook Octagon House, 8 River St. (2-8-80)

Richmond County

Staten Island, Edgewater Village Hall and Tappan Park, Bounded by Wright, Water, Bay and Canal Sts. (5-19-80)
 Staten Island, Elliott, Dr. Samuel MacKenzie, House, 69 Delafield Pl. (3-28-80)
 Staten Island, Garibaldi Memorial, 420 Tompkins Ave. (4-17-80)
 Staten Island, Miller Army Air Field Historic District, New Dorp Lane (4-11-80)
 Staten Island, Moore-McMillan House, 3531 Richmond Rd. (4-23-80)
 Staten Island, Seguine House, 440 Seguine Ave. (5-6-80)

St. Lawrence County

Lisbon, Lisbon Town Hall, Church and Main Sts. (9-4-80)

Schoharie County

Schoharie, Westheimer Site (7-22-80)

Seneca County

Seneca Falls, Bloomer, Amelia, House (Women's Rights Historic Sites Thematic Resources), 53 E. Bayard St. (8-29-80)
 Seneca Falls, Stanton, Elizabeth Cady, House (Women's Rights Historic Sites Thematic Resources), 32 Washington St. (previously listed in the National Register (10-15-66))
 Seneca Falls, Wesleyan Methodist Church (Women's Rights Historic Sites Thematic Resources), 126 Fall St. (8-29-80)
 Waterloo, Hunt House (Women's Rights Historic Sites Thematic Resources), 401 E. Main St. (8-29-80)
 Waterloo, M'Clintock House (Women's Rights Historic Sites Thematic Resources), 14 E. Williams St. (8-29-80)

Steuben County

Addison, Addison Village Hall, Tuscarora and South Sts. (4-23-80)
 Hornell, Hornell Armory, 100 Seneca St. (5-8-80)
 Riverside, Erwin, William, House, 508 Water St. (4-11-80)

Suffolk County

Mastic Beach, Old Mastic House (William Floyd Estate), 20 Washington Ave. (10-15-80)
 Rocky Point vicinity, Radio Central Complex, S of Rocky Point on Rocky Point-Yaphank Rd. (8-27-80)
 Southampton, Breese, James L., House, 155 Hill St. (4-18-80)

Sullivan County

Bloomingburg, Bloomingburgh Reformed Protestant Dutch Church, NY 17M (1-10-80)

Tompkins County

Ithaca, Llenroc, 100 Cornell Ave. (4-16-80)

Ulster County

Kingston, Ponckhockie Union Chapel, 91 Abrun St. (4-23-80)
 Kingston and vicinity, Kingston-Port Ewen Suspension Bridge, U.S. 9W (4-30-80)

Warren County

Silver Bay, Silver Bay Association Complex, NY 9N (3-20-80)

Washington County

Greenwich vicinity, Coffin Site (7-22-80)

Wayne County

Sodus Point, Customs House, Sentell St. (5-6-80)

Westchester County

Bronxville, Lawrence Park Historic District, roughly bounded by Side Hill, Prescott, Kensington, Garden and Chestnut Aves., Maidens Lane, Valley and Pondfield Rds. (1-23-80)

Bronxville, Masterton-Dusenberry House, 90 White Plains Rd. (4-16-80)

Hawthorne vicinity, Hammond House, S of Hawthorne on Grasslands Rd. (5-6-80)

Millwood, Sarles' Tavern, NY 100 (12-31-79)

New Rochelle, Davenport House 157 Davenport Rd. (4-30-80)

Ossining, Brandreth Pill Factory, Water St. (1-10-80)

Peekskill, Drum Hill High School, Ringgold St. (12-31-80)

Salem Center, North Salem Town Hall, Titicus Rd. (9-4-80)

Tarrytown, Music Hall, 11 Main St. (2-12-80)

White Plains, White Plains Armory, 35 S. Broadway (4-16-80)

Wyoming County

Warsaw, Trinity Church, W. Buffalo St. (3-18-80)

Warsaw, Warsaw Academy, 73 S. Main St. (1-3-80)

NORTH CAROLINA

Alamance County

Burlington, Southern Railway Passenger Station, Main and Webb Sts. (5-23-80) HAER

Buncombe County

Asheville, Asheville Historic and Architectural Multiple Resource Area. This area includes: Downtown Asheville Historic District, roughly bounded by 1240, Valley St., Hilliard Ave., and Broad Ave.

Asheville Transfer and Storage Company Building, 192-194 Coxe Ave.; B & B Motor Company Building, 84-94 Coxe Ave.; Conabeer Chrysler Building, 162-164 Coxe Ave.; E. D. Latta Nurses' Residence (Interchange Center), 159 Woofin St.; George A. Mears House, 137 Biltmore Ave.; Richbourg Motors Building, 50 Coxe Ave.; Sawyer Motor Company Building, 100 Coxe Ave.; Schoenberger Hall, 60 Ravenscroft Dr.; 130-132 Biltmore Ave.; 134-136½ Biltmore Ave.; and 140 Biltmore Ave. (4-28-79)

Asheville, Biltmore Industries, Inc., Grovewood Rd. (2-1-80)

Asheville, Biltmore Village Multiple Resource Area. This area includes: *Biltmore Village Cottage District, Swan St., All Souls Crescent and Boston Way; All Souls Episcopal Church and Parish House, 2 Angle St.; Barker, Clarence, Memorial Hospital, 2-6 Reed St.; Biltmore Estate Office, 10 Biltmore Plaza; Biltmore-Oteen Bank Building, 12 Lodge St.; Biltmore Shoe Store, 8 Lodge St.; Biltmore Village Commercial Buildings, Brook St. and Biltmore Plaza; Biltmore Village Cottages, 18 Angle St. and 75 Hendersonville Rd.; McGahey Building, 7½ Biltmore Plaza; Reed, Samuel Harrison, House, 119 Dodge St.; Southern Railway Passenger Depot, 1 Biltmore Plaza (11-15-79)*

Asheville, Breese, William E., Sr., House, 674 Biltmore Ave. (4-28-80)

Asheville, Overlook, 710 Town Mountain Rd. (10-22-80)

Camden County

Camden vicinity, *Lamb-Ferebee House, NW of Camden on NC 343 (9-22-80)*

Catawba County

Catawba vicinity, *Murray's Mill Historic District, SE of Catawba (12-31-79)*

Hickory vicinity, *Yoder's Mills Historic District (1-11-80)*

Chowan County

Edenton, *Speight House and Cotton Gin, E. Church St. (9-22-80)*

Edenton, *Strawberry Hill, Church St. (5-22-80)*

Edenton vicinity, *Athol, SE of Edenton on SR 1114 (5-22-80) HABS*

Cleveland County

Boiling Springs vicinity, *Irvin-Hamrick Log House, NW of Boiling Springs on SR 1153 (5-28-80)*

Shelby, *Webbley, 403 S. Washington St. (9-29-80)*

Shelby vicinity, *Beam, Joshua, House, NE of Shelby (6-4-80)*

Shelby vicinity, *Suttle, Joseph, House, SW of Shelby (7-17-80)*

Cumberland County

Fayetteville, *Westlawn, 1505 Fort Bragg Rd. (9-22-80)*

Currituck County

Corolla, *Whalehead Club, Currituck Banks (4-16-80)*

Corolla vicinity, *Currituck Shooting Club, S of Corolla (5-28-80)*

Currituck, *Currituck County Courthouse and Jail (North Carolina County Courthouses Thematic Resources) SR 1242 (5-10-79)*

Shawboro, *Shaw House, NC 34 and SR 1203 (4-17-80)*

Shawboro vicinity, *Culong, S of Shawboro on SR 1147 (2-1-80) HABS*

Davie County

Mocksville, *Clement, Jesse, House, Maple Ave. (4-17-80)*

Durham County

Durham, *Watts Hospital, Broad St. and Club Blvd. (4-2-80)*

Edgecombe County

Mercer vicinity, *Nobles, Dr. A. B., House and McKendree Church, NW of Mercer on SR 1224 (6-19-80)*

Rocky Mount, *Rocky Mount Central City Historic District, Roughly bounded by Robinson and Atlantic Aves., Holly and Franklin Sts. (6-19-80)*

Tarboro, *Tarboro Multiple Resource Area. This area includes: Tarboro Historic District; Edgecombe Agricultural Works; Eastern Star Baptist Church, Church and Wagner Sts.; Oakland Plantation, Edmondson St.; Railroad Depot Complex, Off N. Main St.; St. Paul Baptist Church, Edmondson St. (4-2-80)*

Forsyth County

Winston-Salem, *Single Brothers Industrial Complex Site, Academy St. (12-13-79)*

Franklin County

Franklin, *Savage, Dr. J. A., House, 124 College St. (9-22-80)*

Royal vicinity, *Clifton House and Mill Site SR 1103 (4-17-80)*

Guilford County

Colfax vicinity, *Beeson, Col. Isaac, House, S of Colfax (10-16-80)*

Greensboro, *Central Fire Station, 318 N. Greene St. (4-28-80)*

Greensboro, *Foust, Julius I., Building, 1000 W. Spring Garden St. (9-11-80)*

Guilford, *Hillside (Julian Price House) 301 Fisher Park Circle (2-1-80)*

Whitsett vicinity, *Holly Gate, NC 81 (9-22-80)*

Halifax County

Enfield vicinity, *Strawberry Hill, E of Enfield on SR 1100 (1-15-80)*

Scotland Neck vicinity, *Magnolia, N of Scotland Neck on U.S. 258 (4-17-80)*

Haywood County

Waynesville, *Way, Dr. J. Howell, House, 301 S. Main St. (9-11-80)*

Henderson County

Fletcher vicinity, *Meadows, The, N of Fletcher on SR 1547 (1-11-80)*

Hoke County

Edinburgh vicinity, *Mill Prong (12-13-79)*

Hyde County

Swanquarter vicinity, *Lake Mattamuskeet Pump Station, E of Swanquarter (5-28-80)*

Madison County

Hot Springs, *Sunnybank, NC 209 (5-23-80)*

Martin County

Hamilton, *Hamilton Historic District, NC 125 (6-3-80)*

Mecklenburg County

Charlotte, *Carr, John Price, House, 200-206 N. McDowell St. (10-22-80)*

Charlotte, *Fire Station No. 2, 1212 South Blvd. (10-22-80)*

Charlotte, *Seaboard Air Line Railroad Passenger Station, 1000 N. Tryon St. (10-24-80)*

Moore County

Carthage, *Bruce-Dowd-Kennedy House, Monroe and Rockingham Sts. (9-29-80)*

Nash County

Middlesex vicinity, *Taylor's Mill (5-28-80)*

Rocky Mount, *Rocky Mount Mills, NC 43 and NC 48 (2-1-80)*

Northampton County

Rich Square vicinity, *Duke-Lawrence House, E of Rich Square off NC 305/561 (10-22-80)*

Person County

Concord vicinity, *Burleigh, NW of Concord on NC 57 (5-1-80)*

Randolph County

Asheboro, *Mount Shepherd Pottery Site, 8 mi. NW of Asheboro (2-1-80)*

Richmond County

Ellerbe vicinity, *Ellerbe Springs Hotel, N of Ellerbe (6-4-80)*

Rockingham vicinity, *Covington Plantation House, SW of Rockingham (5-28-80)*

Rockingham County

Madison, *Boxwoods, The, Penn Lane (5-28-80)*

Rowan County

Woodleaf vicinity, *Mount Vernon, SR 1003 and SR 1986 (5-27-80)*

Surry County

Mount Airy vicinity, *North Carolina Granite Corporation Quarry Complex, E of Mount Airy on NC 103 (8-6-80)*

Swain County

Cherokee vicinity, *Nununyi Mound and Village Site, N of Cherokee (1-22-80)*

Wake County

Raleigh, *Norburn Terrace, 216 Lafayette St. (2-1-80)*

Raleigh, *St. Augustine's College Campus, Oakwood Ave. (3-28-80)*

Warren County

Warrenton, *Sledge-Hayley House, Franklin and Hayley Sts. (4-17-80)*

Wilkes County

Traphill, *Traphill Historic District, SR 1002 and SR 1749 (5-22-80)*

NORTH DAKOTA

Billings County

Medora vicinity, *Myles School Timbered Lodge (8-6-80)*

Burleigh County

Bismarck, *Cathedral Area Historic District, Roughly bounded by Hannifin and N 1st Sts., Aves. C and A West (5-8-80)*

Cass County

Fargo, *Gethsemane Episcopal Cathedral*, 204 S. 9th St. (2-19-80)

Dunn County

Manning vicinity, *Hutmacher Farm*, NW of Manning (12-17-79)

Foster County

Carrington, *Lincoln Building*, Off U.S. 281 (4-30-80)

Grand Forks County

Northwood, *Linwell, Martin V., House*, 316 S. Raymond St. (2-28-80)

Grant County

Carson, *Carson Roller Mill* (4-30-80)

Morton County

Huff vicinity, *Huff State Historic Site* (7-23-80)

Mandan, *Welsh House*, 208 5th Ave., NW. (4-22-80)

Mountrain County

New Town vicinity, *Evans Site* (2-8-80)

Pembina County

Drayton, *Drayton United Methodist Church*, ND 44 (12-10-79)

Ransom County

Lisbon vicinity, *Biesterfeldt Site* (2-8-80)

Ward County

Minot, *U.S. Post Office*, 100 1st St., SW. (10-14-80)

OHIO

Ohio and Erie Canal Thematic Resources. Reference—see individual listings under Cuyahoga and Summit Counties.

Robinson-Ransbottom Pottery Thematic Resources. Reference—see individual listings under Muskingum County.

Round Barns in the Black Swamp of Northwest Ohio Thematic Resources. Reference—see individual listings under Allen, Auglaize, Paulding, Putnam, and Van Wert Counties.

Samuel Hannaford and Sons Thematic Resources in Hamilton County. Reference—see individual listings under Hamilton County.

Seven Early Office Buildings at Central Square Thematic Resources. Reference—see individual listings under Mahoning County.

Tiffin Industrial Buildings Thematic Resources. Reference—see individual listings under Seneca County.

Adams County

Winchester, *Lewis, Dr. A. C., House*, 103 South St. (10-31-80)

Allen County

Delphos, *St. John Catholic Church*, 110 N. Franklin St. (1-3-80)

Delphos vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Lima vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Athens County

Athens, *Athens State Hospital*, OH 682 and Richland Ave., (3-11-80)

Athens, *Mount Zion Baptist Church, Congress and Carpenter Sts.* (10-3-80)
Canaanville vicinity, *Savage-Stewart House*, SE of Canaanville on U.S. 50 (2-8-80)
Millfield vicinity, *Weethee Historic District*, N of Millfield (1-7-80)

Ashland County

Ashland, *Ashland County Courthouse*, W. 2nd St. (12-21-79)

Loudonville, *Black, Philip J., House*, 363 N. Water St. (5-29-80)

Auglaize County

New Hampshire vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Belmont County

Morristown, *Morristown Historic District*, Church, Main, W. Cross, E. Cross, and Middle Criss Sts. (3-8-80)

Brown County

Ripley, *Parker, John P., House*, 300 Front St. (1-7-80)

Butler County

Fairfield, *Symmes Mission Chapel*, 5139 Pleasant Ave. (6-12-80)

Hamilton, *Garver Barn* (8-11-80)

Oxford, *Oxford Railroad Depot and Junction House*, S. Elm and W. Spring St. (2-8-80)

Oxford, *Kumler, Elias, House*, 120 S. Main St. (1-3-80)

Oxford vicinity, *Lane's Mill Historic Buildings*, S of Oxford at 3884 Wallace Rd. (10-3-80)

Reily, *Hidley, James P., Cottage*, 1820 Oxford-Reily Rd. (8-18-80)

Champaign County

Urbana, *Urbana College Historic Buildings*, College Way (10-3-80)

Clark County

Enon vicinity, *Pickaway Settlements*, Battlesite, N of Enon (5-8-80)

Springfield, *Bookwalter, Francis, House*, 611 S. Fountain Ave. (1-3-80)

Springfield, *Odd Fellows' Home for Orphans, Indigent and Aged*, 404 E. McCreight Ave. (4-16-80)

Springfield, *Reeser, C. A., House*, 1425 Innisfallen Ave. (6-20-80)

Springfield, *Third Presbyterian Church (Northminster Presbyterian Church)*, 714 N. Limestone St. (1-3-80)

Springfield vicinity, *Kenton-Hunt Farm*, N of Springfield at 4690 Urbana Rd. (2-8-80)

Columbiana County

East Fairfield, *Eckis, Nicholas, House*, High St. (1-3-80)

East Liverpool, *Carnegie Public Library*, 219 E. 4th St. (3-11-80)

East Liverpool, *Ikirt House*, 200 6th St. (5-29-80)

Lisbon vicinity, *Hostetter Inn*, NW of Lisbon (9-27-80)

Coshcocton County

West Lafayette vicinity, *Miller, Daniels, House*, W of West Lafayette at 52357 SR 16 (1-3-80)

Crawford County

Bucyrus, *Beer, Judge Thomas, House*, 306 W. Southern Ave. (3-24-80)

Bucyrus, *Blair, Herbert S., House*, 212 S. Lane St. (3-24-80)

Bucyrus, *Bucyrus Mausoleum*, Southern Ave. (9-27-80)

Bucyrus, *Chesney, Dr. John, House*, 225 E. Mansfield St. (3-24-80)

Bucyrus, *Harris, Stephen R., House (Rosedale Cottage)*, 548 East St. (7-24-80)

Bucyrus, *Toledo and Ohio Central Depot*, 700 E. Rensselaer St. (10-3-80)

Bucyrus vicinity, *Smith Road Bridge*, NW of Bucyrus (10-7-80)

Galion, *Brownella Cottage and Grace Episcopal Church and Rectory*, S. Union and Walnut Sts. (9-27-80)

Cuyahoga County

Cleveland, *Euclid Avenue Presbyterian Church*, 11205 Euclid Ave. (3-12-80)

Cleveland, *Root and McBride-Bradley Building*, 1120-1230 W. 6th St. (7-18-80)

Gates Mills, *Wilson's Mills Settlement District*, Chagrin River Rd. (5-29-80)

Lyndhurst, *Old Euclid District 4 Schoolhouse*, Richmond Rd. (4-18-80)

Valley View, *Lock No. 37 and Spillway (Ohio and Erie Canal Thematic Resources)*, Fitzwater Rd. (12-11-79)

Valley View, *Lock No. 38 and Spillway (Ohio and Erie Canal Thematic Resources)*, Hillside Rd. (12-11-79)

Valley View, *Lock No. 39 and Spillway (Ohio and Erie Canal Thematic Resources)*, Canal Rd. (12-11-79)

Valley View, *Lock Tender's House and Inn (Ohio and Erie Canal Thematic Resources)*, 7104 Canal Rd. (12-11-79)

Valley View, *Tinkers Creek Aqueduct (Ohio and Erie Canal Thematic Resources)*, Tinkers Creek (12-11-79)

Valley View, *Wilson Feed Mill (Ohio and Erie Canal Thematic Resources)*, 7804 Canal Rd. (12-11-79)

Darke County

Union City, *Lambert-Parent House*, 631 E. Elm St. (5-23-80)

Versailles vicinity, *St. Peter Evangelical Lutheran Church*, S of Versailles on St. Peter Rd. (6-4-80)

Defiance County

Defiance, *Fort Defiance Park*, Fort St. (6-23-80)

Delaware County

Delaware, *St. Mary's Church and Rectory*, 82 E. William St. (5-23-80)

Franklin County

Columbus, *Huntington, Franz, House*, 81 N. Drexel Ave. (5-29-80)

Columbus, *Indianola Junior High School*, 420 E. 19th Ave. (6-30-80)

Columbus, *Near Northside Historic District*, Off OH 315 (6-4-80)

Worthington, *Worthington Multiple Resource Area*. This area includes: Adams, Demas, House, 721 High St.; Bishop-Noble House.

48 W. South St.; *Brown, Sidney, House*, 12 E. Strafford Ave.; *Fay, Cyrus, House*, 64 W. Granville Rd.; *Gardner House*, 80 W. Granville Rd.; *Johnson, Orange, House*, 958 High St. [previously listed in the National Register 4-3-73]; *Kilbourne House*, 679-681 High St.; *Ladd-Mattoon House*, 72 E. North St.; *New England Lodge*, 634 High St. [previously listed in the National Register 3-20-73]; *Old Worthington Inn*, New England and High Sts.; *President's House*, 38 Short St.; *Ripley House*, 623 High St.; *St. John's Episcopal Church*, 700 High St.; *Scott, Travis, House*, 72 E. Granville Rd.; *Sharon Township Town Hall*, Granville Rd. and Harford St.; *Skeele, Capt. J. S., House*, 700 Hartford St.; *Snow, John, House*, 41 W. New England Ave. [previously listed in the National Register 7-26-73]; *Topping, J. R., House*, 92 E. Granville Rd.; *Park, Jonathan, House*, 91 E. Granville Rd.; *Wilcox, Hiram, House*, 196 E. Granville Rd.; *Worthington Historical Society Museum*, 50 W. New England Ave.; *Worthington Manufacturing Company Boarding House*, 25 Fox Lane [previously listed in the National Register 6-19-73]; *Worthington United Presbyterian Church*, High St. and W. Granville Rd.; *Worthington Village Green*, Village Green; *Wright, Horace, House*, 137 E. Granville Rd.; *Wright, Potter, House*, 174 E. New England Ave. [4-17-80]

Gallia County

Gallipolis, Gallipolis Public Square and Garden Lots Historic District, Court and State Sts., 1st and 2nd Aves. [1-8-80]

Greene County

Xenia, Hollencamp House, 339 E. 2nd St. [7-18-80]

Xenia, Waterstreet Historic District, Roughly bounded by Shawnee Creek, S. Detroit, S. Church and W. 2nd Sts. [8-11-80]

Yellow Springs vicinity, Whitehall, N of Yellow Springs off U.S. 68 [7-31-80]

Guernsey County

Cambridge vicinity, Broom-Braden Stone House, N of Cambridge at 86715 Reed Rd. [7-18-80]

New Concord vicinity, Harper, Samuel, Stone House, N of New Concord on SR 418 [1-3-80]

Hamilton County

Cincinnati, Ams and Doepeke Dry Goods Company [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 222 E. Central Pkwy. [3-3-80]

Cincinnati, Balch House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 267 Greendale Ave. [3-3-80]

Cincinnati, Brittany Apartment Building [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 100-104 W. 9th St. [3-3-80]

Cincinnati, Burckhardt, A. E., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 400 Forest Ave. [3-3-80]

Cincinnati, Burroughs, C. H., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1010 Chapel St. [3-3-80]

Cincinnati, Calvary Episcopal Church
Sunday School [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 3770 Clifton Ave. [3-3-80]

Cincinnati, Capt. Stone House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 405 Oak St. [3-3-80]

Cincinnati, Cincinnati City Hall [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 801 Plum St. [3-3-80]

Cincinnati, Cincinnati Music Hall and Exposition Hall [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1243 Elm St. [previously listed in the National Register 1-26-70]

Cincinnati, Cincinnati Observatory Building [Samuel Hannaford and Sons Thematic Resources in Hamilton County] Observatory Pl. [3-3-80]

Cincinnati, Cincinnati Work House and Hospital [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 3208 Colerain Ave. [3-3-80]

Cincinnati, College Hill Town Hall [Samuel Hannaford and Sons Thematic Resources in Hamilton County] Belmont and Larch Sts. [previously listed in the National Register 3-17-78]

Cincinnati, Cox, George G., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] Brookline Ave. [previously listed in the National Register 11-6-73]

Cincinnati, Cuvier Press Club [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 22 Garfield Pl. [previously listed in the National Register 10-26-72]

Cincinnati, Derby, H. W., Building [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 300 W. 4th St. [3-3-80]

Cincinnati, Detmer, A. M., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1520 Chapel St. [3-3-80]

Cincinnati, Domhoff Buildings, 4201-4203 Hamilton Ave. and 1604-1614 Chase Ave. [3-11-80]

Cincinnati, Eden Park Stand Pipe [Samuel Hannaford and Sons Thematic Resources in Hamilton County] Eden Park Dr. [3-3-80]

Cincinnati, Eden Park Station No. 7 [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1430 Martin Dr. [3-3-80]

Cincinnati, Edgecliff [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 2220 Victory Pkwy. [3-3-80]

Cincinnati, Eighteenth District School [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1326 Hopple St. [3-3-80]

Cincinnati, Elsinore Arch [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1700 Gilbert Ave. [3-3-80]

Cincinnati, Episcopal Church of the Resurrection [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 7346-7348 Kirkwood Lane [previously listed in the National Register 4-13-77]

Cincinnati, Field, Walter, House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 3725 Reading Rd. [3-3-80]

Cincinnati, First German Methodist Episcopal Church [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1310 Race St. [3-3-80]

Cincinnati, First Universalist Church [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 2600 Essex Pl. [3-3-80]

Cincinnati, Hannaford, Samuel, House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 768 Derby Ave. [3-3-80]

Cincinnati, Hemann, Joseph A., House, 49 W. McMillan St. [4-16-80]

Cincinnati, Hewson-Gutting House, 515 Lafayette Ave. [12-21-79]

Cincinnati, Hooper Building [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 139-151 W. 4th St. [3-3-80]

Cincinnati, Hummel, George, House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 3423 Whitfield Ave. [3-3-80]

Cincinnati, Krippendorff-Dittman Company [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 628 Sycamore St. [3-3-80]

Cincinnati, Lombard Apartment Building [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 318-326 W. 4th St. [3-3-80]

Cincinnati, Mayer, S. C., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1614 Main St. [3-3-80]

Cincinnati, Miller, Charles A., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1817 Chase St. [3-3-80]

Cincinnati, Mitchell, Richard H., House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 3 Burton Woods Lane [3-3-80]

Cincinnati, Morrison House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 750 Old Ludlow Ave. [previously listed in the National Register 4-3-73]

Cincinnati, Northside United Methodist Church [Samuel Hannaford and Sons Thematic Resources in Hamilton County] Chase and Delaney Sts. [3-3-80]

Cincinnati, Ohio National Guard Armory [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1437-1439 Western Ave. [3-3-80]

Cincinnati, Our Lady of Mercy High School [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1409 Western Ave. [3-3-80]

Cincinnati, Palace Hotel [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 6th and Vine Sts. [3-3-80]

Cincinnati, Palace Theatre, 12 E. 6th St. [3-24-80]

Cincinnati, Pfleger Family Houses, 216 and 218 Erkenbrecker Ave. [3-11-80]

Cincinnati, Phoenix Club [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 9th and Race Sts. [3-3-80]

Cincinnati, Pilgrim Presbyterian Church, 1222 Ida St. [7-18-80]

Cincinnati, Police Station No. 5 [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 1024-1026 York St. [3-3-80]

Cincinnati, Powell, Henry, House [Samuel Hannaford and Sons Thematic Resources in Hamilton County] 2209 Auburn Ave. [3-3-80]

Cincinnati, *Probasco Fountain (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* Clifton Ave. (3-3-80)

Cincinnati, *Prospect Hill Historic District*, Roughly bounded by Liberty Hill, Highland, Pueblo, Channing, and Sycamore Sts. (9-4-80)

Cincinnati, *Ransley Apartment Building (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 2390 Kemper Lane (3-3-80)

Cincinnati, *Rottermann, Heinrich A., House*, 510 York St. (5-23-80)

Cincinnati, *Russell, Charles B., House (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 3416 Brookline Ave. (3-3-80)

Cincinnati, *Sacred Heart Academy Chapel (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 525 Lafayette Ave. (previously listed in the National Register 4-11-73)

Cincinnati, *St. Francis Xavier Church*, 607 Sycamore St. (7-18-80)

Cincinnati, *St. George Parish and Newman Center (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 42 Calhoun St. (3-3-80)

Cincinnati, *Salway, William, House (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* Gray and Winton Rds. (3-3-80)

Cincinnati, *Saxony Apartment Building (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 105-111 W. 9th St. (3-3-80)

Cincinnati, *Scott, George, House (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 565 Purcell Ave. (3-3-80)

Cincinnati, *Showboat Majestic*, Broadway St. (1-3-80)

Cincinnati, *Spring Grove Cemetery Chapel (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 4321 Spring Grove Ave. (3-3-80)

Cincinnati, *Walnut Hills United Presbyterian Church (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 2601 Gilbert Ave. (3-3-80)

Cincinnati, *Westwood United Methodist Church (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* Epworth and Erwiler Sts. (3-3-80)

Cincinnati, *Winton Place Methodist Episcopal Church (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 700 E. Epworth Ave. (3-3-80)

Cincinnati, *Wolfe, Mary A., House (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* 965 Burton Ave. (3-3-80)

Norwood, *Norwood Municipal Building*, 4645 Montgomery Rd. (3-11-80)

Wyoming, *Wyoming Presbyterian Church (Samuel Hannaford and Sons Thematic Resources in Hamilton County)* Wyoming and Burns Aves. (3-3-80)

Hancock County

Fostoria, *Dana, Marcus, House* 707 N. County Line St. (3-24-80)

Hocking County

Logan, *James, Charles Worth, House*, 75 Hill St. (9-11-80)

Logan, *Logan City Hall*, 101 E. Main St. (2-11-80)

Holmes County

Berlin, *Pomerene House*, U.S. 62 (10-20-80)

Berlin vicinity, *Boyd School*, NW of Berlin on Fryburg-Fredericksburg-Boyd Rd. (10-3-80)

Berlin vicinity, *Wise, Peter, House*, S of Berlin on OH 557 (4-16-80)

Lake County

MADISON MULTIPLE RESOURCE AREA. This area includes: *Madison, Brick Vernacular House No. 1*, 98 Lake St.; *Brick Vernacular House No. 2*, 120 N. Lake St.; *Cheese-vat Factory*, 16 Eagle St.; *Childs, Alpha Charles, House (Quayle Sanatorium)* 319 W. Main St.; *Childs, Robert W., House*, 307 W. Main St.; *Damon, George, House*, 841 W. Main St.; *Dayton, James, House*, 939 W. Main St.; *Dayton, James, House, II*, 417 W. Main St.; *Defleck, Albert, House*, 431 W. Main St.; *Fuller, Frances Ensign, House*, 790 W. Main St.; *Gilbert, Jane, House*, 189-195 W. Main St.; *Gill, H., House*, 232 River St.; *Hendry, Francis, House*, 239-243 W. Main St.; *Ingersoll, Cyrus J., House*, 249 W. Main St.; *Jones, John J., House*, 298 Lake St.; *Kellogg, John, House and Barn*, 30 E. Main St.; *Kimball, Addison, House*, 390 W. Main St. (previously listed in the National Register 3-27-75); *Kimball, Lemuel, House, II*, 467 W. Main St. (previously listed in the National Register 10-15-74); *Kimball, Solomon, House*, 391 W. Main St.; *Lyman, William, House*, 734 W. Main St.; *Metcalf, Rev. Harlan, House*, 275 W. Main St.; *Norfolk and Western Freight Station*, Lake St.; *Pease, George, House*, 553 W. Main St.; *Selby, Orland, House*, 564 E. Main St.; *Smead, David, House*, 269 E. Main St.; *Talcott, Joseph, House*, 354 River St.; *Ware, Edwin L., House*, 293 W. Main St.; *Wilson, George D., House*, 367 River St.; *Winas, Dr. J. C., House*, 143 River St. (previously listed in the National Register 4-26-76); (10-20-80)

Lawrence County

Ironton, *Erlich, F. W., House*, 1908 S. 6th St. (10-3-80)

Licking County

Granville, *Avery-Hunter House*, 221 E. Broadway (12-27-79)

Newark, *Hull Place*, 686 W. Main St. (12-21-79)

Newark, *Oakwood*, 64-70 Penney Ave. (5-29-80)

Lorain County

Oberlin, *Evans, Wilson Bruce, House*, 33 E. Vine St. (4-16-80)

Mahoning County

Lake Milton, *Vaughn, Daniel, Homestead*, 694 Pine Dr. (7-18-80)

Youngstown, *Central Tower Building (Seven Early Office Buildings at Central Square Thematic Resources)* 1 Federal Plaza West (2-8-80)

Youngstown, *Federal Building (Seven Early Office Buildings at Central Square Thematic Resources)* 18 N. Phipps St. (2-8-80)

Youngstown, *First National Bank Building (Seven Early Office Buildings at Central Square Thematic Resources)* 47 Federal Plaza (2-8-80)

Youngstown, *Stambaugh Building (Seven Early Office Buildings at Central Square Thematic Resources)* 44 Federal Plaza (2-8-80)

Youngstown, *Warner Theater*, 260 W. Federal Plaza (5-31-80)

Youngstown, *Wick Building (Seven Early Office Buildings at Central Square Thematic Resources)* 34 Federal Plaza West (2-8-80)

Marion County

Marion, *Hotel Harding*, 267 W. Center St. (3-11-80)

Morrall vicinity, *Bretz Farm*, 197 Morrall-Kirkpatrick Rd. (1-8-80)

Medina County

Sharon Center, *Sharon Center Public Square Historic District*, OH 94 and OH 162 (10-3-80)

Miami County

Brandt vicinity, *Staley Farm*, N of Brandt at 7095 Staley Rd. (3-24-80)

Piqua, *Arrowston (William Boal Wood House and Estate)* 1220 Park Ave. (2-8-80)

Monroe County

Clarington vicinity, *Kindleberger, Frederick, Stone House and Barn*, NW of Clarington on SR 25 (2-8-80)

Rinards Mills vicinity, *Knowlton Covered Bridge*, N of Rinards Mills on SR 387-A (3-11-80)

Woodsfield, *Hollister-Parry House*, 217 Eastern Ave. (4-16-80)

Woodsfield, *Monroe Bank*, 117 Main St. (3-11-80)

Woodsfield, *Monroe County Courthouse*, Main St. (7-21-80)

Montgomery County

Centerville, *Pease Homestead*, 2123 Alexander-Bellbrook Rd. (8-11-80)

Dayton, *Bossler, Marcus, House*, 136 S. Dutoit St. (9-27-80)

Dayton, *Dayton Fire Department Station No. 16*, 31 S. Jersey St. (5-23-80)

Dayton, *Dayton Fire Station No. 14*, 1422 N. Main St. (9-27-80)

Dayton, *Dunbar Historic District*, N. Summit St. (6-30-80)

Dayton, *Kossuth Colony Historic District*, Baltimore St., Mack and Notre Dame Aves. (12-21-79)

Dayton, *Mumma, Jacob H. W., House*, 2239 Kipling Dr. (5-29-80)

Dayton, *Newcom House*, 53 Sherman St. (7-21-80)

Dayton, *Schantz, Adam, Sr., House*, 314-316 Schantz Ave. (3-7-80)

West Carrollton, *Schuter Carpenter Shop and House*, 3244 W. Alexandersville-Bellbrook Rd. (9-27-80)

Morrow County
Mount Gilead, *Levering Hall*, 12 S. Main St. (5-29-80)

Muskingum County
Adamsville vicinity, *Hunter, James, Stone House*, E of Adamsville on Mercer Rd. (1-3-80)

Duncan Falls, *Buckingham-Petty House*, Mound Rd. (8-11-80)

Ironspot, *Factory Site (Robinson-Ransbottom Pottery Thematic Resources)* Moxahala Creek (3-11-80)

Norwich, *Hardesty, Ralph, Stone House*, Main St. (3-11-80)

Roseville, *Ransbottom, C. W., House (Robinson-Ransbottom Pottery Thematic Resources)* 291 Washington St. (3-11-80)

Roseville, *Ransbottom, Edward, House (Robinson-Ransbottom Pottery Thematic Resources)* 99 Main St. (3-11-80)

Roseville, *Ransbottom, Frank M., House (Robinson-Ransbottom Pottery Thematic Resources)* 289 Washington St. (3-11-80)

Roseville, *Ransbottom, Mort, House (Robinson-Ransbottom Pottery Thematic Resources)* 152 N. Main St. (3-11-80)

Stoverton vicinity, *St. John's Evangelical Lutheran Church*, S of Stoverton on OH 555 (1-3-80)

Muskingum County
Zanesville, *Adena Court Apartments*, 41 S. 4th St. (9-27-80)

Zanesville, *Gorsuch, Ernest J., House*, 1869 Norwood Blvd. (3-11-80)

Zanesville, *Harper-Cosgrave Block*, N. 3rd St. (1-3-80)

Zanesville, *Lilienthal Building*, 44 S. 6th St. (7-21-80)

Zanesville, *McClelland, Harry S., House*, 908 Laurel Ave. (9-27-80)

Zanesville, *St. Thomas Aquinas Church*, 130 N. 5th St. (3-11-80)

Noble County
Caldwell, *Caldwell, Samuel, House*, East and Locust Sts. (3-11-80)

Fulda, *St. Mary's Church of the Immaculate Conception*, Off OH 564 (7-21-80)

Sarahsville vicinity, *Young-Shaw House*, E of Sarahsville on OH 146 (2-8-80)

Summerfield vicinity, *Danford, Samuel, Farm, Church and Cemetery*, N of Summerfield on SR 5-A (3-27-80)

Poindexter County
Antwerp, *Antwerp Norfolk and Western Depot*, W. Water St. (9-23-80)

Paulding vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Perry County
Crooksville, *West School*, Off OH 93 (4-10-80)

Pickaway County
Ashville, *Ashville Depot*, Madison and Cromley Sts. (2-25-80)

Circleville vicinity, *Horsey-Barthelmas Farm*, W of Circleville on OH 104 (7-24-80)

Putnam County
Columbus Grove vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Ottawa, Huber, Dr. H., Block, Main St. and Taft Ave. (6-4-80)

Richland County
Mansfield, *Soldiers and Sailors Memorial Building and Madison Theater*, 36 Park Ave. (5-27-80)

Ross County
Chillicothe vicinity, *Highbank Farm*, SE of Chillicothe on OH 35 (10-20-80)

Scioto County
Portsmouth, *Greenlawn Cemetery Chapel*, Offnere St. (1-3-80)

Seneca County
Tiffin, *Beatty Glass Company (Tiffin Industrial Buildings Thematic Resources)* 4th Ave. and Vine St. (1-7-80)

Tiffin, *Bowman's Distillery (Tiffin Industrial Buildings Thematic Resources)* 215 Riversdale Dr. (1-7-80)

Tiffin, *Hanson Machinery Company (Tiffin Industrial Buildings Thematic Resources)* 235 Miami St. (1-7-80)

Tiffin, *Hedges-Hunter-Keller-Bacon Gristmill (Tiffin Industrial Buildings Thematic Resources)* 255 Riverside Dr. (1-7-80)

Tiffin, *Hunter, William, House (Tiffin Industrial Buildings Thematic Resources)* 200 Riverside Dr. (1-7-80)

Tiffin, *Mueller Brewery (Tiffin Industrial Buildings Thematic Resources)* 140-164 Riverside Dr. (1-7-80)

Tiffin, *Mueller, Christ, House (Tiffin Industrial Buildings Thematic Resources)* 140-142 Riverside Dr. (1-7-80)

Tiffin, *North Sandusky Street Historic District*, N. Sandusky St. (5-27-80)

Tiffin, *Northeast Tiffin Historic District*, Clinton, Ohio, and Hunter Sts. (5-28-80)

Tiffin, *Ohio Lantern Company (Tiffin Industrial Buildings Thematic Resources)* 60-72 Hudson St. (1-7-80)

Tiffin, *Tiffin Agricultural Works (Tiffin Industrial Buildings Thematic Resources)* 40 Harrison St. (1-7-80)

Tiffin, *Tiffin Art Metal Company (Tiffin Industrial Buildings Thematic Resources)* 450 Wall St. (1-7-80)

Tiffin, *Tiffin Waterworks (Tiffin Industrial Buildings Thematic Resources)* 170 Ella St. (1-7-80)

Tiffin, *Wagner Brothers Bottling Works (Tiffin Industrial Buildings Thematic Resources)* 250-258 Benner St. (1-7-80)

Tiffin, *Webster Manufacturing (Tiffin Industrial Buildings Thematic Resources)* 325 Hall St. (1-7-80)

Shelby County
Sidney, *Sidney Courthouse Square Historic District*, Roughly bounded by North and South Sts., West and Miami Aves. (9-27-80)

Sidney vicinity, *Wilson-Lenox House*, W of Sidney at 9604 Houston Rd. (3-27-80)

Stark County
Hartville, *Hartville Hotel*, 101 N. Prospect St. (1-3-80)

Summit County
Akron, *Akron Rural Cemetery Buildings*, 150 Glendale Ave. (9-27-80)

Akron, *Akron Y.M.C.A. Building*, 80 W. Center St. (10-31-80)

Boston, *Brown, Jim, Tavern (Ohio and Erie Canal Thematic Resources)* Boston Mills Rd. (12-11-79)

Boston, *Lock No. 32 (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Boston vicinity, *Lock No. 33 (Lost Lock) (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Everett, *Lock No. 27 (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Everett vicinity, *Furnace Run Aqueduct (Ohio and Erie Canal Thematic Resources)* Furnace Run (12-11-79)

Ira, *Lock No. 28 (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Peninsula, *Lock No. 28 (Ohio and Erie Canal Thematic Resources)* Deep Lock Q Quarry Metro Park (12-11-79)

Peninsula, *Lock No. 29 and Aqueduct (Ohio and Erie Canal Thematic Resources)* Off SR 303 (12-11-79)

Peninsula, *Lock No. 30 and Feeder Dam (Ohio and Erie Canal Thematic Resources)* Off SR 303 (12-11-79)

Peninsula vicinity, *Lock No. 31 (Lonesome Lock) (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Peninsula vicinity, *Stumpy Basin (Ohio and Erie Canal Thematic Resources)* (12-11-79)

Sagamore Hills, *Lock No. 34 (Ohio and Erie Canal Thematic Resources)* Highland Rd. (12-11-79)

Sagamore Hills, *Lock No. 35 (Ohio and Erie Canal Thematic Resources)* Off SR 82 (12-11-79)

Van Wert County
Van Wert vicinity, *Round Barn (Round Barns in the Black Swamp of Northwest Ohio Thematic Resources)* (4-17-80)

Warren County
Franklin, *Mackinaw Historic District*, Off OH 123 (7-21-80)

Springboro vicinity, *Stanton Farm*, N of Springboro on Lytle-Five Points Rd. (5-29-80)

Washington County
Little Hocking vicinity, *Curtis, Walter, House*, S of Little Hocking (10-3-80)

Watertown vicinity, *Deming, Col. Simeon, House*, NE of Watertown on Willis Rd. (3-24-80)

Wayne County
Wooster, *College of Wooster*, OH 3 (2-25-80)

Wood County
Grand Rapids, *Kerr, Benjamin F. House*, 17605 Beaver St. (12-21-79)

Wyandot County
Upper Sandusky, *South Sandusky Avenue Historic District*, S. Sandusky Ave. (10-22-80)

Upper Sandusky, *Walker, William, Jr. House*, 132-134 S. 4th St. (3-11-80)

OKLAHOMA

Atoka County
Atoka, *First Methodist Church Building*, 105 W. 1st St. (6-30-80)

Atoka, *Masonic Temple*, 301 Court St. (9-8-80)

Atoka, *Old Atoka State Bank*, Court and Ohio Sts. (8-29-80)

Atoka, *Pioneer Club*, 1st and Mississippi Sts. (6-27-80)

Atoka, *Ralls, Joe, House*, 303 S. Pennsylvania St. (6-27-80)

Atoka, *Standley, Capt. James S., House*, 207 N. Ohio Ave. (12-11-79)

Atoka, *Zweigel Hardware Store Building*, 405 and 407 Court St. (9-8-80)

Daisy vicinity, *Billy, Isaac, Homestead and Family Cemetery*, NE of Daisy (4-17-80)

Beckham County

Erick, *First National Bank*, 101 S. Main St. (12-11-79)

Canadian County

El Reno, *Carnegie Library*, 215 E. Wade St. (8-29-80)

Choctaw County

Hugo, *Hugo Frisco Railroad Depot*, N. A and Jackson Sts. (6-6-80)

Comanche County

Lawton, *First Presbyterian Church of Lawton*, 8th St. and D Ave. (12-14-79)

Creek County

Sapulpa, *McClung House*, 708 S. Main St. (6-27-80)

Haskell County

Kinta, *Cotton Storage House*, Off OK 2 (1-10-80)

Kinta, *Scott Store*, OK 2 (1-11-80)

Kinta vicinity, *McCurtain, Edmund, House*, NE of Kinta (6-27-80)

Kiowa County

Hobart, *Hobart Public Library*, 200 S. Main St. (10-31-80)

Latimer County

Wilburton, *Rosenstein Building*, 111 E. Main St. (6-27-80)

LeFlore County

Poteau, *Terry House*, Terry Hill (6-27-80)

Lincoln County

Stroud, *Stroud Trading Company Building*, Main St. and 2nd Ave. (12-27-79)

Logan County

Guthrie, *St. Joseph Convent and Academy*, Off OK 33 (12-19-79)

McCurtain County

Garvin, *Garvin Rock Church*, Love and Williams Sts. (6-16-80)

Garvin vicinity, *Waterhole Cemetery*, S of Garvin (12-11-79)

Muskogee County

Fort Gibson, *Dragoon Commandant's Quarters*, 409 Creek St. (3-13-80)

Noble County

Morrison vicinity, *Morrison Suspension Bridge*, E. of Morrison off U.S. 64 (5-23-80)

Oklahoma County

Arcadia, *Tuton's Drugstore*, 1st and Main Sts. (3-3-80)

Edmond, *Citizens State Bank*, 102 S. Broadway (3-13-80)

Luther, *Engels' Dry Goods Store*, 114 S. Main St. (3-3-80)

Oklahoma City, *Braniff Building*, 324 N. Robinson St. (2-28-80)

Oklahoma City, *Cotton-Exchange Building*, 218 N. Harvey St. (3-18-80)

Oklahoma City, *Elks Lodge Building*, 401 N. Harvey St. (3-10-80)

Oklahoma City, *Harbour-Longmire Building*, 420 W. Main St. (3-3-80)

Oklahoma City, *Indio Temple Shrine Building*, 621 N. Robinson Ave. (3-26-80)

Oklahoma City, *Maney Historic District*, 725 NW. 11th St., 1200 and 1224 N. Shartel Ave. (7-18-79)

Oklahoma City, *Montgomery Ward Building*, 500 W. Main St. (3-13-80)

Oklahoma City, *Oklahoma Gas and Electric Company Building*, 321 N. Harvey Ave. (4-9-80)

Oklahoma City, *Pioneer Building*, 401 N. Broadway St. (3-3-80)

Oklahoma City, *Plaza Court*, 1100 Classen Dr. (9-8-80)

Oklahoma City, *Snyder's Super Service Station*, 1325 N. Broadway Ave. (3-26-80)

Ottawa County

Miami vicinity, *Modoc Mission Church and Cemetery*, SE of Miami (2-15-80)

Pittsburgh County

McAlester, *First Presbyterian Church*, 101 E. Washington Ave. (12-11-79)

McAlester, *McAlester DX*, 5th St. and Carl Albert Pkwy. (8-29-80)

McAlester, *McAlester House*, 14 E. Smith Ave. (8-29-80)

McAlester, *Mine Rescue Station Building*, 507-509 E. 3rd St. (3-13-80)

Stillwater, *Frick, William, House*, 1016 S. West St. (9-8-80)

Stillwater, *Stillwater Santa Fe Depot*, 400 E. 10th St. (3-3-80)

Stillwater vicinity, *Cottonwood Community Center*, NW of Stillwater (3-13-80)

Pushmataha County

Albion, *Albion State Bank*, Off U.S. 271 (12-11-79)

Albion vicinity, *Kosyk, Moto, House*, E of Albion off U.S. 271 (12-11-79)

Antlers, *Antlers Frisco Depot and Antlers Spring*, Main St. (6-27-80)

Seminole County

Wewoka, *Brown, Jackson, House*, 1200 S. Muskogee Pl. (6-27-80)

Sequoyah County

Marble City, *Citizen's State Bank*, Siminole and Main Sts. (9-8-80)

Sallisaw, *Faulkner, Judge Franklin, House*, E. Cherokee St. (3-13-80)

Tulsa County

Tulsa, *Brady Heights Historic District*, Roughly bounded by Marshall and Easton Sts., Denver and Cheyenne Aves. (6-27-80)

Tulsa, *Mayo Hotel*, 115 W. 5th St. (6-27-80)

Tulsa, *Pierce Block*, 301 E. 3rd St. (12-11-79)

OREGON

Clackamas County

Eagle Creek, *Foster, Philip, Farm*, Off OR 211 (8-15-80)

Oregon City, *Latourette, Charles David, House*, 503 High St. (2-27-80)

Zigzag vicinity, *St. John the Evangelist Roman Catholic Church*, SW of Zigzag on Truman Rd. (12-21-79)

Curry County

Brookings, *Central Building*, 703 Chetco Ave. (4-1-80)

Deschutes County

Bend, *McCann, Thomas, House*, 440 NW Congress St. (4-1-80)

Redmond, *New Redmond Hotel*, 521 S. 6th St. (10-28-80)

Harney County

Burns vicinity, *Allison Ranger Station*, NE of Burns (9-12-80)

Jackson County

Ashland, *Ahlstrom, Nils, House*, 248 5th St. (2-15-80)

Ashland, *Campbell, Richard Posey, House*, 94 Bush St. (2-12-80)

Ashland, *Coolidge, Orlando, House*, 137 N. Main St. (2-12-80)

Ashland, *First National Bank, Vaupel Store and Oregon Hotel Buildings*, 15 S. Pioneer St. and 70 E. Main St. (2-29-80)

Ashland, *Perozzi, Domingo, House*, 88 Granite St. (2-12-80)

Gold Hill, *Rock Point Hotel*, 40 N. River Rd. (9-4-80) HABS.

Medford, *McCredie, William, House*, 2608 Old Stage Rd. (9-17-80) HABS.

Medford vicinity, *Furry, Frederic E., House*, SE of Medford at 1720 N. Phoenix Rd. (2-29-80)

Medford vicinity, *Hover, George A., House*, 4192 Coleman Creek Rd. (9-8-80)

Prospect, *Prospect Hotel*, 39 Mill Creek Dr. (2-12-80)

Prospect vicinity, *Union Creek Historic District*, OR 62 (10-29-80)

Trail, *Rogue Elk Hotel*, 27390 OR 62 (2-22-80)

Klamath County

Klamath Falls vicinity, *Point Comfort Lodge*, SW of Klamath Falls (12-31-79)

Lake County

Lakeview, *Heryford Brothers Building*, 524 Center St. (4-30-80)

Lakeview, *Heryford, William P., House*, 108 S. F St. (5-22-80)

Lane County

Coburg vicinity, *Oregon Railway and Navigation Company Bridge*, SE of Coburg (3-13-80)

Eugene, *First Congregational Church*, 492 E. 13th Ave. (2-12-80)

Eugene, *Harlow, Elmer, House*, 2991 Harlow Rd. (2-12-80)

Eugene, *Masonic Cemetery and Hope Abbey Mausoleum*, 25th and University Sts. (9-15-80)

Lincoln County

Lincoln City, *Dorchester House*, 2701 U.S. 101 (2-29-80)

Linn County

Albany, *Albany Custom Mill*, 213 Water St. (2-12-80)

Albany, *Chamberlain, George Earle, House*, 208 SE. 7th St. (2-22-80)

Albany, *Dawson, Alfred, House*, 731 SW. Broadalbin St. (2-12-80)

Albany, Hochstedler, George, House, 237 6th Ave., SE.

Albany, Monteith Historic District, Roughly bounded by 2nd, Lyon, 12th and Elm Sts. (2-29-80)

Albany, Parker, Moses, House, 638 5th St., SE. (8-25-80)

Brownsville, Howe, C. J., Building, 104 Spaulding Ave. (4-1-80)

Lebanon, Booth, Dr. J. C., House, 486 Park St. (4-1-80)

Marion County

St. Paul vicinity, Zorn, Casper, Farmhouse, NE of St. Paul at 8448 Champoeg Rd., NE. (2-12-80)

Salem, Adolph Block, 360-372 State St. (2-1-80)

Salem, Burgdorf-Burt-Webster House, 901 13th St., SE. (4-1-80)

Salem, Gill, J. K., Building, 356 State St. (2-1-80)

Salem vicinity, Geer, R. C., Farmhouse, E of Salem at 12390 Sunnyview Rd. (2-12-80)

Multnomah County

Portland, Auditorium and Music Hall, 920, 924, 926, 928 SW. 3rd Ave. (2-22-80)

Portland, Buckler-Henry House, 2324 SE. Ivon St. (2-12-80)

Portland, Buehner, Philip, House, 5511 SE. Hawthorne Blvd. (10-24-80)

Portland, Campbell Townhouses, 1705-1719 NW, Irving St. and 715-719 17th Ave. (2-12-80)

Portland, Cole, David, House, 1441 N. McClellan St. (8-6-80)

Portland, Couch Family Investment Development, 1721-1735 NW, Irving St. and 718 NW, 18th St. (2-25-80)

Portland, Dekum, The, 519 SW. 3rd St. (10-10-80)

Portland, Dooly, Frank E., House, 2670 NW, Lovejoy St. (10-24-80)

Portland, Gilbert Building, 319 SW. Taylor St. (8-21-80)

Portland, Harlow Block, 720-738 NW, Glisan St. (10-24-80)

Portland, Hexter, Levi, House, 2326 SW. Park Pl. (2-12-80)

Portland, Hyland, Olive and Ellsworth Apartments (Braunaugh Apartment Buildings) 718 SW. 15th Ave. and 1424 and 1434 SW, Morrison St.

Portland, Jefferson Substation, 37 SW. Jefferson St. (5-31-80)

Portland, Ladd Carriage House, 1331 SW. Broadway (2-12-80)

Portland, Mock, John, House, 4333 N. Willamette Blvd. (2-15-80)

Portland, New Logus Block, 523-535 SE. Grand Ave. (2-1-80)

Portland, Odd Fellows Building, 1019 SW. 10th Ave. (10-24-80)

Portland, Osborn Hotel, 205 SE. Grand Ave. (3-27-80)

Portland, Seven Hundred Five Davis Street Apartments, 2141 NW, Davis St. (10-10-80)

Portland, Smith, Milton W., House, 0305 SW. Curry Ave.

Portland, Sprague-Marshall-Bowie House, 2234 NW, Johnson St. (2-5-80)

Portland, Trevett-Nunn House, 2347 NW, Flanders St. (2-5-80)

Portland, Trinity Lutheran Church and School, 106 NE, Ivy St. (5-7-80)

Portland, West's Block, 701-707 SE. Grand Ave. (10-10-80)

Polk County

Pedee vicinity, Riley-Cutler House, 11510 Pedee Creek Rd. (4-3-80)

Umatilla County

Pendleton, Sommerville, Edgar, House, 104 SE. 5th St. (10-14-80)

Union County

Elgin, Elgin City Hall and Opera House, Albany and N. 8th Sts. (10-10-80)

La Grande, Administration Building, Eastern Oregon State College campus (2-27-80)

La Grande, Union County Alliance Flouring Mill, Willow St. and E. M Ave. (8-25-80)

Wasco County

The Dallas, Anderson, Lewis, House, Barn and Granary, 508 W. 16th St. (3-20-80)

The Dalles, Moody, Malcolm A., House, 300 W. 13th St. (10-10-80)

The Dalles, Rock Fort Campsite, Off I-80N (9-4-80)

Washington County

Hillsboro, Rice-Gates House, 308 SE. Walnut St. (9-8-80))

Yamhill County

Lafayette, Fletcher, Alfred P., Farmhouse, 1007 3rd St. (8-25-80)

Newberg, Edwards, Jesse, House, 402 S. College St. (8-25-80)

PENNSYLVANIA

Bedford County Covered Bridges Thematic Resources. Reference—see individual listings under Bedford County.

Covered Bridges of Adams, Cumberland and Perry Counties Thematic Resources

Reference—see individual listings under Adams, Cumberland and Perry Counties.

Covered Bridges of Bradford, Sullivan and Lycoming Counties Thematic Resources.

Reference—see individual listings under Bradford, Lycoming, and Sullivan Counties.

Covered Bridges of Erie County Thematic Resources. Reference—see individual listings under Erie County.

Lawrence County Covered Bridges Thematic Resources. Reference—see individual listings under Lawrence County.

Pennsylvania Railroad Rolling Stock Thematic Resources Reference—see individual listings under Lancaster County.

Union County Covered Bridges Thematic Resources. Reference—see individual listings under Union County.

Adams County

Abbottstown, Abbott, John, House, E. King St. (2-22-80)

Gettysburg vicinity, Sauck's Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources) (8-25-80)

Heidersburg vicinity, Heikes Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources) (8-25-80)

Iron Springs vicinity, Jacks Mountain Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources) (8-25-80)

McSherrystown vicinity, Conewago Chapel Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources) (8-25-80)

Orriana vicinity, Lower Marsh Creek Presbyterian Church, SE of Orriana (10-15-80)

Allegheny County

Avalon, Davis Island Lock and Dam Site, Off PA 65 (8-29-80)

McKeesport, Carnegie Free Library, 1507 Liberty Ave. (10-15-80)

McKeesport, McKeesport National Bank, 5th and Sinclair Sts. (8-29-80)

Millvale, St. Nicholas Croatian Church, 24 Maryland Ave. (5-6-80)

Pittsburgh, Allegheny Observatory 159 Riverview Ave. (6-22-79)

Pittsburgh, Buhl Building, 204 5th Ave. (1-3-80)

Pittsburgh, Pittsburgh and Lake Erie Railroad Complex, Smithfield and Carson Sts. (12-31-79)

Armstrong County

Brady's Bend, Brady's Bend Iron Company Furnaces, PA 68 (8-11-80)

Brady's Bend, St. Stephen's Church, PA 68 (8-30-80)

Beaver County

Bridgewater, Dunlap, William B., Mansion, 1298 Market St. (8-29-80)

Midland vicinity, Merrill Lock No. 6, E of Midland on PA 68 (9-4-80)

Bedford County

Alum Bank vicinity, Dr. Knisley Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Alum Bank vicinity, Snooks Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Bedford vicinity, Feltens Mill Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Bedford vicinity, Jacksons Mill Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Bedford vicinity, McDaniels Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Fishertown vicinity, Ryot Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Hewitt vicinity, Hewitt Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Hopewell vicinity, Halls Mill Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Manns Choice vicinity, Heirline Covered Bridge (Bedford County Covered Bridges Thematic Resources) N of Manns Choice (4-10-80)

New Buena Vista vicinity, Diehls Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Osterburg vicinity, Osterburg Covered Bridge (Bedford County Covered Bridges Thematic Resources) PA 869 (4-10-80)

Palo Alto, Fischner Covered Bridge (Bedford County Covered Bridges Thematic Resources) (4-10-80)

Schellsburg vicinity, *New Paris Covered Bridge (Bedford County Covered Bridges Thematic Resources)* (4-10-80)

Schellsburg vicinity, *Shiller Covered Bridge (Bedford County Covered Bridges Thematic Resources)* (4-10-80)

Berks County

Kutztown, *Kutztown 1892 Public School Building*, White Oak and Normal Ave. (6-27-80)

Morgantown vicinity, *Joanna Furnace Complex*, N of Morgantown on PA 10 (4-23-80)

Reading, *Stirling*, 1120 Centre Ave. (4-17-80)

Bradford County

Burlington vicinity, *Knapp's Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* E of Burlington (7-24-80)

Bucks County

Doylestown, *Dungan, Pugh, House*, 33 W. Court St. (3-20-80)

Doylestown, *Shaw Historic District*, Bounded by S. Main, Ashland, Bridge, and S. Clinton Sts. (12-17-79)

Dublin vicinity, *Buck, Pearl S., House*, SW of Dublin on Dublin Rd. (1-16-80) NHL

Erwinna, *Stover Mill*, PA 32 (10-18-79)

Holicong, *Holicong Village Historic District*, U.S. 202 and Holicong Rd. (3-20-80)

Langhorne vicinity, *Harewood and Beechwood*, E of Langhorne off PA 213 (2-1-80)

Newtown, *Newtown Historic District*, PA 413 and PA 332 (12-17-79)

Spinnerstown, *Spinner House*, Spinnerstown and Sleepy Hollow Rds. (6-22-79)

Butler County

Butler, *Elm Court*, Between Polk and Elm Sts. (12-6-79)

Cambria County

Ebensburg, *Cambria County Courthouse*, Center St. (6-30-80)

Ebensburg, *Cambria County Jail*, N. Center and Sample Sts. (6-30-80)

Johnstown, *Grand Army of the Republic Hall*, 132 Park Pl. (4-17-80)

Centre County

Aaronsburg, *Aaronsburg Historic District*, PA 45 (9-2-80)

Milesburg vicinity, *Harmony Forge Mansion*, S of Milesburg on PA 144 (10-16-79)

Philipsburg, *Rowland Theatre*, Front St. (10-18-79)

Rebersburg, *Rebersburg Historic District*, PA 192 (12-7-79)

State College, *Centre Furnace Mansion House*, 1001 E. College Ave. (12-27-79)

Chester County

Chester Springs vicinity, *Clinger-Moses Mill Complex*, S of Chester Springs on Pine Creek Lane (7-17-80)

Chester Springs vicinity, *Lapp Log House (Hopper Log House)* S of Chester Springs at Conestoga and Yellow Springs Rds. (1-23-80)

Downington, *East Lancaster Avenue Historic District*, An irregular pattern along E. Lancaster Ave. (12-11-79)

Downington, *Hunt, Roger, Mill*, Race St. (1-14-80)

Glen Moore vicinity, *Ferguson, William, Farm*, E of Glen Moore on Marshall Rd. (4-10-80)

Parkesburg, *Parkesburg National Bank*, Gay and Main Sts. (8-29-80)

Spring City vicinity, *River Bend Farm*, N of Spring City on Sanatoga Rd. (8-29-80)

Valley Forge vicinity, *Federal Barn*, Off PA 252 (2-8-80)

West Chester, *Butler House*, 228 W. Miner St. (7-23-80)

West Chester, *Everhart, William, Buildings*, 28 W. Market St. (7-17-79)

West Chester vicinity, *Goodwin Acres*, 600 Reservoir Rd. (6-27-80)

Clearfield County

Clearfield, *Dimeling Hotel*, 2nd and Market Sts. (4-10-80)

Mahaffey vicinity, *McGees Mills Covered Bridge*, W of Mahaffey (4-17-80)

Clinton County

Logan Mills, *Logan Mills Gristmill*, Off PA 880 (8-11-80)

Crawford County

Cambridge Springs, *Kelly, Amos, House*, 325 S. Main St. (7-23-80)

Hartstown, *White, Dr. James, House*, Jct. of U.S. 322 and PA 285 (7-24-80)

Saegertown, *Saeger, Edward, House*, 375 Main St. (8-22-80)

Cumberland County

Newburg vicinity, *Ramp Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Dauphin County

Berriesburg, *Romberger-Stover House*, Market St. (8-29-80)

Hershey, *Hershey Community Center Building*, 2 Chocolate Ave. (10-15-80)

Hummelstown, *Matlack, Enoch, House*, 250 E. Main St. (8-22-79)

Delaware County

Clifton Heights, *Lower Swedish Cabin*, Creek Rd. (8-9-80) HABS.

Lansdowne, *Twentyfirst Century Club of Lansdowne*, 84 S. Lansdowne Ave. (7-23-80)

Upland, *Crozer, John P., II Mansion*, 900, 922, 924 and 926 Main St. (7-23-80)

Wallingford, *Wolley Stille (Joseph Sharpless House)* Harvey Rd. (6-27-80)

Erie County

Albion vicinity, *Harrington Covered Bridge (Covered Bridges of Erie County Thematic Resources)* (9-17-80)

Erie, *Hill, John, House*, 230 W. 6th St. (12-17-79)

Erie, *West Park Place*, Bounded by N. Park Row, Peach, 5th, and State Sts. (9-4-80)

Girard vicinity, *Gudgeonville Covered Bridge (Covered Bridges of Erie County Thematic Resources)* (9-17-80)

Waterford vicinity, *Waterford Covered Bridge (Covered Bridges of Erie County Thematic Resources)* (9-17-80)

West Springfield vicinity, *Carman Covered Bridge (Covered Bridges of Erie County Thematic Resources)* (9-17-80)

Fayette County

Brownsville, *St. Peter's Church*, Church St. (10-15-80)

Fayette City vicinity, *Locus 7 Site*, N of Fayette City (3-20-80)

Franklin County

Chambersburg, *Zion Reformed Church*, S. Main and W. Liberty Sts. (12-17-79)

Greencastle, *Mitchell-Shook House*, Leitersburg St. (9-17-80)

Nyesville vicinity, *Calbertson-Harbinson Farm*, S of Nyesville on Nyesville Rd. (6-27-80)

Upton vicinity, *McCoy-Shoemaker Farm*, SW of Upton on PA 995 (6-27-80)

Waynesboro, *Hamilton, Alexander, House*, 45 E. Main St. (6-27-80)

Huntingdon County

Orbisonia vicinity, *St. Mary's Covered Bridge (Shade Gap Covered Bridge)* 4.5 mi. S of Orbisonia on U.S. 522 (3-20-80)

Indiana County

Indiana, *Old Indiana County Jail and Sheriff's Office*, 6th St. and Nixon Ave. (9-27-79)

Lackawanna County

Scranton, *Crawford, James L., House (Lackawanna House of Detention)* 313 Monroe Ave. (2-8-80)

Scranton, *Watkins-Maxey House*, 520 Monroe Ave. (6-27-80)

Lancaster County

Bowmansville, *Good, John B., House*, PA 625 (2-8-80)

Elizabethtown, *Kreider Shoe Manufacturing Company*, 155 S. Poplar St. (6-27-80)

Ephrata, *Hibshman Farm*, Springville Rd. (6-27-80)

Lancaster, *Germania Turnverein Building*, 33-35 N. Market St. (4-10-80)

Lancaster, *Hager Building*, 25 W. King St. (10-16-79)

Lancaster, *Lancaster County House of Employment (Old County Hospital)* 900 E. King St. (4-17-80)

Lancaster, *Steinman Hardware Store*, 26-28 W. King St. (10-18-79)

Lancaster vicinity, *Dohner, Michael, Farmhouse*, E of Lancaster (6-27-80)

Marietta, *Ashley and Bailey Silk Mill*, E. Walnut and Pine Sts. (6-27-80)

Strasburg vicinity, *Combination Boggage and Mail Car No. 5403 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Consolidation Freight Locomotive No. 1187 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Consolidation Freight Locomotive No. 2848 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Consolidation Freight Locomotive No. 7688 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Cumberland Valley Car (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *DDI Electric Locomotive No. 36 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Flat Car No. 473567 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Freight Locomotive No. 5741 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Mikado Freight Locomotive No. 520 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger and Baggage Car No. 4639 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Coach No. 3556 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Day Coach No. 8177 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Locomotive No. 460 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Locomotive No. 1223 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Locomotive No. 1737 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Passenger Locomotive No. 7002 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Steel Hopper Car No. 33164 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Steel Passenger Coach No. 1650 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Steel Passenger Coach No. 1651 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Switcher No. 94 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Switcher No. 1670 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Wooden Baggage Express No. 8 (Pennsylvania Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Wooden Express Baggage Car No. 6076 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Strasburg vicinity, *Wooden Hopper Gondola No. 1818 (Pennsylvania Railroad Rolling Stock Thematic Resources)* E of Strasburg (12-17-79)

Lawrence County

Enon Valley vicinity, *Old Homestead (Pine Grove Farm)* NW of Enon Valley off PA 351 (8-22-80)

New Wilmington vicinity, *Banks Covered Bridge (Lawrence County Covered Bridges Thematic Resources)* (6-27-80)

Princeton vicinity, *McConnell's Mill Covered Bridge (Lawrence County Covered Bridges Thematic Resources)* (6-27-80)

Lebanon County

Campbelltown, *Stauffer, Dr. B., House*, 192 W. Main St. (6-22-79)

Lebanon, *Funck, Josiah, Mansion*, 450 Cumberland St. (1-31-80)

Lebanon, *Tabor Reformed Church (United Chuch of Christ)* 10th and Walnut Sts. (6-27-80)

Myerstown vicinity, *Immel, John, House*, E of Myerstown on Flanagan Rd. (4-17-80)

Newmanstown vicinity, *Bomberger's Distillery*, 7 mi. SW of Newmanstown off PA 501 (1-16-80) NHL

Palmyra, *Landis Shoe Company Building*, N. Chestnut and E. Broad Sts. (8-29-80)

Schaeferstown, *Erpff, Philip, House*, S. Market St. (11-20-79)

Schaeferstown, *Rex House*, N. Market St. (8-11-80)

Lehigh County

Allentown, *Neuweiler Brewery*, 401 N. Front St. (6-27-80)

Allentown, *Zollinger-Harned Company Building*, 605-613 Hamilton Mall and 14016 N. 6th St. (12-17-79)

Allentown and vicinity, *Lehigh Canal: Walnuport to Allentown Section* (8-15-80)

Coplay, *Coplay Cement Company Kilns*, N. 2nd St. (9-2-80) HAER

Egypt, *Troxell-Steckel House*, 4229 Reliance St. (6-27-80)

Luzerne County

Ashley and vicinity, *Ashley Planes*, Off PA 309 (1-25-80)

Wilkes-Barre, *Guthrie, George W., School*, 643 N. Washington St. (6-27-80)

Wilkes-Barre, *Luzerne County Courthouse*, N. River St. (9-4-80)

Lycoming County

Cogan House vicinity, *Cogan House Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* (7-24-80)

Hughesville vicinity, *Lairdsville Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* (7-24-80)

Liberty vicinity, *Buttonwood Covered Bridge (Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources)* (7-24-80)

Muncy vicinity, *Reading-Halls Station Bridge*, NW of Muncy off U.S. 220 (1-17-80)

Monroe County

East Stroudsburg, *East Stroudsburg Railroad Station*, Crystal St. (6-27-80)

Hamilton Square, *Christ Hamilton United Lutheran Church and Cemetery*, Bossardsville Rd. (6-11-80)

Stroudsburg vicinity, *Michael, John, Farm* E of Stroudsburg (7-8-80)

Montgomery County

Cheltenham vicinity, *Wall House (The Ivy)* W of Cheltenham on Old York Rd. (6-28-79)

Fort Washington, *Union School*, 516-518 Bethlehem Pike (8-11-80)

Glenside, *Grey Towers (William Welsh Harrison House)* Easton Rd. and Limekiln Pike (2-14-80)

Hatboro, *Union Library Company*, 243 S. York Rd. (11-20-80)

Jenkintown, *Jenkins' Town Lyceum Building*, Old York and Vista Rds. (10-16-79)

Rosemont, *Sinnett, Joseph, Mansion*, Montgomery and Lendover Aves. (8-29-80)

Northhampton County

LEHIGH CANAL: WALNUTPORT TO ALLENTOWN SECTION Reference—see Lehigh County.

Bethlehem and vicinity, *Lehigh Canal: Allentown to Hopeville Section*, Along Lehigh River (12-17-79)

Easton, *Parsons-Taylor House*, 4th and Ferry Sts. (8-22-80)

Easton, *Mixwell, Jacob, House*, 101 S. 4th St. (2-14-80)

Easton, *Simon, Herman, House*, 41 N. 3rd St. (6-27-80)

Nazareth, *Whitefield House and Gray Cottage*, 214 E. Center St. (5-1-80)

Northumberland County

Watsontown vicinity, *Hopper-Snyder Homestead*, NE of Watsontown off SR 49001 (7-3-79)

Perry County

Blain vicinity, *Bistline Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Blain vicinity, *Book's Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Dellville, *Dellville Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Kistler vicinity, *Adairs Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Landisburg, *Dunbar-Creigh House*, Water St. (6-27-80)

Landisburg vicinity, *Rice Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Liverpool vicinity, *Red Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Loysville vicinity, *Waggoner Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

New Germantown, *New Germantown Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

New Germantown vicinity, *Mt. Pleasant Covered Bridge (Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources)* (8-25-80)

Newport vicinity, *Fleisher Covered Bridge (Covered Bridges of Adams, Cumberland,*

and Perry Counties Thematic Resources) (8-25-80)

Saville, Saville Covered Bridge (*Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources*) (8-25-80)

Saville vicinity, Kochenderfer Covered Bridge (*Covered Bridges of Adams, Cumberland, and Perry Counties Thematic Resources*) (8-25-80)

Philadelphia County

Philadelphia, Alden Park Manor, School House Lane and Wissahickon Ave. (8-15-80)

Philadelphia, American Baptist Publication Society, 1420—1422 Chestnut St. (6-27-80)

Philadelphia, Bishop Mackay-Smith House, 251 S. 22nd St. (1-25-80)

Philadelphia, City Park Brewery (*Louis Bergdoll Brewing Company*) Roughly bounded by Pennsylvania Ave., 28th 30th, and Poplar Sts. (7-18-80)

Philadelphia, Drexel and Company Building, 135—143 S. 15th St. (2-8-80) HABS.

Philadelphia, Druim Moir Historic District, Bounded by Fairmount Park, Cherokee St., Hartwell Lane and Valley Green Rd. (12-11-79)

Philadelphia, Fisher's Lane, E. Logan St. (2-20-80)

Philadelphia, Green Tree Tavern, 280—282 E. Girard Ave. (6-27-80)

Philadelphia, Hamilton Family Estate, 4039—4041 Baltimore Ave. and 4000—4018 Pine St. (6-22-79)

Philadelphia, Neill-Mauran House, 315—317 S. 22nd St. (6-30-80)

Philadelphia, New York Mutual Life Insurance Company Building, 1001—1005 Chestnut St. (6-8-80)

Philadelphia, Old Federal Reserve Bank, 925 Chestnut St. (6-28-79)

Philadelphia, Packard Motor Corporation Building, 317—321 N. Broad St. (2-8-80)

Philadelphia, Raffsnyder-Welsh House, 1923 Spruce St. (2-14-80)

Philadelphia, Royal Theater, 1524—1534 South St. (2-8-80)

Philadelphia, South, George W. Memorial Protestant Episcopal Church of the Advocate, 18th and Diamond Sts. (2-8-80)

Philadelphia, Union League of Philadelphia, 140 S. Broad St. (6-22-79)

Philadelphia, Union Methodist Episcopal Church (*Jones Tabernacle A.M.E. Church and Parish House*) 2019 W. Diamond St. (10-15-80)

Pike County

Lords Valley, Lord House, PA 739 (6-30-80)

Milford, Hotel Fauchere and Annex, 401 and 403 Broad St. (8-29-80)

Schuylkill County

Pine Grove, Netting Hall, 205 S. Tulpehocken St. (7-23-80)

Somerset County

Somerset, Somerset County Courthouse, E. Union St. and N. Center Ave. (6-27-80)

Sullivan County

Forksville, Forksville, Covered Bridge (*Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources*) (7-24-80)

Sonestown, Sonestown Covered Bridge (*Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources*) (7-24-80)

Hillsgrove vicinity, Hillsgrove Covered Bridge (*Covered Bridges of Bradford, Sullivan, and Lycoming Counties Thematic Resources*) 3 mi. E. of Hillsgrove off PA 87 over Loyalsock Creek (previously listed in the National Register 7-2-73)

Union County

Mifflinburg, Hassenplug Bridge (*Union County Covered Bridges Thematic Resources*) N. 4th St. (2-8-80)

Mifflinburg, Mifflinburg Historic District, PA 45 (4-10-80)

Mifflinburg vicinity, Hayes Bridge (*Union County Covered Bridges Thematic Resources*) W of Mifflinburg (2-8-80)

Millmont vicinity, Millmont Red Bridge (*Union County Covered Bridges Thematic Resources*) SW of Millmont (2-8-80)

White Deer vicinity, Factory Bridge (*Union County Covered Bridges Thematic Resources*) 1 mi. W of White Deer (2-8-80)

Westmoreland County

Greensburg, Greene, Gen., Hotel, 24 W. Otterman St. (8-29-80)

New Florence vicinity, Squirrel Hill Site (36 Wm 35) (3-26-80)

West Newton, Plumer House, Vine and S. Water St. (12-6-79)

Yukon vicinity, Bells Mills Covered Bridge, W of Yukon (6-27-80) HABS.

York County

Hanover vicinity, Swigart's Mill, N of Hanover on Berlin Rd. (7-23-80)

York Haven, Kise Mill Bridge Historic District (10-15-80)

PUERTO RICO

San Juan, Hotel Normandie, Ponce de Leon Ave. and San Geronimo St. (8-29-80)

RHODE ISLAND

Bristol County

Bristol, Blithewold, Ferry Rd. (6-27-80)

Bristol, Poppasquash Farms Historic District, Off RI 114 (6-27-80)

Kent County

Coventry vicinity, Bowen, Isaac, House, NE of Coventry on Maple Valley Rd. (6-27-80)

Coventry Center vicinity, Rice City Historic District, W of Coventry Center at RI 14 and RI 117 (6-9-80)

Warwick, Greenwich Cove Site, Ives Rd. (1-4-80)

Warwick, Warwick Civic Center Historic District, Post Rd. (6-27-80)

Newport County

Portsmouth vicinity, Greenvale Farm, S of Portsmouth at 582 Wapping Rd. (1-4-80)

Tiverton, Barker, Benjamin, House, 1229 Main Rd. (10-31-80)

Providence County

Cranston, Furnace Hill Brook Historic and Archeological District, Phenix Ave. and Hope Rd. (8-8-80)

Greenville vicinity, Waterman-Winsor Farm, NW of Greenville at 79 Austin Ave. (6-27-80)

Harmony, Harmony Chapel and Cemetery, RI 44 (6-25-80)

North Scituate vicinity, Battey-Barden House, SW of North Scituate on Plainfield Pike (8-29-80)

North Scituate vicinity, Cooke, Amos, House, SW of North Scituate on Chopmist Hill Rd. (9-11-80)

Providence, Coppelli, A. F., Block, 283-285 Atwells Ave. (3-3-80)

Providence, Brown, Moses, School, 250 Lloyd Ave. (7-24-80)

Providence, Davol Rubber Company, Point and Eddy Sts. (6-27-80) HAER.

Providence, Elmwood Multiple Resource Area, This area includes: *Elmwood Historic District, Whitemarsh, Moore, Daboll, Mawney, and Ontario Sts. Congress, Lexington, Atlantic and Adelaide Aves.; Parkis-Comstock Historic District, Broad St., Parkis and Comstock Aves.; Trinity Square Historic District, Broad St. and Elmwood Ave.; All Saints Memorial Church, 674 Westminster St.; Calvary Baptist Church, 747 Broad St.; Deming, Richard Henry, House, 66 Burnett St.; Jones Warehouses, 49-63 Central St.; New England Butt Company, 304 Pearl St.; White, Josephine, Block, 737-739 Cranston St. (1-7-80)*

Providence, Plain Farm House, 108 Webster Ave. (6-27-80)

Washington County

Charlestown, District Schoolhouse No. 2, Old Post Rd. (1-4-80)

Charlestown, Stanton, Joseph, House (*Wilcox Tavern and Gen. Stanton Monument*) U.S. 1 (1-11-80)

Charlestown vicinity, Foster Cove Archeological Site (5-6-80)

Exeter, Lawton's Mill, Ten Rod Rd. (6-27-80)

North Kingstown, Allen-Madison House, Post Rd. (3-28-80)

Watch Hill, Flying Horse Carousel, Bay St. (1-11-80)

SOUTH CAROLINA

Aiken County

Aiken, Joye Cottage, 463 Whiskey Rd. and 129 1st Ave. (9-29-80)

Berkeley County

St. Stephen vicinity, Keller Site (2-1-80)

Charleston County

Lincolnville, Williams Graded School, Pinckney St. (8-21-80)

Darlington County

Darlington, St. John's Historic District, Park St. John's Sanders and Orange Sts. (9-4-80)

Greenville County

Greenville, Donaldson, T. Q., House, 412 Crescent Ave. (9-4-80)

Greenwood County

Greenwood vicinity, Scotch Cross House, 2 mi. S of Greenwood on U.S. 25 (3-30-73)

Kershaw County

Cassatt vicinity, McCoy, Benjamin, House, S of Cassatt on SR 15 (8-7-80)

Laurens County
Laurens, Laurens Historic District, U.S. 221 and U.S. 76 (10-10-80)

McCormick County
McCormick vicinity, *Eden Hall*, 6 mi. NE of McCormick off U.S. 221 and SR 24 (9-23-80)

Oconee County
Westminster, *Westminster Depot*, 129 Main St. (11-7-76)

Saluda County
Saluda, *Whitehall*, Etheredge Rd. (8-21-80)

Spartanburg County
Spartanburg, *Morgan, Daniel, Monument*, Main and Church Sts. (9-22-80)

Williamsburg County
Kingtree, *Brockinton-Scott House*, 221 W. Railroad Ave. (1-22-80)
Nesmith vicinity, *Block Mingo Baptist Church*, SE of Nesmith (8-21-80)

York County
Rock Hill, *McCorkle-Fewell-Long House*, 639 College Ave. (8-21-80)
York vicinity, *Allison Plantation*, Off SC 40 and SC 60 (9-29-80)

SOUTH DAKOTA

Brookings County
Brookings, *Carnegie Public Library*, 524 4th St. (5-7-80)

Brookings, Wewona Hall and Wecota Hall, Medary Ave. (5-7-80)

Brown County
Aberdeen, *Masonic Temple*, 503 S. Main St. (5-29-80)

Edmunds County
Ipswich, *Parmley, J. W., House*, 4th St. and 4th Ave. (6-4-80)

Fall River County
Hot Springs, *Hot Springs High School*, 146 N. 16th St. (5-7-80)

Hughes County
Pierre, *Brandhuber Ice Company Barn*, 419 S. Fort St. (10-22-80)

Pierre, St. Charles Hotel, 207 E. Capitol Ave. (5-7-80)

Pierre vicinity, Oahe Chapel, NW of Pierre (6-6-80)

Kingsbury County
Oldham, *Peterson-Loriks House* (6-19-80)

Lawrence County
St. Onge, *St. Onge Schoolhouse*, Off SD 24 (5-7-80)

Minnehaha County
Renner, *Renner Lutheran Sanctuary*, Off U.S. 77 (5-7-80)

Sioux Falls, Central Fire Station, 100 S. Minnesota Ave. (5-27-80)

Potter County
Hoven, *St. Bernard's Catholic Church*, SD 20 (5-7-80)

Todd County
Rosebud, *Rosebud Agency*, Main St. and Legion Ave. (5-7-80)

Rosebud, *Rosebud Hotel (Old Club)* 7 Circle Dr. (5-7-80)

Rosebud vicinity, *Spotted Tail Gravesite* (5-7-80)

Yankton County
Northern and Central Townships of Yankton Multiple Resource Area. This area includes: Irene, *Gordon House*, SR 1; *Ingebrigtsen-Hinseth Farmstead*; Lesterville, *Kremer House*; Lasek, Mathias, House; Ripple House; Walloch Farmstead; Mission Hill, Larson-Simonson House; Olson, Lewis, Log House, SR 1; Peterson, Mathias, Homestead; Simonson Farmstead, SR 1; United Church of Christ; Van Osdel House; Vangen Church; Tabor, Stribral Homestead and Farmstead, SR 2; Utica, DeJong House; Machacek Homestead; Martin's Evangelical Church; Mueller Homestead; St. Agnes Church, SR 1; Utica Depot; Utica Public School; Volin, Brockmueller Barn, SR 1; ES Volin Farmstead, SR 1; Corselt Farmstead; Gustad, Bernt, House, SR 1; Hoxneg Farmstead; Marindahl Post Office, SR 1; Marindahl Township Hall; Sloan, John, Homestead; Smith, Jessie, Farmstead; Volin, Louis, House; Volin School; Volin Town Hall, Zion Lutheran Church; Yankton, Gunderson, Endre B., Farmstead, SR 2; Henjna Farmstead, SR 1; Human Services Center; Jencks Farmstead, SR 2; Kietzman Farmstead, SR 2; McGregor, Walker, Farmstead; Merk, Nels, Farmstead; Old Catholic Church; Schaffer Farmstead, SR 2; Walstawn School, SR 1 (4-16-80)

Yankton, *Trierweiler, Dr. John, House*, 301 Spruce St. (5-7-80)

TENNESSEE

HUNT, REUBEN H., BUILDINGS IN HAMILTON COUNTY THEMATIC RESOURCES. Reference—see individual listings under Hamilton County.

Bedford County
Shelbyville, *First Presbyterian Church*, 600 N. Brittain St. (7-17-80)

Carter County
Johnson City, *Hunt, Henson, House*, Brookdale Rd. (12-26-79)

Claiborne County
CUMBERLAND GAP HISTORIC DISTRICT. Reference—see Bell County, KY.

Cumberland County
Crossville, *Cumberland County Courthouses*, Main St. (6-17-80)

Davidson County
Nashville, *Belmont-Hillsboro Historic District*, Roughly bounded by Primrose and 20th Aves., Magnolia and Belmont Blvds. (5-1-80)

Nashville, *Broadway Historic District*, Broadway between 2nd and 5th Aves. (7-18-80)

Nashville, *Buena Vista Historic District*, I-265 and U.S. 41 (4-24-80)

Nashville, Cheatham Building, 301—309 Church St. (2-21-80)

Nashville, Cole, Anna Russell, Auditorium, Tennessee Preparatory School campus (4-17-80)

Nashville, Demonbreun's Cave, 1700 Omohundro Dr. (2-7-80)

Nashville, Fall School, 1116 S. 8th Ave. (12-19-79)

Nashville, Geist, John, and Sons, Blacksmith Shop and House, 309, 311, and 313 Jefferson St. (4-29-80)

Nashville, Sudekum Building, 535 Church St. (12-19-79)

Oak Hill, Overton Lane, Kirkman Lane (7-17-80)

DeKalb County
Temperance Hall, *Caplinger-Smith House* (2-12-80)

Greene County
Chuckey, *Chuckey Depot*, SR 2391 (12-19-79)

Grundy County
Beersheba Springs, *Beersheba Springs Historic District*, TN 56 (3-20-80)

Hamilton County
Chattanooga, *Bonny Oaks*, 5114 Bonny Oaks Dr. (8-11-80) HABS

Chattanooga, *Brabson-Loveman House*, 407 E. 5th St. (4-11-73)

Chattanooga, *Brainerd Junior High (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 4201 Cherryton Dr. (9-15-80)

Chattanooga, *Chattanooga Bank Building (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 8th St. (9-15-80)

Chattanooga, *Chattanooga Electric Railway (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 211-241 Market St. (2-29-80)

Chattanooga, *East Tennessee Iron Manufacturing Company Blast Furnace*, Walnut St. (5-8-80)

Chattanooga, *Ferger Place Historic District*, Evening Side Dr. and Morning Side Dr. (5-1-80)

Chattanooga, *First Baptist Church (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 317 Oak St. (2-29-80)

Chattanooga, *Hamilton County Courthouse (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* Georgia Ave. and 6th St. (previously listed in the National Register 11-21-78)

Chattanooga, *Hardy, Richard, Junior High School (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 2115 Dodson Ave. (9-15-80)

Chattanooga, *Highland Park Methodist Episcopal church (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* Bailey Ave. (2-29-80)

Chattanooga, *James Building (Hunt, Reuben H., Buildings in Hamilton County Thematic Resources)* 735 Broad St. (2-29-80)

Chattanooga, *Kelley House*, 1903 McCallie Ave. (5-14-80)

Chattanooga, *Market Square-Patten Parkway*, Roughly bounded by E. 8th, and E. 9th Sts., Georgia and Lindsay Aves. (5-1-80)

Chattanooga, *Medical Arts Building* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) McCallie Ave. (9-15-80)

Chattanooga, *Municipal Building* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) E. 11th St. (2-29-80)

Chattanooga, *News-Pound Building* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) E. 11th St. (9-15-80)

Chattanooga, *Northside United Presbyterian* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 923 Mississippi Ave. (9-15-80)

Chattanooga, *Old Library Building* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 200 E. 8th St. (previously listed in the National Register 3-14-73)

Chattanooga, *Park Hotel* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 117 E. 7th St. (8-18-80)

Chattanooga, *Saints Peter and Paul Catholic Church and Buildings*, 214 E. 8th St. (12-11-79)

Chattanooga, *Second Presbyterian Church* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 700 Pine St. (2-29-80)

Chattanooga, *Soldiers and Sailors Memorial Auditorium* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) McCallie Ave. (9-15-80)

Chattanooga, *Tennessee Valley Railroad Museum Rolling Stock*, 2202 N. Chamberlain Ave. (8-6-80)

Chattanooga, *Tivoli Theater* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 709 Broad St. (previously listed in the National Register 4-11-73)

Chattanooga, *Trinity Methodist Episcopal Church* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) McCallie Ave. (2-29-80)

Chattanooga, *U.S. Post Office* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) Georgia Ave. (2-29-80)

Chattanooga, *Willard, Frances, House* (Hunt, Reuben H., *Buildings in Hamilton County Thematic Resources*) 615 Lindsay St. (2-29-80)

Hardeman County

Bolivar, *Bills-McNeal Historic District*, Irregular pattern along Lafayette, McNeal, Bills, Union, Lauderdale and Washington Sts. (2-12-80)

Bolivar, *Bolivar Court Square Historic District*, TN 125 and U.S. 64 (1-10-80)

Bolivar, *North Main Street Historic District*, N. Main, Sycamore, Jefferson, Washington and Water Sts. (3-20-80)

Hardin County

Savannah, *Savannah Historic District*, Irregular pattern along Main, Deford, Guinn, Church, College, Williams and Cook Sts. (4-2-80)

Haywood County

Brownsville, *College Hill Historic District*, TN 19 and U.S. 70/79 (9-11-80)

Brownsville vicinity, *Cedar Grove*, W of Brownsville (4-29-80)

Henry County

Springville vicinity, *Hagler, John L., House* (Porter House) NW of Springville on Poplar Grove Rd. (3-13-80)

Humphreys County

Sycamore Landing, *Sycamore Landing*, Sycamore Landing Rd. (1-4-80)

Jefferson County

Jefferson City, *Newman, Samuel Isaac, House*, Bible Road (7-17-80)

Knox County

Knoxville, *Fort Sanders Historic District*, Roughly bounded by White and Grand Aves., 11th and 19th Sts. (9-16-80)

Knoxville, *Holston National Bank*, 531 S. Gay St. (10-2-79)

Knoxville, *Knoxville College Historic District*, 901 College St., NW. (5-1-80)

Knoxville, *Mechanicsville Historic District*, Off TN 62 (7-18-80)

Knoxville, *Talahi Improvements*, Off U.S. 129 (12-26-79)

Lauderdale County

Ripley, *Wardlaw-Steele House*, 128 Wardlaw Pl. (1-8-80)

Loudon County

Loudon, *Wilson, Orme, and Company Storehouse*, Hackberry St. (2-12-80)

Maury County

Columbia, *Columbia Central High School*, W. 8th St. (4-21-80)

Montgomery County

Clarksville, *Dog Hill Architectural District*, Munford Ave., 1st, Union, Madison and 2nd Sts. (5-9-80)

Moore County

Lynchburg, *Moore County Courthouse and Jail*, Court Sq. (9-26-79)

Rutherford County

Christiana vicinity, *Morgan House*, SW of Christiana (12-27-79)

Murfreesboro, *Childress-Ray House*, 225 N. Academy St. (12-27-79)

Sequatchie County

Dunlap, *Sequatchie County Courthouse*, Cherry St. (1-20-80)

Sevier County

Sevierville, *Sevierville Masonic Lodge*, 119 Main St. (2-7-80)

Shelby County

Memphis, *Bank of Commerce and Trust Company Building*, 45 S. 2nd St. (5-7-80)

Memphis, *Boyce-Gregg House*, 317 S. Highland St. (12-19-79)

Memphis, *Bradford-Maydwell House*, 648 Poplar Ave. (12-26-79)

Memphis, *Bristor, John Willard, Library*, Memphis State University campus (7-11-80)

Memphis, *Brooks, Wilks, House*, 2000 Old Oak Dr. (5-16-80)

Memphis, *Capt. Harris House*, 2106 Young St. (12-19-79)

Memphis, *Carrier, Robert M., House*, 642 S. Willett St. (5-27-80)

Memphis, *Crump, E. H., House*, 1962 Peabody Ave. (12-20-79)

Memphis, *Elam Homestead*, 1428 Fox St. (9-18-80)

Memphis, *First Congregational Church and Parish House*, 234 S. Watkins St. (7-21-80)

Memphis, *Gayoso-Peabody Historic District*, Roughly bounded by Call Pl., S. 3rd and S. Front Sts., Monroe and Gayoso Aves. (5-7-80)

Memphis, *Greenstone Apartments*, 1116-1118 Poplar Ave. and 200 Waldron Blvd. (5-14-80)

Memphis, *Hayley, Patrick H., House*, 604 Vance Ave. (10-10-79)

Memphis, *Maxwelton*, 3105 Southern Ave. (3-10-80)

Memphis, *Mosby-Bennett House*, 626 Poplar Pike (5-27-80)

Memphis, *Paisley Hall*, 1822 Overton Park Ave. (2-12-80)

Memphis, *Pinch-North Main Commercial District*, Roughly bounded by N. Front and N. 2nd Sts., Commerce and Auction Aves. (10-18-79)

Memphis, *Saunders, Clarence, House*, 3050 Central Ave. (7-9-80)

Memphis, *U.S. Post Office (Front Street Station)* 1 N. Front St. (6-30-80)

Memphis, *Vance-Pontotoc Historic District*, An irregular pattern along Vance and Pontotoc Aves. (3-19-80)

Tipton County

Brighton vicinity, *Rhodes House*, SE of Brighton on Clopton-Gainsville Rd. (4-30-80)

Warren County

McMinnville, *Walling, Joseph Daniel, House*, River Cliff and Old Viola Rds. (8-6-80)

Washington County

Johnson City, *Montrose Court Apartments*, Montrose Ct. (4-21-80)

Williamson County

Brentwood vicinity, *Fewkes Group Archeological Site* (4-21-80)

Franklin, *Cox House*, 150 Franklin Rd. (2-23-80)

Wilson County

Lebanon vicinity, *Belle Isle*, NW of Lebanon on Cairo Bend Rd. (5-22-80)

TEXAS

COMMERCIAL STRUCTURES OF EL PASO BY HENRY C. TROST THEMATIC RESOURCES

Reference—see individual listings under El Paso County.

GEORGIAN REVIVAL BUILDINGS OF SOUTHERN METHODIST UNIVERSITY THEMATIC RESOURCES

Reference—see individual listings under Dallas County.

Anderson County

Palestine, *Link House*, 925 N. Link St. (5-29-80)

Bandera County

Bandera, *Jureczki House*, 807 Cypress St. (1-11-80)

Bell County
Bartlett, *Bartlett Commercial Historic District*, E. Clark St. (9-30-80) (also in Williamson County)

Bexar County
San Antonio, *Elmendorf, Emil, House*, 509 Burleson St. (5-19-80)
San Antonio, *San Antonio Casino Club Building*, 102 W. Crockett St. (1-8-80)
San Antonio, *Staacke Brothers Building*, 309 E. Commerce St. (9-2-80)
San Antonio, *Ximenes Chapel*, 113 Ruiz St. (9-8-80)

Brazoria County
Jones Creek vicinity, *Durazno Plantation*, S of Jones Creek off TX 36 (9-2-80)
West Columbia vicinity, *Varner-Hogg Plantation*, 2 mi. NE of West Columbia off SR 2852 (4-9-80)

Burnet County
Marble Falls, *Roper Hotel*, TX 281 and 3rd St. (1-8-80)

Cameron County
Brownsville, *Cameron County Courthouse*, 1150 E. Madison St. (9-27-80) HABS
Brownsville, *Immaculate Conception Church*, 1218 E. Jefferson St. (3-26-80) HABS

Cooke County
Era, *Thomason-Scott House*, Off TX 51 and SR 922 (9-30-80)

Dallas County
Dallas, *Clements Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)*, 3200 Dyer St. (9-27-80)
Dallas, *Dallas Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* (previously listed in the National Register 11-17-78)
Dallas, *Dallas Scottish Rite Temple*, Harwood and Young Sts. (3-26-80)
Dallas, *Florence, Fred, Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)*, 3330 University Blvd. (9-27-80)
Dallas, *Hyer Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)*, 6424 Hill Lane (9-27-80)
Dallas, *McFarlin Memorial Auditorium (Georgian Revival Buildings of Southern Methodist University Thematic Resources)*, 8405 Hillcrest Rd. (9-27-80)
Dallas, *Miller, John Hickman, House*, 3506 Cedar Springs (5-23-80)
Dallas, *Ownby, Jordan C., Stadium (Georgian Revival Buildings of Southern Methodist University Thematic Resources)*, 5900 Ownby Dr. (9-27-80)
Dallas, *Patterson, Stanley, Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3128 Dyer St. (9-27-80)
Dallas, *Perkins Hall of Administration (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 6425 Hillcrest Rd. (9-27-80)
Dallas, *Snider Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3305 Dyer St. (9-27-80)

Dallas, *Virginia Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3325 Dyer St. (9-27-80)

Dickens County
Dickens, *Dickens County Courthouse and Jail*, Public Sq. (9-4-80)

Ector County
Odessa, *White-Pool House*, 112 E. Murphy St. (1-8-80)

El Paso County
El Paso, *Abdou Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 115 N. Mesa St. (9-24-80)
El Paso, *Bassett, O. T., Tower (Commercial Structures of El Paso By Henry C. Trost Thematic Resources)* 301 Texas Ave. (9-24-80)
El Paso, *Coples, Richard, Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 300 E. San Antonio Ave. (9-24-80)
El Paso, *Hills, W. S., Commercial Structure (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 215-219 San Antonio Ave. (9-24-80)
El Paso, *Hotel Cortez (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 300 N. Mesa St. (9-24-80)
El Paso, *Hotel Poso del Norte (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 115 S. El Paso St. (9-24-80)
El Paso, *Manhattan Heights Historic District*, Roughly bounded by Grant, Louisiana and Richmond Aves. (9-27-80)
El Paso, *Newberry, J. J., Company (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 201-205 N. Stanton St. (9-24-80)
El Paso, *Palace Theatre (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 209 S. El Paso St. (9-24-80)
El Paso, *Plaza Hotel (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* Oregon and Mills Sts. (9-24-80)
El Paso, *Popular Department Store (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 102 N. Mesa St. (9-24-80)
El Paso, *Roberts-Banner Building (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 215 N. Mesa St. (9-24-80)
El Paso, *Singer Sewing Company (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 211 Texas Ave. (9-24-80)
El Paso, *State National Bank (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 114 E. San Antonio Ave. (9-24-80)
El Paso, *White House Department Store and Hotel McCoy (Commercial Structures of El Paso by Henry C. Trost Thematic Resources)* 109 Pioneer Plaza (9-24-80)

Eroth County
Stephenville, *Berry House*, 525 E. Washington St. (5-15-80)

Fannin County
Bonham, *Nunn House*, 505 W. 5th St. (5-8-80)
Ladonia, *Hoden House*, 603 W. Bonham St. (1-8-80)

Fort Bend County
Richmond, *Fort Bend County Courthouse*, 400 Jackson St. (3-13-80)

Franklin County
Mount Vernon vicinity, *Rogers-Drummond House*, SE of Mount Vernon (9-8-80)

Gillespie County
Fredericksburg vicinity, Fort Martin Scott (1-20-80)

Gregg County
Longview, *Whaley House*, 101 E. Whaley St. (5-23-80)

Grimes County
Navasota vicinity, *Foster House*, E of Navasota on TX 90 (9-8-80)

Guadalupe County
Seguin, *Park Hotel*, 217 S. River St. (5-23-80)

Hamilton County
Hamilton, *Hamilton County Courthouse*, Public Sq. (9-4-80)

Hardin County
Batson vicinity, *Ada Belle Oil Well*, N of Batson (1-20-80)

Harris County
Houston, *Allen, Paul, House*, 2201 Fannin St. (9-27-80)
Houston, *Broadacres Historic District*, 1300-1506 North Blvd. and 1305-1515 South Blvd. (4-16-80)
Houston, *Merchants and Manufacturers Building*, 1 Main St. (9-17-80)
Houston, *Scanlan Building*, 405 Main St. (5-23-80)

Harrison County
Marshall, *First Methodist Church*, 300 E. Houston St. (7-16-80)
Marshall, *Starr House*, 407 W. Travis St. (12-11-79)

Hays County
San Marcos, *Hays County Courthouse*, Public Sq. (5-23-80)

Henderson County
Athens, *Faulk and Gaunt Building*, 217 N. Prairievile St. (6-9-80)

Hidalgo County
Hidalgo, *Old Hidalgo Courthouse and Buildings*, Flora and 1st Sts. (2-1-80)

Hill County
Hillsboro, *Missouri-Kansas-Texas Company Railroad Station*, Covington St. (12-19-79)

Kaufman County
Terrell, *Warren-Cowell House*, 705 Griffith Ave. (5-23-80)

Kendall County
Boerne, *Kendall County Courthouse and Jail*, Public Sq. (2-15-80)

Llano County
Llano, Badu Building, 601 Bessemer Ave. (6-8-80)

Madison County
Madisonville, Shapira Hotel, 209 N. Madison St. (9-8-80)

Maverick County
Eagle Pass, Maverick County Courthouse, Public Sq. (2-15-80)

Montgomery County
Montgomery, Arnold-Simonton House, Rankin St. (12-11-79)

Morris County
Daingerfield, Old Morris County Courthouse, 101 Linda Dr. (12-11-79)

Newton County
Salem vicinity, West Log House, NE of Salem (12-13-79)

Orange County
Orange, Sims House, 905 Division St. (3-26-80)

Panola County
Carthage vicinity, Methodist Church
Concord, SE of Carthage off TX 59 (9-8-80)

Potter County
Amarillo, Shelton-Houghton House, 1700 Polk St. (8-29-80)

San Jacinto County
Coldspring, San Jacinto County Jail, Slade and Loyd St. (7-15-80)

Starr County
Rio Grande City, de la Peña, Silverio, Drugstore and Post Office, 423 E. Main St. (9-2-80)

Rio Grande City, LaBorde House, Store and Hotel, 601 E. Main St. (5-29-80)

Travis County
Austin, Boardman-Webb-Bugg House, 602 W. 9th St. (1-8-80)

Austin, Gilfillan House, 603 W. 8th St. (9-27-80)

Austin, Green Pastures, 811 W. Live Oak St. (9-27-80)

Austin, Stavely-Kunz-Johnson House, 1402 E. 1st. (8-19-80)

Austin vicinity, Aynesworth-Wright House, N of Austin at 11693 Research Blvd. (9-27-80)

Williamson County
BARTLETT COMMERCIAL HISTORIC DISTRICT.
 Reference—see Bell County.

Taylor, Taylor National Bank, 200 Main St. (5-23-80)

Taylor vicinity, McFadin House, N of Taylor (4-9-80) HABS.

Wilson County
Sutherland Springs vicinity, Whitehall, N of Sutherland Springs on SR 539 (2-1-80)

Victoria County
Victoria vicinity, Mission Creek Dam and Acequia Site, NW of Victoria (4-9-80)

UTAH

Beaver County
Beaver, Fenimore, Dr. George, House, 90 S. 100 West St. (2-1-80)

Beaver, Grimshaw, Duckworth, House, 95 N. 400 West St. (2-1-80)

Beaver, Shepherd, Harriet S., House, 190 N. 200 East St. (2-8-80)

Beaver, White, Charles Dennis, House, 115 E. 400 North St. (2-14-80)

Cache County
Hyrum, Hyrum First Ward Meetinghouse, 290 S. Center St. (2-15-80)

Logan, Lindquist Hall, 201 N. 1st East St. (3-27-80)

Carbon County
Spring Glen, Millarich, Martin, Hall, Main St. (10-31-80)

Doggett County
Manila vicinity, Ute Mountain Fire Tower, SW of Manila (4-10-80)

Davis County
Centerville, Randall, Melvin Harley, House, 390 E. Porter Lane (6-20-80)

Kaysville, Blood, Henry, House, 95 S. 300 West St. (4-29-80)

Emery County
Castle Dale vicinity, Buckhorn Wash Rock Art Sites (8-1-80)

Castle Dale vicinity, Johansen, Peter, House, N of Castle Dale off UT 29 (3-19-80)

Cleveland, Larson, Lars Peter, House, Off UT 155 (2-13-80)

Cleveland vicinity, Denver and Rio Grande Lime Kiln, SE of Cleveland (8-28-80)

Emery, Emery L. D. S. Church, Off UT 10 (2-22-80)

Ferron, Ferron Box Pictographs and Petroglyphs (7-11-80)

Green River vicinity, Black Dragon Canyon Pictographs, SW of Green River (9-4-80)

Grand County
Moab, Moab Cabin (Balsley Cabin) E. 1st St. (2-14-80)

Moab, Taylor, Arthur, House, U.S. 163 (2-28-80)

Thompson vicinity, Thompson Wash Rock Art District, N of Thompson (8-1-80)

Kane County
Kanab vicinity, Cottonwood Canyon Cliff Dwelling, 4 mi. NW of Kanab (8-18-80)

Millard County
Millard vicinity, Archeological Site No. 42Md300 (8-6-80)

Salt Lake County
Draper, Allen, J. R., House 1047 E. 13200 South St. (8-28-80)

Draper, Draper Park School, 12441 S. 900 East St. (5-7-80)

Salt Lake City, Armstrong, Francis, House, 667 E. 1st South St. (5-23-80)

Salt Lake City, Avenues Historic District, Roughly bounded by 1st. and 9th Aves., State and Virginia Sts. (8-27-80)

Salt Lake City, Best-Cannon House, 1146 S. 900 East St. (10-3-80)

Salt Lake City, Brinton-Dahl House, 1501 Spring Lane (2-14-80)

Salt Lake City, Chapman Branch Library, 577 S. 900 West St. (1-20-80)

Salt Lake City, City Creek Canyon Historic District, Bounded by Capitol Blvd., A St., 4th Ave. and Canyon Rd. (3-12-80)

Salt Lake City, Covey, Almon A., House, 1211 E. 100 South St. (10-3-80)

Salt Lake City, Covey, Hyrum T., House, 1229 E. 100 South St. (10-3-80)

Salt Lake City, General Engineering Company Building, 159 W. Pierpont Ave. (1-21-80)

Salt Lake City, Hall, Nels G., House 1340 2nd Ave. (10-3-80)

Salt Lake City, Hawarden (Ira W. Bennion House) 4396 S. 3200 West St. (2-14-80)

Salt Lake City, Judge Building, 8 E. 300 South St. (12-26-79)

Salt Lake City, Kearns-St Ann's Orphanage, 430 E. 2100 South St. (10-3-80)

Salt Lake City, McDonald, David, House, 4659 Highland Dr. (5-29-80)

Salt Lake City, McLachlan, William, Farmhouse, 4499 S. 3200 West St. (2-14-80)

Salt Lake City, Morris, Richard Vaughn, House, 314 Quince St. (4-29-80)

Salt Lake City, Nelson-Beesley House, 533 11th Ave. (6-20-80)

Salt Lake City, Neuhausen, Carl M., House, 1265 E. 100 South St. (10-3-80)

Salt Lake City, New York Hotel, 42 Post Office Pl. (3-10-80)

Salt Lake City, Technical High School, 241 N. 300 West St. (2-19-80)

Salt Lake City, Wasatch Springs Plunge, 840 N. 300 West St. (5-15-80)

Salt Lake City, vicinity, Mountain Dell Dam, N of Salt Lake City (6-20-80) HAER.

San Juan County
Aneth vicinity, Aneth Terrace Archeological District (8-1-80)

Blanding vicinity, Big Westwater Ruin, E of Blanding (7-16-80)

Blanding vicinity, Ojato Trading Post, SW of Blanding (6-20-80)

Blanding vicinity, Westwater Canyon Archeological District, SW of Blanding (9-4-80)

Gouldings, Goulding's Trading Post, Off UT 47 (10-20-80)

Sanpete County
Ephraim, Greaves-Deakin House, 118 S. Main St. (10-3-80)

Ephraim, Hansen, Hans A., House, 75 W. 100 North St. (10-22-80)

Ephraim, Sorensen, Fredrick Christian, House, E. Center St. (10-14-80)

Fairview, Anderson, James, House, 15 S. 200 East St. (10-3-80)

Fairview, Hjort, Niels P., House, N. Main St. (10-3-80)

Manti, Bessey, Anthony W., House, Off U.S. 89 (10-22-80)

Manti, Billings-Hougaard House, Off U.S. 89 (10-14-80)

Manti, Johnson, Robert, House, Off U.S. 89 (10-14-80)

Manti, Jolley, Francis Marion, House, Off U.S. 89 (10-14-80)

Manti, Manti Presbyterian Church, U.S. 89 (3-27-80)

Moroni, Bradley, George Washington, House, Off UT 116 (10-22-80)

Mount Pleasant, Arilsen, Ole, House, Off UT 116 (10-3-80)

Mount Pleasant, *Staker, James B.*, House, U.S. 89 (10-3-80)

Mount Pleasant, *Wheelock, Cyrus*, House, 200 E. 100 North St. (10-3-80)

Spring City, *Spring City Historic District*, UT 17 (10-22-80)

Spring City vicinity, *Crawforth, Charles, Farmstead*, SW of Spring City on Pigeon Hollow Rd. (2-19-80)

Wales, *Lewellyn, John T.*, House, Main St. (10-3-80)

Sevier County

Elsinore vicinity, *Elsinore Sugar Factory*, E of Elsinore (6-17-80)

Glenwood, *Glenwood Cooperative Store*, 15 W. Center St. (4-29-80)

Glenwood, *Wall, Joseph*, Gristmill, 355 S. 250 East St. (6-20-80)

Monroe, *Monroe Methodist Episcopal Church*, 55 S. 100 West St. (5-23-80)

Monroe, *Monroe Presbyterian Church*, 20 E. 100 North St. (3-27-80)

Redmond, *Redmond Hotel*, 15 E. Main St. (6-20-80)

Richfield, *Young Block*, 3-17 S. Main St. (6-24-80)

Salina, *Salina Hospital*, 330 W. Main St. (6-19-80)

Salina, *Salina Presbyterian Church*, 204 S. 1st East St. (3-27-80)

Salina vicinity, *Gooseberry Valley Archeological District*, E of Salina (9-4-80)

Sevier vicinity, *Sevier Ward Church*, E of Sevier off U.S. 89 (6-24-80)

Tooele County

Knolls vicinity, *GAPA Launch Site and Blockhouse*, NE of Knolls (8-26-80)

Stockton vicinity, *Soldier Creek Kilns*, SE of Stockton (8-19-80)

Uintah County

Jensen vicinity, *Cockleburr Wash Petroglyphs*, E of Jensen off U.S. 40 (9-4-80)

Utah County

American Fork, *American Fork Presbyterian Church*, 75 N. 1st East St. (5-23-80)

Goshen vicinity, *Old Goshen Site*, NW of Goshen (8-26-80)

Pleasant Grove, *Pleasant Grove School*, Main St. (2-20-80)

Provo, *Beebe, Angus George and Martha Ansil*, House, 489 W. 100 South St. (10-31-80)

Provo, *Nunn Power Plant*, Off U.S. 189 (12-13-79)

Provo, *Provo Downtown Historic District*, Center St. and University Ave. (5-1-80)

Provo, *Smith, Hannah Maria Libby*, House, 315 E. Center St. (2-14-80)

Provo, *Talmage, James E. and Albert*, House, 345 E. 400 North St. (2-20-80)

Springville, *Springville Presbyterian Church*, 251 S. 200 East St. (10-24-80)

Wasatch County

Heber City, *Fisher, David*, House, 125 E. 400 South St. (4-16-80)

Heber City, *Murdoch, John*, House, 281 N. 400 West St. (2-28-80)

Heber City, *Wasatch Saloon*, Main St. (9-23-80)

Heber City, *Wave Publishing Company Building*, 55 W. Center St. (12-27-79)

Midway, *Wootton, Attewall, Jr.*, House, 270 E. Main St. (4-10-80)

Washington County

St. George, *Main Building of Dixie College*, 86 S. Main St. (6-19-80)

Toquerville, *Noegele Winery*, Main and 5th Sts. (2-20-80)

Washington, *Washington Relief Society Hall*, 100 West and Telegraph St. (8-27-80)

Wayne County

Green River, *Cowboy Caves* (8-27-80)

VERMONT

Addison County

Addison vicinity, *Strong, John*, House, SW of Addison on VT A (5-15-80)

Panton, *District School No. 1*, Lake Rd. (4-17-80)

Shoreham vicinity, *Hand's Cove*, SW of Shoreham (5-22-80)

Shoreham vicinity, *Larrabee's Point Complex*, SW of Shoreham (5-1-80)

Starksboro vicinity, *Hoag Gristmill and Knight House Complex*, NW of Starksboro on State Prison Hollow Rd. (4-22-80)

Bennington County

Bennington, *Downtown Bennington Historic District*, U.S. 7 and VT 9 (4-1-80)

Manchester, *Equinox House Historic District*, Main and Union Sts. (6-3-80)

North Bennington, *North Bennington Historic District*, VT 67 and VT 67A (8-29-80)

Caledonia County

St. Johnsbury, *Fairbanks, Franklin*, House, 30 Western Ave. (9-27-80)

St. Johnsbury, *St. Johnsbury Historic District*, U.S. 5 and U.S. 2 (4-17-80)

South Walden, *Christian Union Society Meetinghouse*, Bayley-Hazen Military Rd. (5-23-80)

Chittenden County

Shelburne and vicinity, *Shelburne Farms*, Off U.S. 7 (8-11-80)

Williston, *Williston Village Historic District*, U.S. 2 (12-19-79)

Essex County

Canaan, *Jacobs Stand* (Alice M. Ward Memorial Library) W. Park St. (6-3-80)

Guildhall, *Guildhall Village Historic District*, VT 102 (9-27-80)

Franklin County

Richford, *Downtown Richford Historic District*, Main and River Sts. (8-22-80)

St. Albans, *St. Albans Historic District*, U.S. 7 and VT 36 (5-1-80)

Orange County

Brookfield Center, *Newton, Marvin*, House, Ridge Rd. (6-11-80)

Rutland County

Rutland, *Clementwood*, Clement Rd. (9-27-80)

Rutland, *Rutland Downtown Historic District*, Roughly bounded by Strong Ave., State, Wales, Washington, Pine and Cottage Sts. (8-22-80)

Rutland, *St. Peter's Church and Mount St. Joseph Convent Complex*, Convent Ave., Meadow and River Sts. (10-3-80)

Sudbury vicinity, *Hyde's Hotel*, S. of Sudbury on VT 30 (4-11-80)

Tinmouth, *Tinmouth Historic District*, VT 140 and SR 2 (6-25-80)

Washington County

East Montpelier, *East Village Meetinghouse*, U.S. 2 and U.S. 14 (6-30-80)

East Montpelier, *Union Meetinghouse*, Center Rd. (6-30-80)

Windham County

Brattleboro, *Brooks House (Hotel Brooks)* 4 High St. and 128 Main St. (2-1-80)

Brattleboro, *Estey Organ Company Factory*, Birge St. (4-17-80)

Grafton, *Grafton Congregational Church and Chapel*, Main St. (12-10-79)

Wilmington, *Wilmington Village Historic District*, VT 9 and VT 100 (8-11-80)

Windsor County

Hartford, *White River Junction Historic District*, Railroad Row, Main, Currier, Bridge, and Gates Sts. (8-22-80)

Weathersfield Center, *Weathersfield Center Historic District*, Center Rd. (6-30-80)

VIRGIN ISLANDS

St. Croix Island

Christiansted vicinity, *Estate Little Princess*, NW of Christiansted (6-9-80)

VIRGINIA

Albemarle County

Esmont vicinity, *Esmont*, N of Esmont (5-6-80)

Esmont vicinity, *Mountain Grove*, NW of Esmont on VA 717 (9-8-80) HABS

Keene vicinity, *Plain Dealing*, E of Keene (5-6-80)

Alexandria (independent city)

Alexandria Canal Tide Lock, Roughly bounded by Potomac River, Lee, Montgomery, and 1st Sts. (1-15-80)

Jones Point Lighthouse and District of Columbia South Cornerstone, Jones Point Park (5-19-80) HABS

Old Dominion Bank Building, 201 Prince St. (3-20-80) HABS

Amelia County

Chula vicinity, *Egglestetton*, NW of Chula (3-28-80)

Amherst County

Pedlar Mills vicinity, *Red Hill Farm*, W of Pedlar Mills on VA 647 (6-9-80)

Botetourt County

Daleville vicinity, *Nininger's Mill*, S of Daleville (7-30-80)

Fincastle vicinity, *Breckinridge Mill*, W of Fincastle on VA 600 (7-30-80)

Fincastle vicinity, *Prospect Hill*, Off VA 606 (12-28-79)

Brunswick County

Alberta vicinity, *Hobson's Choice*, E of Alberta on VA 606 (3-18-80)

Lawrenceville, *Fort Christanna*, SW of Lawrenceville (7-16-80)

Buckingham County

Buckingham vicinity, *Perry Hill*, VA 56 (10-30-80)

Campbell County

Brookneal vicinity, *Cat Rock Sluice of the Roanoke Navigation*, W of Brookneal (3-25-80) [also in Halifax County]

Charles City County

Charles City vicinity, *Cary, Lott, Birth Site*, NW of Charles City on VA 602 (7-30-80)

Charles City vicinity, *Weyanoke Plantation* (3-10-80)

New Hope vicinity, *Kittiewan*, 2.5 mi. SE of New Hope (12-28-79)

Rustic vicinity, *Rowe, The*, 3 mi. SW of Rustic (3-28-80) HABS.

Charlotte County

Charlotte Court House, *Charlotte County Courthouse*, VA 40 and VA 47 (5-7-80)

Chesterfield County

Chesterfield, *Magnolia Grange*, VA 10 (3-17-80)

E trick, *Vawter Hall and Old President's House*, Virginia State University campus (5-7-80)

Midlothian vicinity, *Hallsborough Tavern*, W of Midlothian on U.S. 60 (3-17-80)

Culpeper County

Culpeper, *Hill House*, 501 East St. (3-17-80)

Mitchells, *Mitchells Presbyterian Church*, VA 852 (5-7-80)

Raccoon's Ford vicinity, *Greenville*, NE of Raccoon's Ford (3-17-80)

Cumberland County

Cumberland vicinity, *Grace Church, Ca Ira*, W of Cumberland on VA 632 (10-30-80)

Essex County

Millers Tavern vicinity, *Woodlawn (Trible House)* NE of Millers Tavern (7-16-80)

Fairfax County

Alexandria, *Fort Hunt, Mount Vernon Memorial Hwy.* (3-28-80)

Fluvanna County

Bremo Bluff vicinity, *Bremo Slave Chapel*, N of Bremo Bluff (3-17-80)

Frederick County

Clear Brook vicinity, *Hopewell Friends Meetinghouse*, W of Clear Brook off VA 672 (3-28-80)

Halifax County

CAT ROCK SLUICE OF THE ROANOKE NAVIGATION. Reference—see Campbell County.

South Boston vicinity, *Fourqurean House*, 2.4 mi. SW of South Boston (5-6-80)

South Boston vicinity, *Seaton*, N of South Boston on U.S. 501 (5-19-80)

King William County

Enfield vicinity, *Seven Springs*, W of Enfield (5-6-80) HABS.

Falls vicinity, *Cherrokee*, W of Falls on VA 666 (9-8-80)

Manquin vicinity, *Horn Quarter*, NW of Manquin on VA 614 (6-9-80)

Studley vicinity, *Wyoming*, N of Studley on VA 615 (2-8-80)

Lee County

CUMBERLAND GAP HISTORIC DISTRICT. Reference—see Bell County, KY.

Loudoun County

Ashburn vicinity, *Belmont*, 1.8 mi. N of Ashburn (2-8-80)

Leesburg vicinity, *Carlheim*, N of Leesburg on U.S. 15 (12-28-79)

Lynchburg (independent city)

Aviary, 402 Grove St. (7-30-80)

Federal Hill Historic District, Roughly bounded by 8th, 12th, Harrison and Polk Sts. (9-17-80)

Jones Memorial Library, 434 Rivermont Ave. (10-30-80)

Mathews County

Moon vicinity, *Billups House (Milford)* E. of Moon (3-26-80)

Mecklenburg County

Baskerville vicinity, *Eureka*, SE of Baskerville (9-17-80)

Middlesex County

Urbanna, *Wormeley Cottage*, Virginia St. (5-23-80)

Nelson County

Norwood vicinity, *Montezuma*, NE of Norwood on VA 826 (7-30-80)

Shipman vicinity, *Bon Aire*, E of Shipman on VA 628 (7-30-80)

Wintergreen vicinity, *River Bluff*, S of Wintergreen on VA 151 (7-30-80)

New Kent County

Providence Forge vicinity, *Cedar Grove*, NW of Providence Forge on VA 609 (12-28-79) HABS.

Norfolk (independent city)

Wells Theatre, Tazewell St. and Monticello Ave. (5-19-80)

Northampton County

Wardtown vicinity, *Grapeland* (5-6-80)

Northumberland County

Heathsville, *St. Stephen's Church*, SR 360 (12-28-79)

Heathsville, *Springfield*, SR 360 (12-28-79)

Orange County

Orange, *Orange County Courthouse*, Madison Rd. and N. Main St. (12-28-79)

Orange Vicinity, *Berry Hill*, S of Orange on VA 647 (5-7-80)

Petersburg (independent city)

Folly Castle Historic District, Perry and W. Washington Sts. (7-16-80)

Petersburg Old Town Historic District, U.S. 1 and VA 36 (7-4-80)

Poplar Lawn Historic District, Roughly bounded by Surrey Lane, S. Jefferson, Mars, and Harrison Sts. (5-23-80)

Pittsylvania County

Berry Hill vicinity, *Berry Hill*, SW of Berry Hill (5-6-80)

Cascade vicinity, *Windsor* (7-30-80)

Oak Ridge vicinity, *Oak Hill*, VA 863 (12-28-79)

Portsmouth (independent city)

Pythian Castle, 610-612 Court St. (10-30-80)

Powhatan County

Powhatan vicinity, *Norwood*, NE of Powhatan (5-19-80) HABS.

Prince George County

Carson vicinity, *Martin's Brandon Church*, VA 10 and VA 1201 (10-31-80)

Prince William County

Manassas, *Liberia*, 8700 Centreville Rd. (3-20-80) HABS.

Manassas vicinity, *Ben Lomond*, NW of Manassas at 10914 Sudley Manor Dr. (7-30-80)

Rappahannock County

Washington vicinity, *Ben Venue*, NE of Washington on VA 729 (12-28-79) HABS.

Richmond (independent city)

Block 0-100 East Franklin Street Historic District, Roughly bounded by 1st, Main, Foushee and Grace Sts. (2-27-80)

Centenary Church, 411 E. Grace St. (12-28-79)

St. Sophia Home of the Little Sisters of the Poor, 16 N. Harvie St. (5-7-80)

Richmond County

Simonson vicinity, *Indian Banks* (3-20-80)

Warsaw vicinity, *Bladensfield*, NE of Warsaw off VA 203 (10-31-80)

Roanoke (independent city)

Crystal Spring Steam Pumping Station, 2016 Lake St., SE. (5-23-80)

Mountain View, 714 13th St., SW. (10-31-80)

Roanoke County

Roanoke vicinity, *Old Tombstone*, N of Roanoke (3-25-80)

Rockbridge County

Brownsburg vicinity, *New Providence Presbyterian Church*, NE of Brownsburg (3-26-80)

Rockingham County

Dayton vicinity, *Paul, Peter, House*, N of Dayton on VA 701 (12-28-79)

Port Republic, *Port Republic Historic District*, VA 605 and VA 865 (9-8-80)

Southampton County

Capron vicinity, *Rose Hill*, NE of Capron on VA 635 (12-31-79)

Surry County

Cabin Point vicinity, *Montpelier*, 1.4 mi. SW of Cabin Point (3-26-80)

Gwaltney Corner vicinity, *Snow Hill*, VA 40 (12-28-79)

Surry vicinity, *Melville*, E of Surry (5-8-80)

Surry vicinity, *Rich Neck Farm*, E of Surry (5-19-80)

Tazewell County

Tazewell vicinity, *Big Crab Orchard Site* (8-11-80)

Virginia Beach (independent city)

Bayville Farm, Off VA 650 (5-19-80)

Warren County

Front Royal vicinity, *Erin*, NE of Front Royal on U.S. 340/522 (12-28-79)

<i>Winchester (independent city)</i>	WEST VIRGINIA	<i>Summers County</i>
<i>Winchester Historic District, U.S. 522, U.S. 11 and U.S. 50/17 (3-4-80)</i>	<i>Barbour County</i>	<i>Pipestem vicinity, Jordan's Chapel, NW of Pipestem on SR 18 (2-22-80)</i>
<i>Wythe County</i>	<i>Philippi, Barbour County Courthouse, Court Sq. (2-22-80)</i>	<i>Taylor County</i>
<i>Rural Retreat vicinity, Kimberling Lutheran Cemetery, NW of Rural Retreat (3-26-80)</i>	<i>Cabell County</i>	<i>Grafton vicinity, Clelland House (Houghton House) NW of Grafton off U.S. 250 (6-23-80)</i>
WASHINGTON	<i>Huntington, Carnegie Public Library, 900 5th St. (4-3-80)</i>	<i>Tyler County</i>
<i>Adams County</i>	<i>Fayette County</i>	<i>Middlebourne, Tyler County Courthouse and Jail, Main and Dodd Sts. (6-23-80)</i>
<i>Ritzville, Greene, Nelson, H., House, 502 S. Adams St. (3-7-80)</i>	<i>Clifftop vicinity, Camp Washington-Carver Complex, W of Clifftop (6-20-80)</i>	<i>Wood County</i>
<i>Clallam County</i>	<i>Gauley Bridge, Gauley Bridge Railroad Station, Off WV 16/39 (5-15-80)</i>	<i>Parkersburg, Neale, George, Jr., House, 331 Juliana St. (1-10-80)</i>
<i>Sekiu vicinity, Hoko River Rockshelter Archeological Site (3-27-80)</i>	<i>Montgomery, Main Building (Montgomery Preparatory School) West Virginia Institute of Technology campus (6-25-80)</i>	<i>Parkersburg, Parkersburg City Hall, 5th and Market Sta. (12-11-79)</i>
<i>Franklin County</i>	<i>Greenbrier County</i>	WISCONSIN
<i>Pasco vicinity, Strawberry Island Village Archeological Site (8-21-80)</i>	<i>Lewisburg vicinity, Tuscawilla (Knight Farm) S of Lewisburg off U.S. 219 (12-19-79)</i>	<i>COOKSVILLE MULTIPLE RESOURCE AREA</i>
<i>King County</i>	<i>Hardy County</i>	<i>Reference—see Dane and Rock Counties.</i>
<i>Renton vicinity, Pacific Coast Company House No. 75, N of Renton at 7210 138th St. SE. (12-21-79)</i>	<i>Moorefield, Old Stone Tavern, 117 Main St. (12-10-79)</i>	<i>ESCHWEILER THEMATIC RESOURCES OF MARATHON COUNTY</i>
<i>Seattle, Columbia City Historic District, Roughly bounded by S. Hudson and S. Alaska Sts., 35th and Rainier Aves. (9-8-80)</i>	<i>Jackson County</i>	<i>Reference—see individual listings under Marathon County.</i>
<i>Seattle, De La Mar Apartments 115 W. Olympic Pl. (8-18-80)</i>	<i>Ripley, Armstrong House, 315 North St. (2-12-80)</i>	<i>VAN LOON WILDLIFE AREA TRUSS BRIDGE THEMATIC RESOURCES</i>
<i>Seattle, Galland, Caroline Kline, House, 1605 17th Ave. (2-8-80)</i>	<i>Jefferson County</i>	<i>Reference—see individual listings under La Crosse County.</i>
<i>Seattle, United Shopping Tower (Northwestern Mutual Insurance Building) 217 Pine St. (8-18-80)</i>	<i>Charles Town vicinity, Aspen Hill, N of Charles Town on WV 9 (3-13-80)</i>	<i>WILDHAGEN, HENRY, SCHOOLS OF ASHLAND THEMATIC RESOURCES</i>
<i>Seattle, U.S. Courthouse, 1010 5th Ave. (1-8-80)</i>	<i>Middleway, Middleway Historic District, SR 1/8 (3-13-80)</i>	<i>Reference—see individual listings under Ashland County.</i>
<i>Seattle, U.S. Marine Hospital, 1131 14th Ave. S. (12-21-79)</i>	<i>Kanawha County</i>	<i>Ashland County</i>
<i>Lewis County</i>	<i>Charleston, MacFarland House, 1310 Kanawha Blvd. (12-10-79)</i>	<i>Ashland, Ashland Middle School (Wildhagen, Henry, Schools of Ashland Thematic Resources) 1000 Ellis Ave. (7-17-80)</i>
<i>Centralia, Olympic Club Saloon, 112 N. Tower St. (3-10-80)</i>	<i>Malden, Malden Historic District, Roughly bounded by RR tracks, Kanawha River, Georges Dr. and U.S. 60 (7-18-80) HABS.</i>	<i>Ashland, Beaser School (Wildhagen, Henry, Schools of Ashland Thematic Resources) 612 Beaser Ave. (7-17-80)</i>
<i>Pacific County</i>	<i>Mason County</i>	<i>Ashland, Ellis School (Wildhagen, Henry, Schools of Ashland Thematic resources) 310 Stuntz Ave. (7-17-80)</i>
<i>Knappton vicinity, Columbia River Quarantine Station, SW of Knappton on WA 401 (2-8-80)</i>	<i>Leon vicinity, McCausland, Gen. John, House, S of Leon (6-16-80)</i>	<i>Ashland, Wilmarth School (Wildhagen, Henry, Schools of Ashland Thematic Resources) 913 3rd Ave. W. (7-17-80)</i>
<i>Pierce County</i>	<i>Mongo County</i>	<i>Barron County</i>
<i>Puyallup, Lotz, J. H., House, 1004 2nd Ave., NW.</i>	<i>Williamson, Coal House, 2nd Ave. and Court St. (3-6-80)</i>	<i>Rice Lake, Rice Lake Carnegie Library, Main and Messenger Sts. (6-20-80)</i>
<i>Tacoma, Pacific National Bank Building (Luzon Building) 1302 Pacific Ave. (3-7-80)</i>	<i>Monongalia County</i>	<i>Bayfield County</i>
<i>Tacoma, Union Depot-Warehouse Historic District, Roughly bounded by RR tracks, 15th, 23rd and Market Sts. (4-2-80)</i>	<i>Morgantown, Stewart Hall, West Virginia University campus (6-25-80)</i>	<i>Washburn, Bank of Washburn, Bayfield St. and Central Ave. (1-17-80)</i>
<i>Spokane County</i>	<i>Ohio County</i>	<i>Brown County</i>
<i>Mica vicinity, California Ranch, E of Mica on Jackson and Belmont Rds. (8-11-80)</i>	<i>Wheeling, Monroe Street East Historic District, 12th and Byron Sts. (2-12-80)</i>	<i>Green Bay, Astor Historic District, WI 57 (2-27-80)</i>
<i>Spokane, Marycliff-Cliff Park Historic District, Roughly bounded by Lincoln St., 7th, 12th, and 14th Aves. (12-21-79)</i>	<i>Wheeling, Wheeling Historic District, Roughly bounded by RR tracks, Eoff, Water, and 10th Sts. (12-31-79)</i>	<i>Green Bay, Kaap's Restaurant, 212-214 N. Washington St. (6-2-80)</i>
<i>Thurston County</i>	<i>Pleasants County</i>	<i>Suamico, Henry House (Weed Mill Boarding House) 1749 Riverside Dr. (1-31-80)</i>
<i>Olympia, U.S. Post Office, 801 Capitol Way (11-30-79)</i>	<i>St. Marys, Cain House (Alexander Creel Tavern) Creel St. (6-25-80)</i>	<i>Burnett County</i>
<i>Walla Walla County</i>	<i>Preston County</i>	<i>Grantsburg, Burnett County Abstract Company, 214 N. Oak St. (5-7-80)</i>
<i>Walla Walla, Boyer, John F., House, 204 Newell St. (8-11-80)</i>	<i>Cranesville vicinity, Reckart Mill, W of Cranesville at jct. of WV 28 and SR 47/2 (6-3-80)</i>	<i>Grantsburg vicinity, Jacobson House and Mill Site, E of Grantsburg on SR M (4-22-80)</i>
<i>Whatcom County</i>	<i>Randolph County</i>	<i>Hertel vicinity, Altern Site (47 Bt 50) (3-31-80)</i>
<i>Glacier, Glacier Ranger Station, Mount Baker Hwy. (9-17-80)</i>	<i>Beverly, Beverly Historic District, WV 92 and U.S. 219/250 (1-11-80)</i>	
	<i>Elkins, Pinecrest (Richard C. Kerens House) Kerens Hill (12-11-79)</i>	

Calumet County
Stockbridge vicinity, *Stockbridge Indian Cemetery*, N of Stockbridge off WI 55 (10-22-80)

Chippewa County
Stanley, *Roe, L. I., House*, 410 N. Franklin St. (8-27-80)

Columbia County
Pardeeville, *Pardeeville Presbyterian Church*, 105 S. Main St. (1-15-80)

Portage County
Portage, *Gale, Zona, House*, 506 W. Edgewater St. (10-24-80)

Dane County
Ashton, *St. Peter's Roman Catholic Church*, WI K (9-23-80)

Brooklyn vicinity, *Pond, Daniel, Farmhouse*, E of Brooklyn on U.S. 14 (6-30-80)

Madison, *American Exchange Bank*, 1 N. Pinckney St. (8-18-80)

Madison, *Curtis-Kittleson House*, 1162 Spaight St. (4-10-80)

Madison, *Jackson Building*, 111 S. Hamilton St. (3-27-80)

Madison, *Lincoln School*, 728 E. Gorham St. (8-28-80)

Madison, *Madison Waterworks*, N. Hancock St. (8-18-80)

Madison, *Plough Inn*, 3402 Monroe St. (5-29-80)

Madison, *Stoner, Joseph J., House*, 321 S. Hamilton St. (1-17-80)

Madison, *Thorstrand*, 1-2 Thorstrand Rd. (8-11-80)

Madison vicinity, *McCoy Farmhouse*, S of Madison at 2925 Syene Rd. (5-29-80)

Mazomanie, *Mazomanie Town Hall*, 51 Crescent St. (10-22-80)

Stoughton vicinity, *Savage House* (Cooksville Multiple Resource Area) SR 1 (9-17-80)

Reference—see also listing in Rock County.

Dodge County
Beaver Dam, *Swan House and Vita Spring Pavilion*, 230 Park Ave. (4-9-80)

Eau Claire County
Eau Claire, *Pioneer Block*, 401-409 Water St. (8-27-80)

Fond du Lac County
Johnsburg, *St. John the Baptist Catholic Church*, Off WI Q (10-29-80)

Pipe, *Club Harbor*, Jct. of WI 151 and WI W (1-22-80)

Waupun, *End of the Trail*, Madison St. (8-29-80)

Green County
Monroe, *Freitag's Pure Oil Service Station*, 1323 9th St. (1-15-80)

Monroe, *Regez, Jacob, Sr., House*, 2121 7th St. (1-17-80)

Iron County
Montreal, *Montreal Company Location Historic District*, WI 77 (5-23-80)

Jefferson County
Jefferson, *Jefferson Public Library*, 305 S. Main St. (1-17-80)

Kenosha County
Kenosha, *Boys and Girls Library*, 5810 8th Ave. (10-24-80)

Kenosha, *Manor House*, 6536 3rd Ave. (10-29-80)

La Crosse County
La Crosse, *Ott, Will, House*, 1532 Madison St. (1-15-80)

La Crosse vicinity, *Bridge No. 1 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

La Crosse vicinity, *Bridge No. 2 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

La Crosse vicinity, *Bridge No. 3 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

La Crosse vicinity, *Bridge No. 4 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

La Crosse vicinity, *Bridge No. 5 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

La Crosse vicinity, *Bridge No. 6 (Van Loon Wildlife Area Truss Bridge Thematic Resources)* NW of La Crosse (2-27-80)

Lafayette County
Shullsburg vicinity, *Gratiot House*, S of Shullsburg on Rennick Rd. (1-8-80)

Marathon County
Mosinee, *Dessert, Joseph, Library (Eschweiler Thematic Resources of Marathon County)* 123 Main St. (5-1-80)

Mosinee, *Mathie, Karl, House (Eschweiler Thematic Resources of Marathon County)* 202 Water St. (5-1-80)

Wausau, *Bird, C. B., House (Eschweiler Thematic Resources of Marathon County)* 522 McIndoe St. (5-1-80)

Wausau, *Dunbar, C. F., House (Eschweiler Thematic Resources of Marathon County)* 929 McIndoe St. (5-1-80)

Wausau, *Everest, D. C., House (Eschweiler Thematic Resources of Marathon County)* 1206 Highland Park Blvd. (5-1-80)

Wausau, *First Universalist Church (Eschweiler Thematic Resources of Marathon County)* 504 Grant St. (5-1-80)

Wausau, *Marathon County Fairgrounds (Eschweiler Thematic Resources of Marathon County)* Stewart Ave. (5-1-80)

Wausau, *Schuetz, E. K., House (Eschweiler Thematic Resources of Marathon County)* 930 Franklin St. (5-1-80)

Wausau, *Wegner, C. H., House (Eschweiler Thematic Resources of Marathon County)* 906 Grant St. (5-1-80)

Milwaukee County
Greendale, *Trimborn Farm*, 8801 W. Grange Ave. (7-31-80)

Milwaukee, *Knapp-Astor House*, 930 E. Knapp St. and 1301 N. Astor Street (3-27-80)

Milwaukee, *Sixth Church of Christ, Scientist*, 1036 N. Van Buren St. (3-27-80)

Wauwatosa, *Sunnyhill Home*, 8000 W. Milwaukee Ave. (5-7-80)

Oconto County
Oconto, *Campbell, John G., House*, 915 Park Ave. (1-15-80)

Oconto, *Oconto Main Post Office*, 141 Congress St. (8-28-80)

Pepin County
Durand, *Durand Free Library*, 315 W. 2nd Ave. (2-20-80)

Portage County
Plover, *Old Plover Methodist Church*, Madison Ave. (3-27-80)

Racine County
Racine, *Hall, Chauncey, Building*, 338-340 Main St. (10-10-80)

Racine, *Memorial Hall*, 72 7th St. (4-10-80)

Racine, *Racine County Courthouse*, 730 Wisconsin Ave. (7-28-80)

Racine, *Racine Depot*, 1402 Liberty St. (10-10-80)

Rochester, *Whitman-Belden House*, 108 N. State St. (1-17-80)

Waterford vicinity, *Norwegian Buildings at Heg Park*, NE of Waterford on Heg Park Rd. (7-17-80)

Richland County
Richland Center, *Richland Center City Auditorium*, 182 N. Central Ave. (8-18-80)

Rock County
Beloit, *Blodgett, Selvy, House*, 417 Bluff St. (5-23-80)

Beloit, *Hanchett Block*, 307 State St. (3-20-80)

Beloit, *Pearson Hall of Science*, Beloit College campus (5-30-80)

Evansville vicinity,

COOKSVILLE MULTIPLE RESOURCE AREA.
This area includes: *Cooksville Historic District*, SR 1; *Billings House*, SR 1; *Cooksville Cheese Factory*, SR 1; *Cooksville Mill and Mill Pond Site*, SR 1; *Cooper-Gillies House*, SR 1; *Dow, John T., House*, SR 1; *Leedle Mill Trust Bridge*, SR 1; *Miller House*, SR 1; *Porter, J. K., Farmstead*, SR 1; *Richardson Grout House*, SR 1; *Searle Barn*, SR 1; *Stebbins, Harrison, House*, SR 1 (see also listing in Dane County) (9-17-80)

Janesville, *East Milwaukee Street Historic District*, N. Parker Dr. and E. Milwaukee St. (2-8-80)

Janesville, *Janesville Cotton Mill*, 220 N. Franklin St. (7-16-80)

Janesville, *Lovejoy and Merrill-Nowlan Houses*, 220 and 202 St. Lawrence Ave. (1-21-80)

Janesville, *North Main Street Historic District*, N. Main St. and N. Parker Dr. (2-8-80)

Milton, *Milton College Historic District*, College St. (5-27-80)

Orfordville vicinity, *West Luther Lutheran Church*, SW of Orfordville on W. Church Rd. (5-27-80)

Rusk County
Ladysmith, *State Bank of Ladysmith*, 102 W. 2nd St. (1-17-80)

Sauk County
Baraboo, *Clark, William House*, 320 Walnut St. (4-8-80)

Sawyer County
Hayward, *North Wisconsin Lumber Company Office*, Florida Ave. (5-7-80)

Shawano County
Gresham vicinity, *Lutheran Indian Mission*, NE of Gresham on WI G (10-22-80)

Taylor County

Medford, *Taylor County Courthouse*, Courthouse Sq. (5-14-80)

Vernon County

Stoddard vicinity, *Goose Island Archeological Site Ve-502* (7-17-80)
Viroqua, *Vernon County Courthouse*, N. Dunlap Ave. (1-8-80)

Walworth County

Lake Geneva vicinity, *Loramoor*, S. of Lake Geneva at 774 S. Lake Shore Dr. (1-15-80)

Waukesha County

Big Bend vicinity, *Haseltine Cobblestone House*, N of Big Bend on Big Bend Dr. (1-15-80)

Oconomowoc, *Oconomowoc City Hall*, 174 E. Wisconsin Ave. (4-10-80)

Oconomowoc, *Oconomowoc Depot*, 115 Collins St. (1-29-80)

Oconomowoc, *Oconomowoc Public Library and Museum*, 212 N. Lake Rd. (10-24-80)

Waupaca County

Waupaca, *Browne Law Office*, 202 E. Union St. (8-18-80)

Waupaca, *Dane Hall*, 303 N. Main St. (1-17-80)

WYOMING*Alabany County*

Laramie, *Blair, Charles E. House*, 170 N. 5th St. (10-31-80)

Laramie, *Conley, John D. House*, 718 Ivinson St. (5-15-80)

Laramie, *Fort Sanders Guardhouse*, Kiowa St. (5-1-80)

Fremont County

Atlantic City vicinity, *Hamilton City (Miner's Delight)* (6-4-80)

Laramie County

Cheyenne, *Downtown Cheyenne Historic District*, U.S. 30 and U.S. 85 (12-22-80)

Cheyenne, *Whipple-Lacey House*, 300 E. 17th St. (5-15-80)

Platte County

Guernsey vicinity, *Guernsey Lake Park*, 1 mi. (1.6 km) NW of Guernsey (8-28-80)

Sweetwater County

Rock Springs, *City Hall*, 4th and B Sts. (5-15-80)

Rock Springs, *First National Bank Building*, 502 S. Main St. (3-13-80)

Teton County

Moose vicinity, *Chapel of the Transfiguration*, Grand Teton National Park (4-10-80)

Moran vicinity, *Rosencrans Cabin Historic District*, 9 mi. E of Moran (8-8-80)

The following is a list of corrections to properties listed on the "NATIONAL REGISTER." Additional corrections may appear in subsequent updates of the "FEDERAL REGISTER."

NEW YORK*Monroe County*

Rochester, *Genesee Lighthouse and Keepers House*, 70 Lighthouse St. (8-13-74) [previously listed as Genesee Lighthouse]

TENNESSEE*Shelby County*

Memphis, *Bowles, Robert S. Houses*, 544-548 Vance Ave. (12-16-79) [Individual listings removed for procedural error. Now part of Vance-Pontotoc Historic District]

Memphis, *Hoyley, Patrick H. House*, 604 Vance Ave. (10-10-79) [Individual listings removed for procedural error. Now part of Vance-Pontotoc Historic District]

Williamson County

Franklin, *Rainey House*, 244 1st Ave. (7-8-70) [previously listed as Rainey-Lawrence House]

VERMONT*Caledonia County*

St. Johnsbury, *St. Johnsbury Historic District*, U.S. 5 and U.S. 2 (4-17-80) [This nomination combines Railroad Street Historic District and St. Johnsbury Main Street Historic District]

The following properties have been demolished and/or removed from the "NATIONAL REGISTER OF HISTORIC PLACES." This action does not necessarily modify the applicability, if any, of provisions of section 2124 of the "TAX REFORM ACT."

ARIZONA*Coconino County*

Sedona vicinity, *Mayhew's Lodge (Thomas House)*, 10.5 mi. N of Sedona on U.S. 89A (2-13-75) [demolished]

CALIFORNIA*Orange County*

Anaheim, *Kraemer Garage (Citrus Tire Company Building)* 252 N. Anaheim Blvd. (12-18-79) [demolished]

COLORADO*Denver County*

Denver, *Constitution Hall (First National Bank Building)* 1507 Blake St. (8-25-70) [demolished]

ILLINOIS*Macon County*

Decatur, *Millikin Building*, 100 N. Water St. (7-24-80) [demolished]

McLean County

Normal, *Fell, Jesse. House*, 502 S. Fell Ave. (4-19-78) [demolished]

IOWA*Polk County*

Des Moines, *Bankers Trust Building*, 605 Locust St. [removed]

KENTUCKY*Fayette County*

Lexington, *Hall, Augustus. House*, 185 Barr St. (7-12-78) [demolished]

WISCONSIN*Kenosha County*

Kenosha, *Kenosha High School*, 913 57th St. (6-6-79) [demolished]

Milwaukee County

Milwaukee, *Plankinton House (Knights of Columbus Building)* 1492 W. Wisconsin Ave. (1-1-78) [demolished]

The following properties have been determined to be eligible for inclusion in the "National Register." All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593, as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Associate Director for Cultural Programs, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243, for an opinion respecting a property's eligibility for inclusion in the "National Register."

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR, Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA*Baldwin County*

Bayou St. John, *Archeological Site 1 BA 376*, Ono Island

Bibb County

Centreville-Brent Lagoon Site 1Bb12 (1204.3)

Houston County

Dothan, *Dothan Amtrak Station*, 608 N. St. Andrews St. (1204.3)

Morgan County

Decatur, *Decatur Amtrak Station (Union Depot)* 701 N. Railroad St. (1204.3)

Pickens County	Butte County	Eagle Peak Archeological District, N of Yosemite Valley
Charity House	Enterprise Indian Rancheria Village Site (1204.3)	Mariposa Grove Archeological District, Yosemite National Park
ALASKA	Contra Costa County	Snow Creek-Mt. Watkins Archeological District, Yosemite National Park
<i>Fairbanks Division, Fort Greely, Archeological Site XMH-297 (1204.3)</i>	<i>Concord, Don Fernando Pacheco Adobe, 3119 Grant St.</i>	<i>Yosemite Creek Archeological District, Yosemite National Park</i>
<i>Judicial Division, Sitka, Sitka National Cemetery (1204.3)</i>	<i>Richmond, Richmond Ford Motor Company Assembly Plant</i>	
ARIZONA	Fresno County	Monterey County
<i>Apache County</i>	<i>Snow Leap Archeological District</i>	<i>Monterey, Casa Soberanes, 336 Pacific St. (1204.3)</i>
<i>Window Rock, Archeological Site AZ-P-24-1</i>	<i>Fresno, Bank of America Building, Fulton Mall (1204.3)</i>	
<i>Coconino County</i>	<i>Glen County</i>	<i>Napa County</i>
<i>Cross Canyon Corridor Historic District, Grand Canyon National Park (1204.3)</i>	<i>Bridge C-13 over Stoney Creek (1204.3)</i>	<i>Napa, Alexander Hotel (Plaza Hotel) 840-844 Brown St.</i>
<i>Maricopa County</i>	<i>Willows, Archeological Site CA-MEN-1633 Willow vicinity, CCC Buildings and Structures, S of Willows</i>	<i>Napa, Bank of Napa (Bank of America) 903 Main St.</i>
<i>Phoenix, Ong's, Jim, Market, 1110 E. Washington St.</i>	<i>Humboldt County</i>	<i>Napa, Gordon Building, 1130 1st St.</i>
<i>Scottsdale vicinity, Archeological Site AZ U-64(ASU) (1204.3)</i>	<i>Van Duzen River Bridge</i>	<i>Napa, Napa County Courthouse, Brown and 2nd Sts.</i>
<i>Navajo County</i>	<i>Van Duzen River Bridge No. 4-94, CA 36 (1204.3)</i>	<i>Napa, Napa Register Building (Stage One Building) 1202 1st St.</i>
<i>Shonto Junction vicinity, Archeological Site AZ-D-10-16</i>	<i>Van Duzen River Bridge No. 4-97, CA 36 (1204.3)</i>	<i>Napa, U.S. Post Office-Franklin Station, 1351 2nd St.</i>
<i>Yuma County</i>	<i>Honeydew vicinity, Honeydew Creek Bridge, Wilder Ridge Rd. (1204.3)</i>	<i>Nevada County</i>
<i>Bouse vicinity, Archeological Site AZ M-13:2 (1204.3)</i>	<i>Inyo County</i>	<i>Deer Creek Bridge, Bitney Springs Rd. (1204.3)</i>
<i>Bouse vicinity, Archeological Site AZ S:1:8 (1204.3)</i>	<i>Bishop vicinity, Archeological Site CA-Iny- 2146, S of Bishop (1204.3)</i>	<i>North Columbia, Archeological Site 4- Nevada 251, South Yuba Recreation Area (1204.3)</i>
<i>Hope vicinity, Archeological Site AZ S:6:7 (1204.3)</i>	<i>Kern County</i>	<i>Orange County</i>
<i>Parker, Parker Rattlesnake Intaglio Site (1204.3)</i>	<i>Bakersfield, Baker Street Library, 1400 Baker St. (1204.3)</i>	<i>Santa Ana, North Broadway Park (1204.3)</i>
ARKANSAS	<i>Lake County</i>	<i>Riverside County</i>
<i>Conway County</i>	<i>Clear Lake Oaks, Archeological Site CA- LAK-988</i>	<i>Aguanga vicinity, Archological Site CA-RIV- 381 (1204.3)</i>
<i>Springfield, Alexander, W. S., Site (1204.3)</i>	<i>Los Angeles County</i>	<i>San Benito County</i>
<i>Springfield, Scroggins, Don, Site (1204.3)</i>	<i>Long Beach, U.S. Post Office and Federal Building, 300 N. Long Beach Blvd.</i>	<i>K-T Bridge (1204.3)</i>
<i>Springfield, Temper Site (1204.3)</i>	<i>Los Angeles, Security Pacific National Bank, 716 W. Olympic Blvd. (1204.3)</i>	<i>San Bernardino County</i>
<i>Springfield, Wilder Log House Site (1204.3)</i>	<i>Los Angeles, Standard Oil Building, 605 W. Olympic Blvd. (1204.3)</i>	<i>Midway Archeological Site CA-SBR-3694 Cucamonga vicinity, Archeological Site SBR- 895 (1204.3)</i>
<i>Crittenden County</i>	<i>Pasadena, Building at 950 North Marengo Avenue</i>	<i>Fort Irwin, Drinkwater Spring (Gallant Eagle 80)</i>
<i>Archeological Site 3CT98 (1204.3)</i>	<i>Pasadena, Building at 111 North Los Robles</i>	<i>Fort Irwin, Nelson Lake (Gallant Eagle 80)</i>
<i>Berry Cemetery Site 3CT47 (1204.3)</i>	<i>Pasadena, Building at 1121-1123 North Los Robles</i>	<i>San Diego County</i>
<i>Lafayette County</i>	<i>Pasadena, Building at 1143 North Los Robles</i>	<i>San Diego, Boston House Hotel Site (1204.3)</i>
<i>Archeological Site 3 LA 94, Near Lake Erling Red River, Archeological Site 3LA97 (1204.3)</i>	<i>Pasadena, Building at 1814 North Garfield Avenue</i>	<i>San Diego, Lawton-Davidson House Site (1204.3)</i>
<i>Poinsett County</i>	<i>Pasadena, Lincoln Avenue Methodist Church (1204.3)</i>	<i>San Diego, Pantoja House Site (1204.3)</i>
<i>Archeological Site 3PO450 (D-4)</i>	<i>Pasadena, Nash House, 591 Oakland St. (1204.3)</i>	<i>San Diego, Porter Hall Site (1204.3)</i>
<i>Archeological Site 3 PO 368</i>	<i>Marin County</i>	<i>San Diego, Rosario Hall Site (1204.3)</i>
<i>Archeological Site D-3 (3PO 499)</i>	<i>GOLDEN GATE BRIDGE, Reference—see San Francisco County</i>	<i>San Diego, Wetherbee Mill and Residence Site (1204.3)</i>
<i>Union County</i>	<i>Hill 640 Military Reservation, Near Stinson Beach</i>	<i>San Francisco County</i>
<i>El Dorado, Post Office (Federal Building)</i>	<i>Shafter Bridge, Sir Francis Drake Blvd. (1204.3)</i>	<i>San Francisco, Fort Funston, W of Lake Merced</i>
CALIFORNIA	<i>Ross, Drake, Sir Francis, Bridge</i>	<i>San Francisco, Fort Miley</i>
<i>Alameda County</i>	<i>Ross, Glenwood Avenue Bridge</i>	<i>San Francisco vicinity, Golden Gate Bridge (also in Marin County) (1204.3)</i>
<i>Bank of American Building, Broad and 12th Sts. (1204.3)</i>	<i>Ross, Lagunitas Street Bridge</i>	<i>Santa Barbara County</i>
<i>Building at 561, 565-567 11th Street (1204.3)</i>	<i>Ross, Norwood Avenue Bridge</i>	<i>San Antonio Creek Bridge (1204.3)</i>
<i>Fong Wan Building, 578-578 10th St. (1204.3)</i>	<i>Ross, Shady Lane Bridge</i>	<i>Santa Barbara, San Rogue Canyon Bridge, CA 192 (1204.3)</i>
<i>Key System Building, 1100 Broadway St. (1204.3)</i>	<i>Mariposa County</i>	<i>Shasta County</i>
<i>Swan's Department Store and Food Center (1204.3)</i>	<i>Crane Flat Archeological District, Yosemite National Park</i>	<i>Kett Site (Ca-Sha-491) (1204.3)</i>
<i>Victorian Houses, 571, 573-577 and 583 11th St. (1204.3)</i>		<i>Volta 2-1 (1204.3)</i>
<i>Victorian Row (Old Oakland District) (1204.3)</i>		<i>Volta 2-2 (1204.3)</i>

Siskiyou County
Macdoel vicinity, Archeological Site CA-Sis-342, N or Macdoel (1204.3)

Saline County
Fairfield vicinity, Archeological Site CA-Sol-80, Ledgewood Creek

Sonoma County
Archeological Site CA-Son-1048, Occidental Rd. (1204.3)
Archeological Site CA-Son-1049

Tuolumne County
Aspen Valley Archeological District, Yosemite National Park

Hetch Hetchy Archeological District, Yosemite National Park

VIS Site 0516-53-02, Stanislaus National Forest

White Wolf Archeological District, Yosemite National Forest

Ventura County
Santa Paula vicinity, Buildings at 18901, 19303 and 19311 East Telegraph Road

Santa Paula vicinity, Santa Clara School (20030 E. Telegraph Rd.)

COLORADO
Archeological Site 5 ML 35, Wolf Creek Pass East (1204.3)

Arapahoe County
ARCHEOLOGICAL SITES 5DA097 and 5DA285, Reference—see Douglas County

ARCHEOLOGICAL SITES 5DA 261, 5DA263 and 5DA269, Reference—see Douglas County

Franktown vicinity, Pike's Peak Grange, SR 83 (1204.3)

Franktown vicinity, Seventeen-Mile House, SR 83 (1204.3)

Littleton, City Ditch (1204.3)

Littleton, Littleton Atchison, Topeka and Santa Fe Depot (1204.3)

Littleton, Littleton Denver and Rio Grande Western Depot (1204.3)

Boulder County

Bolton Cabin

Christenson Cabin

Miller-Myers Cabin

Ralston Cabin

Denver County

Denver, Buildings at 3510 and 3550 Marion Street (1204.3)

Denver, Clayton College for Boys, 3607 Martin Luther King Blvd. (1204.3)

Denver, Denver Turnverein, 1570 Clarkson St. (1204.3)

Denver, Mammoth Gardens, 1510 Clarkson St. (1204.3)

Denver, 912 Galapago (Smith's Chapel) (1204.3)

Denver, Old Ladies Home (1204.3)

Denver, St. Joseph's Church and Rectory (1204.3)

Denver, 637, 701, 751, and 841 Galapago (1204.3)

Denver, 675 Santa Fe, Byers Branch Library (1204.3)

Denver, Sunken Gardens Park (1204.3)

Denver, West High School (1204.3)

Denver, Westside Historic District (extension) (1204.3)

Douglas County
Archeological Sites 5DA097 and 5DA285 (also in Arapahoe County)
Archeological Sites 5DA281, 5DA283 and 5DA269 (also in Arapahoe County)

Fremont County
Canon City, Old South Canon Neighborhood (1204.3)

Florence, Florence Historic District

Garfield County
Denver and Grande Railroad (1204.3)
Shoshone Hydroelectric Plant Complex (1204.3)

Glenwood Springs, Bair Ranch, 66586 U.S. 6 (1204.3)

Gunnison County
Cimarron vicinity, Archeological Sites 5GN239, 240, 246, 248, 314, 251, 252, 238, 234, 249, 237 and 245, U.S. 50

La Plata County
Archeological Site 5LP262, 5LP263, and 5LP264 (1204.3)

Tamoma-Ames Powerhouse, Terminal Dam, Aspaoa Dam, and Wood-stave Flume, San Juan National Forest (1204.3)

Durango, Main Post Office, Main Ave. and 11th St.

Larimer County
Larimer and Weld Canal-Eaton Ditch (also in Weld County) (1204.3)

Fort Collins, Laurel School Historic District (1204.3)

Montrose County
Archeological Sites 5MN 1056, 1062, 1066, 1067, 1068, 1069, 1071, (1204.3)

Cimarron vicinity, Archeological Site 5MN820, U.S. 50

Park County
5 PA 13 Water Flume, Spinney Mountain Reservoir Project vicinity (1204.3)

Weld County
LARIMER AND WELD CANAL-EATON DITCH, Reference—see Larimer County, Greeley, Lincoln Schools, 11th St. and 4th Ave.

CONNECTICUT

Fairfield County
Danbury, Building at 20 Fairview Avenue
Plantsville, Building at 314 Summer Street

Hartford County
Bloomfield, Building at 420 Park Avenue (1204.3)

Hartford, Washington Street School, 461 Washington St. (1204.3)

New Britain, Main Post Office, 120 W. Main St.

Newington, Veterans Administration Medical Center

Litchfield County
Cornwall, Rumsey Hall (1204.3)

North Canaan, Old Lawerence Tavern (1204.3)

Middlesex County
Middletown, North End Meetinghouse, 706-712 Main St.

Middletown, Old Middletown Main Post Office, 291 Main St.

New Haven County
Waterbury, Building at 1805 Thomaston Avenue

Waterbury, Downtown Waterbury Historic District (1204.3)

New London County
New London, Buildings at 138, 144, 146, and 148 Huntington Street

New London, Franklin Street Historic District, Franklin, High and Home Sts.

New London, St. James Episcopal Church, 125 Huntington St.

Stonington, Mechanic Street Historic District

DELAWARE

New Castle County
Wilmington, 200 Block of East Front Street, 217—219, 221 and 223 E. Front St.

Wilmington, Rodney Square Historic District (1204.3)

Wilmington, Terminal Snack Bar

Wilmington, Wilmington Boulevard Historic District (1204.3)

Wilmington, Wilmington Rail Viaduct

DISTRICT OF COLUMBIA

Washington

Tivoli Theater (1204.3)

FLORIDA

Dade County
Miami, Buildings at 827, 1000, and 1150 South Miami Avenue

Miami, Central Baptist Church, 500 NE. 1st Ave. (1204.3)

Miami, Chaillé Block and Abe's Rooming House, 433—433 N. Miami Ave. and 22nd NE, 5th St. (1204.3)

Miami, Clyde Court Apartments, 68 SE. 2nd St. (1204.3)

Miami, Salvation Army Citadel, 49 NW. 5th St. (1204.3)

Franklin County
Apalachicola, Apalachicola Historic District

Volusia County
Ormond Beach, Ormond Beach Hotel, 15 E. Granda

GEORGIA

Utoy Creek Site (9 Fu 13) (1204.3)

Camden County

Kings Bay, Kings Bay Multiple Resource Area (1204.3)

Catoosa County
Graysville vicinity, Graysville Bridge (1204.3)

Chatham County
Savannah, Candler Central Hospital, 3025 Bull St.

Savannah vicinity, Savannah and Ogeechee Canal (1204.3)

Cherokee County

Archeological Site 9CK (DOT) 11 (1204.3)

Coweta County
Archeological Site AS-UGA-CC-11, Structure 9M

DeKalb County
Atlanta, Fairlie-Poplar Historic District
Atlanta, Johnsontown
Decatur, Scottsdale Elementary School, E. Ponce de Leon and Laredo
Decatur, Scottish Rite Hospital for Crippled Children, 321 W. Hill St.

Elbert County
Archeological Sites AB 1301, 1301-2, 1304, 1304-2A, 1304-3, EB 501, 731-1, 731-1 and 1514 A-D (also in Abbeville County, SC)
Blackwell Bridge (also in Abbeville County, SC)
Georgia-South Carolina Memorial Bridge (also in Abbeville County, SC)
Gregg Shoals Dam (also in Abbeville County, SC)
Lake Secession Dam (also in Abbeville County, SC)
Savannah River Bridge (also in Abbeville County, SC)
Smith-McGee Bridge (also in Abbeville County, SC)

Evans County
Hagan, Sapp, Loren, House

Floyd County
Rocky Mountain, Archeological Site 33
Rocky Mountain, Archeological Site 36 A, B, and C
Rocky Mountain, Archeological Site 45A and B

Fulton County
Atlanta, Ridley Court Apartments (1204.3)

Glynn County
Brunswick-Althamaha Canal, Between Turtle and Althamaha Rivers (1204.3)

Monroe County
Macon, Le Sueur-Butler House (1204.3)

Richmond County
Riverside Mills
Augusta, Bon Air Hotel
Augusta, Fifth Street Highway Bridge
Augusta, Sixth Street Railroad Bridge
Augusta, Southern Railroad Freight Depot

Thomas County
Thomasville, Thomasville Amtrak Station, 420 W. Jackson St. (1204.3)

Troup County
La Grange, Smith, Samuel P., Historic District (1204.3)

Walker County
Ashland Dairy Farm, GA 193 (1204.3)

HAWAII
Archeological Site 97-20-305, Island of Kahoolawa

Hilo County
Hilo Bay, Hilo Breakwater

Honolulu County
Ewa, Barbers Point Archeological District (extension) (1204.3)

Honolulu, Ala Wai Park Clubhouse
Honolulu, Campbell, J. Building
Honolulu, Hawaii Building
Honolulu, Hotel Street Sidewalk Elements
Honolulu, McCorriston Building
Honolulu, Oahu State Prison Administration Building
Honolulu, Robinson Building
Honolulu, Tong Fat Company, Ltd.
Oahu, Kanohuluiwi Fishpond, Kaneohe Bay (1204.3)

Kauai County
Hanalei vicinity, Hanalei National Wildlife Refuge Historic and Archeological District

Maui County
Island of Kahoolawe, 35 Archeological Sites of Kahoolawe

IDAHO
Graves Spring Site

Ada County
Boise, Building at 414 South 11th Street
Boise, Building at 425 South 9th Street

Cassia County
Oakley, Oakley Guard Station, Main St.

Franklin County
Thatcher Bridge (1204.3)

Gooding County
Hagerman, Hagerman National Fish Hatchery Site [10-GG-176] (1204.3)

Scott County
Davenport, Bergfeld, Fritz, Block, 321-323 W. 2nd St.
Davenport, Buildings at 305-307 West Second Street
Davenport, Buildings at 325-327 West Second Street
Davenport, Schmidt, George M., Block, 301-303 W. 2nd St.

Shoshone County
Wallace, Building at 216 Second Street (1204.3)

ILLINOIS
Cook County
Chicago, Adler Planetarium, 1300 S. Lake Shore Dr. (1204.3)
Chicago, Underwriter Laboratory Building, 207 E. Ohio St.
Hines, Old Airmail and Postal Service Buildings, VA Medical Center

Jackson County
Rockwood vicinity, Archeological Sites 24A2-24 and 24A2-204 (also in Randolph County)

Kankakee County
Kankakee County Courthouse

Lake County
North Chicago, Dewey House, VA Medical Center

Livington County
Pontiac, Main Post Office

Peoria County
Peoria, Palace Theatre

Pike County
Hinners Site (1204.3)

Pulaski County
Mound City, Mound City National Cemetery (1204.3)

Sangamon County
Springfield, Camp Butler National Cemetery (1204.3)

Williamson County
Marion, Veterans Administration Medical Center (1204.3)

INDIANA
Bartholomew County
Archeological Site 12B-351 (1204.3)
Archeological Site 12B-352 (1204.3)

Clark County
Jeffersonville, Jeffersonville Commercial and Riverfront Historic District

Elkhart County
Goshen, Former Goshen Main Post Office, 301 Lincoln Ave.

Greene County
Worthington vicinity, Shaffer Archeological Site (1204.3)

Hamilton County
Baltimore-Petit Through Truss

Hancock County
Greenfield, Riley Swimming Pool (1204.3)

Lawrence County
Bedford, Lawrence County Courthouse, 915 16th St.
Bedford, Pine Hall Manor

Marion County
Indianapolis, Union Station Historic District

Morgan County
Indianapolis vicinity, Parker Covered Bridge, SR 700 S., spans county line (also in Putnam County)

Putnam County
Parker Covered Bridge, Reference—see Morgan County.

Spencer County
Rockport vicinity, Honey Creek Archeological District

Vanderburgh County
Evansville, Zion Evangelical Church, 415 NW., 5th St. (1204.3)

Wayne County
Hagerstown, Building at 145 West Walnut Street (1204.3)

IOWA
Butler County
Greene, Shell Rock River Bridge (1204.3)

Dickinson County
Archeological Site 13DK27 (1204.3)

Dubuque County
Dubuque, Adams Company
Dubuque, Bishop's Block, 90 Main St.
Dubuque, Building at 576 Central Avenue

Dubuque, Building at 145 First Street
 Dubuque, Building at 169-171 Iowa Street
 Dubuque, Burlington Railroad Freight House
 Dubuque, Central Supply Company
 Dubuque, C.M. and St. P. Freight House
 Dubuque, Corner Tavern, 400 Central Ave.
 Dubuque, Dublin Historic District
 Dubuque, Dubuque Ice Harbor
 Dubuque, Faber, A.J., Company, 60 Main St.
 Dubuque, Farley-Loetscher Industrial Complex
 Dubuque, Fireplace Shop, 470 Central Ave.
 Dubuque, Herring, Jim, Barbershop, 414 Central Ave.
 Dubuque, Higley Chemical Company, 40-42 Main St.
 Dubuque, Kennedy Industries, 10th St.
 Dubuque, Kretschmer-Tredway Company, 9th and Washington St.
 Dubuque, Linehan and Molo Building, 41 Main St.
 Dubuque, Old Main Street Historic District
 Dubuque, South Locust Street Cluster
 Dubuque, Tri-State Independent Blind Society, 1098 Jackson St.

Lee County
 Keokuk, Lester, Thomas, House, 18 N. 1st. (1204.3)

Woodbury County
 Sioux City, Bekins Building, 3rd St.
 Sioux City, U.S. Post Office and Courthouse (1204.3)

KANSAS
 Atchison County
 Atchison, Atchison Railroad Drawbridge, Mile 422.5, Spans Missouri River
 Butler County
 Chelsea vicinity, Archeological Sites 14 BU 4, 14 BU 9, 14 BU 55, and 14 BU 57.
 El Dorado, Archeological Sites 14 BU 516, 521, and 522
 Dickinson County
 Kandt-Donmann Farmstead (1204.3)
 Douglas County
 Stull vicinity, Archeological Site 14DO 154 (1204.3)
 Sedgwick County
 Wichita, Grove Park Archeological Site (1204.3)

KENTUCKY
 Bullitt County
 Smithville, Archaeological Site 15 BU 88, Off U.S. 31E.
 Clark County
 Trapp vicinity, Archaeological Site 15 CK-89 (1204.3)
 Trapp vicinity, Archaeological Site 15 CK-146 (1204.3)
 Trapp vicinity, Archeological site 15-CK-147 (1204.3)
 Fayette County
 Nicholasville vicinity, Bryant, J., House, 3 mi. N of Nicholasville (1204.3)
 Nicholasville vicinity, Elanwood, 1.5 mi. NW of Nicholasville (1204.3)

Hancock County
 Hawesville, Texas Gas Transmission Site 1 (15 Ha-27) (1204.3)

Jefferson County
 Louisville, Abell Elevator Company
 Louisville, Barth, Paul C., Engine House
 Louisville, Buildings of 831-839 East Broadway
 Louisville, Building at 824 East Muhammed Ali Boulevard
 Louisville, Calvary Methodist Church
 Louisville, District A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Phoenix Hill
 Louisville, District Q
 Louisville, First Lutheran Church
 Louisville, St. Boniface Church
 Louisville, Vermont American Machine Company
 McCreary County
 Greenwood, Archeological Site 15 Mcy 28

Ohio County
 Archeological Site 150H50 (1204.3)

Warren County
 Bowling Green, Bowling Green Amtrak Railroad Station, 401 Kentucky (1204.3)

LOUISIANA
 Cameron Parish
 Cameron Shipwreck
 Lafayette Parish
 Gordon Hotel (1204.3)
 Orleans Parish
 Wharehouse Historic District (1204.3)
 Red River Parish
 Coushatta, Old Bank of Coushatta, Carroll and Abney Sts.
 Coushatta, Wilson, Fred, House, Carroll St.
 St. John the Baptist Parish
 Edgard, Suski House, SR 1
 Vacherie, Zeringue Rice Barn, SR 3
 St. Mary Parish
 Centerville, Commercial Bank and Trust Company
 Terrebonne Parish
 Chacahoula, Goodland Sawmill and Black Residential Area, LA 309 and LA 20
 Donner, Donner Sawmill Area (16TR 116) (1204.3)

MAINE
 Kennebec County
 Togus, Eastern Branch—National Home for Disabled Volunteer Soldiers (1204.3)

MARYLAND
 Anne Arundel County
 Annapolis, Veterans Administration Annapolis National Cemetery, 800 West St. (1204.3)
 Baltimore (Independent city)
 Baltimore National Cemetery, 5501 Frederick Ave. (1204.3)
 Veterans Administration Loudon Park National Cemetery, 3445 Frederick Ave. (1204.3)

Baltimore County
 Harrisonville, Holy Family Catholic Church (1204.3)
 Holbrook, New Tavern (1204.3)
 Holbrook, Wards Chapel United Methodist Church (1204.3)
 Randallstown, Choate House (1204.3)
 Randallstown, Randallstown State Police Barracks
 Randallstown, Scott-Conrey House (1204.3)
 Towson, East Towson Historic District (1204.3)
 West Catonsville Historic District (1204.3)

Carroll County
 Eldersburg, Lee Farm (1204.3)
 Westminster, Westminster Historic District

Cecil County
 Elkton vicinity, Cecil County Detention Center Sites 18CE29, Hollingsworth Farm

Frederick County
 Jefferson, Jefferson Primary School

Montgomery County
 Glen Echo, Carrousel at Glen Echo Park (1204.3)
 Prince Georges County
 Hyattsville, Hyattsville Historic District

Queen Anne's County
 Chester, Barnstable Hill
 Chester, Goodhand House
 Chester, Stoopley Gibson

St. Mary's County
 Portion of Point Lookout Civil War Camp Archeological Site

Somerset County
 Crisfield, CDBG Target Area-Crisfield Multiple Resource Area

Talbot County
 Trappe, Ferry Farm House (1204.3)
 Wye Mills, Carpenters Square
 Wye Mills, Hammond, Hiram, House
 Wye Mills, Hassett Farm
 Wye Mills, Woodbury

Washington County
 Leitersburg, Leitersburg Historic District

Worcester County
 Pocomoke, Booneville Avenue Historic District (1204.3)

MASSACHUSETTS
 Berkshire County
 Pittsfield, Old Central High School, 1st St.
 Bristol County
 New Bedford-Fairhaven Bridge (1204.3)
 Essex County
 Lynn, Central Building (Sweetser Factory Building) 34-36 Central Ave.
 Lynn, Mower's Block

Franklin County
 Greenfield, Weldon Hotel, 54 High St. (1204.3)
 Wendell, Old Stoneville Village Site

Hampden County
 Holyoke, Fire Station No. 2, 452 Main St.

Springfield, Lower Maple Historic District
Westfield, Landlord Fowler Tavern, 171 Main St.

Hampshire County
Belchertown, Belchertown Congregation Church Parish House

Middlesex County
Bedford, Veteran's Medical Center
Cambridge, Athenaeum Press Building, 215 1st St.

Cambridge, Henderson Carriage Factory, 2067-2089 Massachusetts Ave.
Cambridge, Old Middlesex County Superior Courthouse, 90 3rd St.
Newton Centre, First Baptist Church, 848 Beacon St.

Watertown, Watertown Arsenal

Plymouth County
Hull, Former Old Point Allerton Lifeboat Station, Mantasket Ave.

Suffolk County
Boston, Interlocking System—Tower 1, Atlantic Ave. and Summer St. (1204.3)

Boston, Leather District
Boston, Waiting Room of the South Station, Atlantic Ave. and Summer St. (1204.3)
Chelsea, Chelsea City Hall, 500 Broadway (1204.3)

West Roxbury, Veterans Administration Medical Center

Worcester County
Clinton, Van Brode Mill, 56 Sterling St.
Loeminster, Wachusett Shirt Company, 97-100 Water St.

Oxford, Davis, Capt. Abijah House, 243 Main St.
Oxford, Joslin, Allen L., House, 345 Main St.
Oxford, Paine, Benjamin, House, 259 Main St.
Sterling, Buss, Ebenezer, Place (1204.3)
Webster, Main Street Historic District (1204.3)

MICHIGAN

Berrien County
Niles, Niles Post Office, 322 E. Main St.

Chippewa County
Sault Ste. Marie, Fort Street Bridge, Fort St. (1204.3)
Sault Ste. Marie, Spruce Street Bridge, Spruce St. (1204.3)

Ingham County
Lansing, Moores Park Pool Building (1204.3)

Kalamazoo County
Haymarket Historic District
Kent County

Grand Rapids, Heartside Historic District
Lowell, Division Street Bridge, Spans Grand River (1204.3)

Wayne County
Detroit, Buckland-Van Wald Building, 430 W. Larned
Detroit, Detroit Club, 712 Cass St.
Detroit, Detroit Free Press Building, 321 W. Lafayette
Detroit, Dodge Main Plant (1204.3)
Detroit, Fisher Building, W. Grand Blvd. and 2nd Ave. (1204.3)

Detroit, Grand Circus Park Historic District
Detroit, Greentown Historic District
Detroit, Griswold Building, 1214 Griswold
Detroit, Guardian Building, 500 Griswold
Detroit, New Center Building, Lorthrop and 2nd Ave.
Detroit, Parker-Webb Building, 400 W. Grand River

Detroit, Washington Boulevard Historic District (1204.3)

MINNESOTA

Hennepin County
MARSHALL AVENUE LAKE STREET BRIDGE. Reference—see Ramsey County.
Minneapolis, Broadway Bridge (#727) (1204.3)

Ottertail County

Waterstreet Bridge (1204.3)
Fergus Falls, Main Post Office (1204.3)

Ramsey County

Smith Avenue High Bridge (1204.3)
St. Paul, Marshall Avenue—Lake Street Bridge (also in Hennepin County)

St. Louis County

Duluth, Duluth City Hall

Wabasha County

Wabasha, Commercial District (1204.3)
Wabasha, First Congregational Parsonage, 305 W. 2nd St. (1204.3)
Wabasha, Grace Memorial Episcopal Church, 205 E. 3rd St. (1204.3)

MISSISSIPPI

Bolivar County
Choctaw vicinity, Choctaw Archeological Site (1204.3)
Shaw vicinity, Porter Bayou Archeological Site (1204.3)

Forrest County

Morrison Road Bridge, Spans Tallahala Creek (1204.3)

Harrison County

Biloxi, Veterans Administration Medical Center (1204.3)
Biloxi, Veterans Administration Medical Center Biloxi, Gulfport Division (1204.3)

Issaquena County

Mayersville vicinity, Mayersville Archeological Site (1204.3)

Lowndes County

Cedar Oaks
Columbus, Columbus, MS. Main Post Office, 524 Main St.

Monroe County

East Aberdeen, Railroad Station

Tishomingo County

Bay Springs Bridge

Eaton John, House

Riddle, A. L., House

MISSOURI

Adair County
Kirksville, Kirksville Depot

Benton County

Middle Bridge, Spans Osage River

Boone County

Columbia, Columbia West Historic District
Columbia vicinity, Archeological Site 23 BO 964

Buchanan County

St. Joseph City, Krug Park Castle (1204.3)

Clark County

Kahoka, Clark County Courthouse, 111 E. Court

Clay County

PASEO TROOST MULTIPLE RESOURCE AREA. This area includes: Kansas City Buildings at 1316, 1320-1322, 1324-1326, 1328-1330, and 1332-1334 Paseo Street; 1412-1414 East 14th Street. (1204.3)
Kansas, Fratt Bridge (Armour-Swift-Burlington Bridge) Spans Missouri River (also in Jackson County)

Cole County

Jefferson City, Jefferson City National Cemetery, (1204.3)

Gasconade County

Hermann vicinity, Archeological Site 23GA142, E. of Hermann

Gentry County

Albany, Gentry County Courthouse

Green County

Springfield, Springfield National Cemetery (1204.3)

Holt County

Oregon, Holt County Jail

Jackson County

Frott Bridge (Armour-Swift-Burlington Bridge), Reference—see Clay County.

Kansas City, Old Westport Historic District

Knox County

Edina, Edina Depot

Lawrence County

Mount Vernon, Lawrence County Jail

Lewis County

LaBelle, LaBelle Depot

Pike County

23 PI 73 and 23 PI 74 (1204.3)

Louisiana, Archeological Site 23PI89 (1204.3)

St. Clair County

Oscoela, St. Clair County Courthouse

St. Francois County

Farmington, St. Francois County Courthouse

St. Louis (independent city)

Lyle Mansion

St. Louis County

Maryland Heights, Zion Lutheran Church Parsonage, 12075 Dorsett Rd. (1204.3)

Maryland Heights, Zion Lutheran

Schoolhouse, 12075 Dorsett Rd. (1204.3)

St. Louis, Buildings at 1600—1602, 1614, 1616 (rear), 1618, 1620 South 12th Street, 16—1601, 1602, 1603 and 1606 South 11th Street

St. Louis, *Carondelet Park Bandstand*
St. Louis, *Ettrick Building*, Euclid Ave. and
Forest Park Blvd.
St. Louis, *Jefferson Barracks National
Cemetery* (1204.3)
St. Louis, *O'Fallon Park Boathouse*
St. Louis, *St. Louis Municipal Courts Building*
St. Louis, *Vincentian Fathers House and
Press Building*
St. Louis, *West End Recreation Center*, 5250
Enright Ave.
Starkoff, *Max C. Memorial Hospital*
Taney County
Old Forsyth Site 23TA41 (1204.3)

MONTANA
Killdeer West Archeological Site 24FA11
(1204.3)

Beaverhead County
Horse Prairie vicinity, *South Everson Creek
Quarry Site*

Broadwater County
Townsend, Pilgrim Site 24 BW 675

Deer Lodge County
Anaconda, *Barich Block*, 416—420 Park St.
Anaconda, *Davidson Block*, 30 E. Park St.
Anaconda, *National Bank of Anaconda
Building*, 212 E. Park Ave.
Anaconda, *Parrot Block*, 205 E. Park St.
Anaconda, *St. Paul's Catholic Church and
Rectory*, 218 and 220 E. Park St.
Anaconda, *Smith Building*, 210—210½ E.
Park Ave.
Anaconda, *Wills, F. C., Building*, 317 E.
Commercial Ave.

Flathead County
Kalispell, *Fisher, Heller, House*, 441 2nd Ave.
West
Kalispell, *Old City Hall*

Golden Valley County
Ryegate vicinity, *Sims-Garfield Ranch*, U.S.
12 (1204.3)

Lewis and Clark County
York Bridge, Span Hauser Lake (1204.3)

Madison County
Twin Bridges, *Montana Orphans Home
Historic District* (1204.3)

Missoula County
Missoula, *Building at 508 Toole* (1204.3)
Missoula, *Building at 501 West Alder* (1204.3)
Missoula, *Building at 442 West Spruce*
(1204.3)
Missoula, *Building at 432 East Pine* (1204.3)
Missoula, *Buildings at 236, 309 and 315 East
Spruce* (1204.3)
Missoula, *Fort Missoula* (1204.3)

Phillips County
Smith, Henry, Bison Kill Site (24PH794)
(1204.3)

Rosebud County
Colstrip, *Crying Hawk* (1204.3)
Colstrip, *Engineers Shelter* (1204.3)
Colstrip, *Inventory Site No. 31* (1204.3)
Colstrip, *Lookout Point Petroglyph* (1204.3)
Colstrip, *Pyramid Mountain* (1204.3)
Colstrip, *Sandrock Bison Kill* (1204.3)
Colstrip, *Slewfoot* (1204.3)

Colstrip, *Timi's Shelter* (1204.3)
Colstrip, *Vegematic Site* (1204.3)

NEBRASKA
Lancaster County
Lincoln, *VA Medical Center at Lincoln*
Lincoln County
Maxwell, *Fort McPherson National Cemetery*
(1204.3)
Carson City (independent city)
Capital City Mortuary, 312 S. Carson St.
(1204.3)
Myer's, *George, Hardware*, 202 N. Carson St.
Clark County
*Searchlight vicinity, Archeological Sites AZ
F5.1 (ASU) and AZ F5.2* (1204.3)
Nye County
*Original Bullfrog (Bullfront West Extension
Mine)*, Death Valley National Monument

NEW HAMPSHIRE
Belknap County
Tilton-Belmont Townships, *Archeological
Site NH 31-20-5*

Hillsborough County
Manchester, *Cavanaugh Brothers Sale
Stable*, 58 W. Central St. (1204.3)
Manchester, *New Hampshire State Union
Armory*, 60 Pleasant St. (1204.3)
Manchester, *Shea Block*, 50 W. Central St.
Manchester, *Sullivan, R. G. 7-20-4 Cigar
Factory and Annex*, 175 Canal St. (1204.3)
Manchester, *Thorpe, T. L. Building*, 19
Traction St. (1204.3)

Merrimack County
Concord, *Building at 6 Rumford Street*
Concord, *Eagle Square Historic District*
(1204.3)

NEW JERSEY
Bergen County
Hackensack, *Building at 36 Essex Street
(James Brinkerhoff Property)*

Burlington County
Hainesport, *Columbian Ironworks (J. D.
Johnson Foundry Archeological Site*
(1204.3)

Essex County
Newark, *Jackson Street Bridge* (1204.3)
Newark, *St. Joseph's Roman Catholic Church
Complex* (1204.3)

Hudson County
**NEWARK BAY BRIDGE, CENTRAL
RAILROAD**. Reference—see Union County.
Jersey City, *Building at 88—92 Erie Street*
(1204.3)

Weehawken, *North Hudson Hospital, Park
East* (1204.3)

Hunterdon County
Lambertville, *Prehistoric Site 28-Hu-468*.

Mercer County
Hamilton Township, *Mount Homestead*, 4631
Nottingham Way (1204.3)

Trenton, *Former CF and I Complex, S.
Clinton, Mott and Hudson Sts.*

Trenton, *Stokely Van Camp Cannery
Complex* (1204.3)
Trenton, *Thropp, William R., Sons Company
Complex* 960 E. State St.

Middlesex County
Milltown, *Meyer-Michel Site* (1204.3)
New Brunswick, *College Farm Site 28-Mi-75*
(1204.3)

Morris County
Talmadge *Historic District* (1204.3)
Union Stone Church (1204.3)
Dover, *Baker Building*, 16 W. Blackwell St.

Ocean County
Lakewood, *Rockefeller Park* (1204.3)

Passaic County
Paterson City, *Garrett Mountain Park* (1204.3)
Wayne Township, *Two Bridges Road Bridge*
(1204.3)

Trenton County
South Broad Street Bridge (1204.3)

Union County
Elizabeth, *Broad Street Bridge*, Spans
Elizabeth River (1204.3)
Elizabethport, *Newark Bay Bridge*, Central
Railroad (1204.3) (also in Hudson County).

NEW MEXICO
McKinley County
Navajo New Mexico High School Site
(1204.3)
Crownpoint vicinity, *Archeological Site SJ-C-
479* (1204.3)

San Juan County
Archaeological Site DCA-79-364 (1204.3)
Farmington, *Archaeological Site DCA-80-19*
(1204.3)

Sandoval County
*Boca Geothermal Lease Archeological
District*

NEW YORK
Albany County
Albany, *Broadway-Livingston Historic
District*
Albany, *Mansion Historic District*
Albany, *McKinney Steel Company (Portions
of)*
Albany, *Washington Avenue Historic
District*

Allegany County
Hume, *Fillmore Bridge*, Snyder Hill Rd.

Bronx County
Bronx, *Kingsbridge Heights Community
Center*, 3101 Kingsbridge Ter.

Broome County
Binghamton, *Lower Front Street Houses*, 3
Riverside Dr. and 2, 3, 6, and 8 Front St.

Chemung County
Elmira, *Aspen Ridge Historic District* (1204.3)
Elmira, *East Chemung Place Historic District*
(1204.3)

Elmira, *Maple Avenue Historic District*
(1204.3)

<i>Erie County</i>	NORTH DAKOTA	<i>Cincinnati, Whetsel-Ward Cluster Historic District</i> (1204.3)
Boston Valley, <i>UB 1530 Webber Site</i> (1204.3)	<i>Benson County</i>	<i>Jackson County</i>
Boston Valley, <i>UB 1531 Miller Site</i> (1204.3)	Fort Totten vicinity, <i>Sullys Hill Archeological Site</i> (1204.3)	<i>Cambrian Hotel, Broadway and Main Sts.</i> (1204.3)
Boston Valley, <i>UB 1537 Banco 2 Site</i> (1204.3)	<i>McKenzie County</i>	<i>Montgomery County</i>
Boston Valley, <i>UB 1551 Duffy Site</i> (1204.3)	Buford vicinity, <i>Mondrian Tree Site 32mz58</i> (1204.3)	<i>Dayton, Biltmore Hotel, 210 N. Main St.</i>
Buffalo, <i>Buffalo Savings Bank</i> , 545 Main St. (1204.3)	<i>Morton County</i>	<i>Dayton, Columbia Bridge, SR 145-140</i>
Kenmore, <i>Wheel Chair Home</i> , 2746 Delaware Ave. (1204.3)	Mandan, <i>Mandan Depot</i> , 401 W. Main St. (1204.3)	<i>Dayton, VA National Home for Disabled Soldiers</i>
<i>Genesee County</i>	<i>Stutsman County</i>	<i>Ross County</i>
Batavia, <i>Veterans Administration Medical Center</i> (1204.3)	Jamestown, <i>Archeological Site 32 SN 22</i> (1204.3)	<i>Bainbridge vicinity, Baum, Howard, Site</i> (33-RO-270) (1204.3)
<i>Greene County</i>	Jamestown, <i>Jamestown Depot</i> , 318 1st St., NE (1204.3)	<i>Summit County</i>
Catskill, <i>Catskill Historic District</i>	OHIO	<i>Jones Site No. 2</i> (1204.3)
Herkimer County	<i>Allen County</i>	<i>Strawberry Site</i> (1204.3)
Trenton Falls <i>Hydro-electric Station</i> (1204.3) [also in Oneida County]	Lima, <i>U.S. Post Office</i> , 326 W. High St.	<i>Van Wert County</i>
<i>Jefferson County</i>	<i>Ashtabula County</i>	<i>Van Wert, Van Wert Main Post Office, Central Ave. and Market St.</i> (1204.3)
Sackets Harbor, <i>U.S. Post Office</i> , 107-109 W. Main St. (1204.3)	Ashtabula, <i>Ashtabula 48th Street Bridge</i> , 46th St.	OKLAHOMA
<i>Kings County</i>	<i>Clark County</i>	<i>Osage County</i>
Brooklyn, <i>Public School No. 37</i> , 83 S. 4th St. (1204.3)	Springfield, <i>Myers Market Building, Fountain and High Sts.</i> (1204.3)	<i>Archeological Sites 34 OS 92 and 34 OS 160</i> (1204.3)
<i>New York County</i>	Springfield, <i>Thomas Manufacturing Company</i> , 106-110 E. Mulberry St.	<i>Sequoah County</i>
New York, <i>Stadt Huys (Lovelace Tavern Site)</i> (1204.3)	<i>Cuyahoga County</i>	<i>Harrison vicinity, Randy Site</i> (1204.3)
<i>Oneida County</i>	Cleveland, <i>Central Y.M.C.A.</i> , 2200 Prospect Ave. (1204.3)	<i>Tulsa County</i>
Utica, <i>City National Bank Building</i>	Cleveland, <i>Fidelity Building</i> , (1204.3)	<i>Tulsa, Brady Heights Historic District</i>
<i>Ontario County</i>	Cleveland Heights, <i>Buildings at 12537, 12545, 12546, 12574, 12588, 12600 and 12608 Cedar Road</i>	<i>Tulsa, Greenwood Historic District</i>
Geneva, <i>Hotel Seneca</i>	<i>Erie County</i>	<i>Washington County</i>
Geneva, <i>Jacobs Building</i> , Exchange St.	Archeological Site 33-Er-50 (1204.3)	<i>Archeological Site 34 WN 68, Copan Lake</i>
<i>Steuben County</i>	Archeological Site 33-Er-54 (1204.3)	OREGON
Bath, <i>Veterans Administration Medical Center</i> (1204.3)	<i>Franklin County</i>	<i>Clackamas County</i>
<i>Westchester County</i>	Columbus, <i>Barber Shop</i> , 82-86 E. Town St. (1204.3)	<i>Lake Oswego, Oswego Creek Bridge, Oswego Hwy.</i> (1204.3)
White Plains, <i>White Plains Main Post Office</i>	Columbus, <i>Beggs Building</i> , 21 E. State St.	<i>Coos County</i>
NORTH CAROLINA	Columbus, <i>Central National Bank Building</i> , 152-166 S. High St. (1204.3)	<i>Bandon, Coquille River Coast Guard Station</i>
<i>German Submarine U-352, Atlantic Ocean</i>	Columbus, <i>Hartman Theater Building</i> , 73-87 E. State St. (1204.3)	<i>Douglas County</i>
<i>Chatham County</i>	Columbus, <i>LaSalle Wine Store</i> , 242-244 S. High St. (1204.3)	<i>Veteran's Administration Medical Center</i>
Archeological Site 31 Ch 427	Columbus, <i>Owen, Jim, Real Estate</i> , 232 S. High St. (1204.3)	<i>Lane County</i>
Archeological Site 31 Ch 430	Columbus, <i>Trailways</i> , 246-254 S. High St. (1204.3)	<i>Honeyman Bathhouse, Jessie M. Honeyman State Park</i> (1204.3)
<i>Cumberland County</i>	<i>Hamilton County</i>	<i>Eugene, Mims House</i> , 340 High St. and 330 High St. (1204.3)
Fayetteville, <i>Veteran's Administration Medical Center and Confederate Breastworks</i>	Cincinnati, <i>Avondale Historic District, Reading Rd.</i>	<i>Eugene, Wheeler House</i> , 245 Pearl St. (1204.3)
<i>Durham County</i>	Cincinnati, <i>Beech Hill Avenue Cluster Historic District</i> (1204.3)	<i>Marion County</i>
Orange Factory Historic District (1204.3)	Cincinnati, <i>Block D UDAG Project District</i> (1204.3)	<i>Salem, Gilbert House</i> , 116 Marion St. (1204.3)
Edgemere County	Cincinnati, <i>Findlay Market Historic District</i> (1204.3)	<i>Multnomah County</i>
Rocky Mount Downtown Historic District (1204.3)	Cincinnati, <i>Mount Healthy Mill, Covered Bridge Rd.</i> (1204.3)	<i>Portland, Broadway Buildings</i> , 715 SW. Morrison (1204.3)
<i>Henderson County</i>	Cincinnati, <i>Properties in West End Community</i>	<i>Portland, Chapman Lowsdale Squares</i> (1204.3)
Hendersonville, <i>Hendersonville Railroad Depot</i>	Cincinnati, <i>Sixth District School, Elm and Odeon Sts.</i>	<i>Portland, Commercial Building</i> , 1015 SW. Yamhill (1204.3)
<i>Jackson County</i>		<i>Portland, Corbett Building</i> , 422 and 430 SW. Morrison (1204.3)
Archeological Site A7		<i>Portland, Eaton Hotel</i> , 626 SW. 9th Ave. (1204.3)
<i>Wake County</i>		<i>Portland, German Aid Society (Morrison Hotel)</i> , 1022-1038 SW. Morrison (1204.3)
Raleigh, <i>Boylan Avenue Bridge</i> , Boylan Ave. (1204.3)		<i>Portland, Goodnough Building (College Block)</i> 730 SW. 5th Ave. and 443-475 SW. Yamhill (1204.3)

Portland, *Journal Building (Jackson Tower)*, 806 SW. Broadway (1204.3)

Portland, *Kress Building (J.C. Penney Building)* 638 SW. 5th Ave. (1204.3)

Portland, *Lenox Hotel*, 1116 SW. 3rd Ave. (1204.3)

Portland, *Masonic Lodge (Pythian Building)*, 902-912 SW. Yamhill

Portland, *Moyer Building*, 1122-1138 SW. Morrison (1204.3)

Portland, *Meier and Frank Building*, 620 SW. 5th Ave. (1204.3)

Portland, *Mohawk Building*, 220 SW. Morrison and 708-716 SW. 3rd Ave. (1204.3)

Portland, *Northwestern (First National) Bank Building*, 671 SW. Morrison (1204.3)

Portland, *Olds, Wortman, and King Building (The Galleria)* 614 SW. 10th and 921 SW. Morrison (1204.3)

Portland, *Pacific Building*, 520 SW. Yamhill (1204.3)

Portland, *Portland Fire Station No. 16*, 1436 SW. Montgomery St.

Portland, *Portland Y.M.C.A. (Commercial Building)*, 411-415 SW. Yamhill and 721-735 SW. 4th Ave. (1204.3)

Portland, *Powers, Ira F. Furniture Company*, 804 SW. 3rd Ave. (1204.3)

Portland, *Professional Building*, 1033 SW. Yamhill (1204.3)

Portland, *Steel Bridge*, Willamette River

Salem, *Emmett, James and Alice, House*, 2950 Brush College Rd.

Polk County

Salem, *Walling, Jesse D., House*, 5865 Wallace Rd.

Umatilla County

Umatilla Bridge Site [35 UM 58] (1204.3)

Union County

Marshmeadow Site (1204.3)

La Grande vicinity, *Ladd Canyon Site*, S of La Grande (1204.3)

North Power vicinity, *Stockhoff Basalt Quarry Site*, No of North Powder (1204.3)

Wallowa County

Inidan Village Groves (1204.3)

Thomason Meadows (1204.3)

PENNSYLVANIA

Allegheny County

McKees Rocks, *Mann's Hotel*

Pittsburgh, *Manchester Historic District* (1204.3)

Pittsburgh, *Morse Elementary School*, 24th and Sarah Sts. (1204.3)

Stahl Million Dollar Theater (Leona Theater) 238 E. 8th Ave. (1204.3)

Berks County

Reading, *Callowhill Historic District* (1204.3)

Chester County

Coatsville, *Thompson Building*

Crawford County

Meadville, *Former Meadville Main Post Office*, 296 Chestnut St.

Erie County

Erie, *Arbuckle-Carey-Murphy House*

Erie, *Bonnell Block*, 419-423 State St.

Erie, *Brewster, Alexander, House*, 156 E. 5th St.

Erie, *Building at 425-431 State Street*

Erie, *Business Block No. 1*, State St. and N. Park Row

Erie, *Coach House (Blacksmith Shop)* 11 E. 4th St.

Erie, *Colt, Judah, House*, 343 E. Front St.

Erie, *Empire Block-Gage Hotel*, 501 State St.

Erie, *First Ward Firehouse*, 414, French St.

Erie, *Franks Hotel*, 24-26 5th St.

Erie, *Hamot House*, 302 French St.

Erie, *Kennedy, David, House*, 424-426 Holland St.

Erie, *Kennedy, David, Row Houses*, 158, 160, and 162 E. 5th St.

Erie, *McCallions (Frederick Schneider Store)* 401 State St.

Erie, *Mission Block*, 425, 427, 429 and 431 Peach St.

Erie, *Modern Tool Company*, State St. and E. 4th.

Erie, *Perry Memorial House (Dickson's Tavern)* 2nd and French Sts.

Erie, *Rockwell, Peter, House*, 405 State St.

Erie, *Schneider, Frederick, House* 3 E. 4th St.

Erie, *Sterrett, James, 501 Holland Ave.*

Erie, *Tivals, C. M. (Tibbals) House*, 146 E. 5th St.

Erie, *Warner Theater*, 811 State St. (1204.3)

Franklin County

Chambersburg, *Chamberburg Historic District* (1204.3)

Lackawanna County

Carobondale, *Carobondale Main Post Office*, N. Main St. and Lincoln Ave.

Lancaster County

Christiana, *Christiana Wrought Iron Railroad bridge*, Bridge St. (1204.3)

Lehigh County

Catasauqua Historic District

Allentown, *North Fourth Street Historic District* (1204.3)

Allentown, *Reid Hotel*, 101 N. 7th St. (1204.3)

Lycoming County

Waterville Bridge

Williamsport, *Second Street Workers Row Houses*, 609-643 2nd St. (1204.3)

Williamsport, *Williamsport Historic District* (1204.3)

McKean County

Chestnut, *Former Bradford Main Post Office*, 80 Corydon St. (1204.3)

Northumberland County

Sunbury, *Aldine Hotel*, 3rd and Arch Sts.

Perry County

Duncannon, *Clark's Tavern* (1204.3)

Philadelphia County

Philadelphia, *Kearsley House*, 49th and Monument Ave.

Philadelphia, *Wanamaker House Historic District* (1204.3)

Schuylkill County

Frackville Borough, *Roosevelt School Building*, Frack and Balliet Sts.

Tamaqua, *Reading Railroad Station*

Venango County

Franklin, *Franklin Historic District*

Warren County

Tidioute, *Tidioute Historic District*, 183-207 Main St., 7-9 Economy St.

Westmoreland County

Greensburg, *General Greene Hotel*, 24 W. Otterman

York County

Lewisberry Historic District

PUERTO RICO

Humacao, *Boathouse Point* (12VPr2-79)

Barrio Puerto Diablo (1204.3)

Humacao, *Cayo Verdiales Lighthouse-Faro de Cayo Verdiales* (12VPr2-103) Vieques Naval Reservation (1204.3)

Humacao, *Isla Chiva* (12VPr2-53) Vieques Naval Reservation (1204.3)

Humacao, *La Campana 1* (12VPr2-104)

Vieques Naval Reservation (1204.3)

Humacao, *Playa Chiva 1* (12VPr2-51)

Vieques Naval Reservation (1204.3)

Humacao, *Playa Grande 1* (12VPr2-54)

Vieques Naval Reservation (1204.3)

Humacao, *Punta Caracos 1* (12VPr2-59)

Vieques Naval Reservation (1204.3)

Humacao, *Punta Carenero* (12VPr2-72)

Vieques Naval Reservation (1204.3)

Humacao, *Punta Goleta* (12VPr2-80) Vieques Naval Reservation (1204.3)

Humacao, *Yanuel 1* (12VPr2-21) Vieques Naval Reservation (1204.3)

RHODE ISLAND

Providence County

Glocester, *Cherry Valley Prehistoric Site*

Providence, *Brown and Sharpe Manufacturing Company Complex* (1204.3)

Providence, *Merchants Cold Storage and Warehouse Company*, 160 Kinsley Ave. (1204.3)

Smithfield, *Georgiaville Historic District*, Bounded by Farmum Pike, Stillwater Rd., Cross St., and Whipple Ave.

Washington County

Exeter, *Albro Mill (Lawton's Mill)* Ten Rod Rd.

Westerly, *Nursery Site*

SOUTH CAROLINA

Beaufort County

Archeological Sites 38 BU 67 and 38 BU 168, Off U.S. 278

Beaufort, *Beaufort National Cemetery Historic District*, 1601 Boundary St. (1204.3)

Berkley County

Archeological Sites 38CH316, 38CH323, and 38CH333 (also in Charleston County), Underwater Site 8 and 9 (also in Charleston County)

Florence County

Florence, *Florence National Cemetery* (1204.3)

Georgetown County

Murrell's Inlet, Archeological Site 38CE195 (1204.3)

Jasper County

Second Refuge Site (38JA61) Savannah National Wildlife Refuge

SOUTH DAKOTA*Beadle County*

Huron, Huron Main Post Office, 410 Dakota Ave., SE.

Minnehaha County

Sioux Falls, Oddfellows Building, 121-123 S. Main Ave. (1204.3)

Spink County

Archeological Site 39SP11, Drifting Goose Valley (1204.3)

Walworth County

Mobridge, Walth Bay Site 39WW203 (Gravel Pit Site)

Yankton County

Yankton, Main Post Office, 319 Walnut

TENNESSEE*Davidson County*

Nashville, Glen Oak Historic District

Nashville, West End Heights Historic District

Hamilton County

Chattanooga, Market Street Commercial District

Chattanooga, Shelton Mills, 1201 Broad St. Chattanooga, Veterans Administration National Cemetery, 1200 Bailey Ave. (1204.3)

Knoxville, Old City Club-Christenberry Block, Walnut and Church Sta.

Rutherford County

Murfreesboro, Veteran's Administration Medical Center

TEXAS*Bexar County*

San Antonio, San Pedro Acequia (1204.3)

Cooke County

Gainesville, Gainesville, Amtrak Station, 603 E. California St. (1204.3)

El Paso County

El Paso, EPCM: 32, 33, 34, 36, 37

Fayette County

La Grange vicinity, Archeological Site 41 FY 135, SE of La Grange (1204.3)

Jackson County

Edna vicinity, Little Mound Site 41 JK 163 (1204.3)

McLennan County

Waco, Veterans Administration Medical Center

Red River County

Kanawah vicinity, Neeley Site (41 RR 48) 216 km SE of Kanawah on Little Pine Creek (1204.3)

Tarrant County

Fort Worth Post Office, Lancaster and Jennings Aves. (1204.3)

Fort Worth Public Market Building, 1400 Henderson (1204.3)

Travis County

Austin, Old Austin Public Library (1204.3)

Williamson County

Round Rock, Georgetown Milepost, Chisholm Trail

TRUST TERRITORY OF THE PACIFIC ISLANDS

Palikir Historic Area (Archeol Sites) (1204.3)

UTAH*Cache County*

Brigham, Building at 106 South Main Street (1204.3)

Brigham, Building at 35 West 100 South Street (1204.3)

Salt Lake County

Salt Lake City, Varley House, 180 W. 500 North St. (1204.3)

San Juan County

Energy Fuels Exchange Parcel (1204.3)

VERMONT*Franklin County*

Swanton, Archeological Site VT-FR-69 (1204.3)

Orange County

Newbury, Old Town Clerk's Office, Newbury Town Rd.

VIRGINIA*Alexandria (independent city)*

Veterans Administration Alexandria National Cemetery (1204.3)

Allegheny County

Greenwood, Gaithright Dam-Lake Moonaw (also in Bath County)

Bath County

Gaithright Dam-Lake Moonaw. Reference—see Allegheny County

Culpeper County

Culpeper, Culpeper National Cemetery

Hanover County

Mechanicsville, Cold Harbor National Cemetery

Loudon County

Leesburg, Balls Bluff National Cemetery (1204.3)

Lynchburg County

Lynchburg, Building at 524 Church Street

Lynchburg, Court Street Baptist Church

Lynchburg, Court Street United Methodist

Church

Lynchburg, Lewis House

Lynchburg, Paramount Theater

Lynchburg, Parks Funeral Home

Lynchburg, Y.W.C.A. Building

Prince George County

Hopewell, City Point National Cemetery

Staunton County

Staunton, Downtown Y.M.C.A., N. Augusta and E. Frederick Sts.

WASHINGTON*King County*

Archeological Site 45KI54, Mount Baker-Snoqualmie National Forest (1204.3)

Pierce County

Tacoma, Veterans Administration American Lake Medical Center Historic District

Skagit County

Burlington Northern, Inc., Bridge No. 85

Whatcom County

Anderson-Bourn Cabin, Mount Baker-Snoqualmie National Forest

WEST VIRGINIA*Jackson County*

Silverton Bridge (1204.3)

Kanawha County

Charleston, Charleston Amtrak Station, 305 MacCorkle Ave. (1204.3)

Taylor County

Grafton, Veterans Administration Grafton National Cemetery

WISCONSIN*Clark County*

Longwood Bridge, Town Rd. (1204.3)

Warner, Homlock Bridge, Spans Black River (1204.3)

Crawford County

Marais Lake Archeological District (1204.3)

Forest County

Laona, Flanner-Steger Lumber and Lane Company Camp 6 and 7 (1204.3)

Marathon County

Wausau, Northern Hotel

Wausau, Third Street Historic District

Wausau, Washington House Hotel

Milwaukee County

Wood, Northwestern Branch of the National Home for Disabled Volunteer Soldiers and National Cemetery

Outagamie County

Appleton, Washington School (124)

Price County

Fifield, Round Lake Logging Dam (1204.3)

Racine County

Racine, Franklin Neighborhood Center, 924 Center St.

Rock County

Janesville, Crossroads Building, 64 S. Main St. (1204.3)

Janesville, Look West Historic District

Janesville, Old Fourth Ward Historic District

Vernon County

LaCrosse vicinity, Goose Island Archeological Site

Winnebago County

Menasha, Menasha Fire Station (City Hall) 124 Main St.

WYOMING*Campbell County*

Gillette vicinity, *Wagensen Tipi Ring Site*,
Off WY 14/16 [1204.3]

Fremont County

San Draw, *Wagon Bed Spring Site* [1204.3]

Laramie County

Cheyenne, *Veterans Administration Medical
Center*

Niobrara County

Manville Quarries [1204.3]

Park County

Fort Yellowstone-Mammoth Hot Springs
Historic District [1204.3]

Fort Yellowstone Powerhouse [1204.3]

Cody, *Main Post Office*, Back Ave.

Teton County

Fishing Bridge, Yellowstone National Park

Lake Hotel, Yellowstone National Park

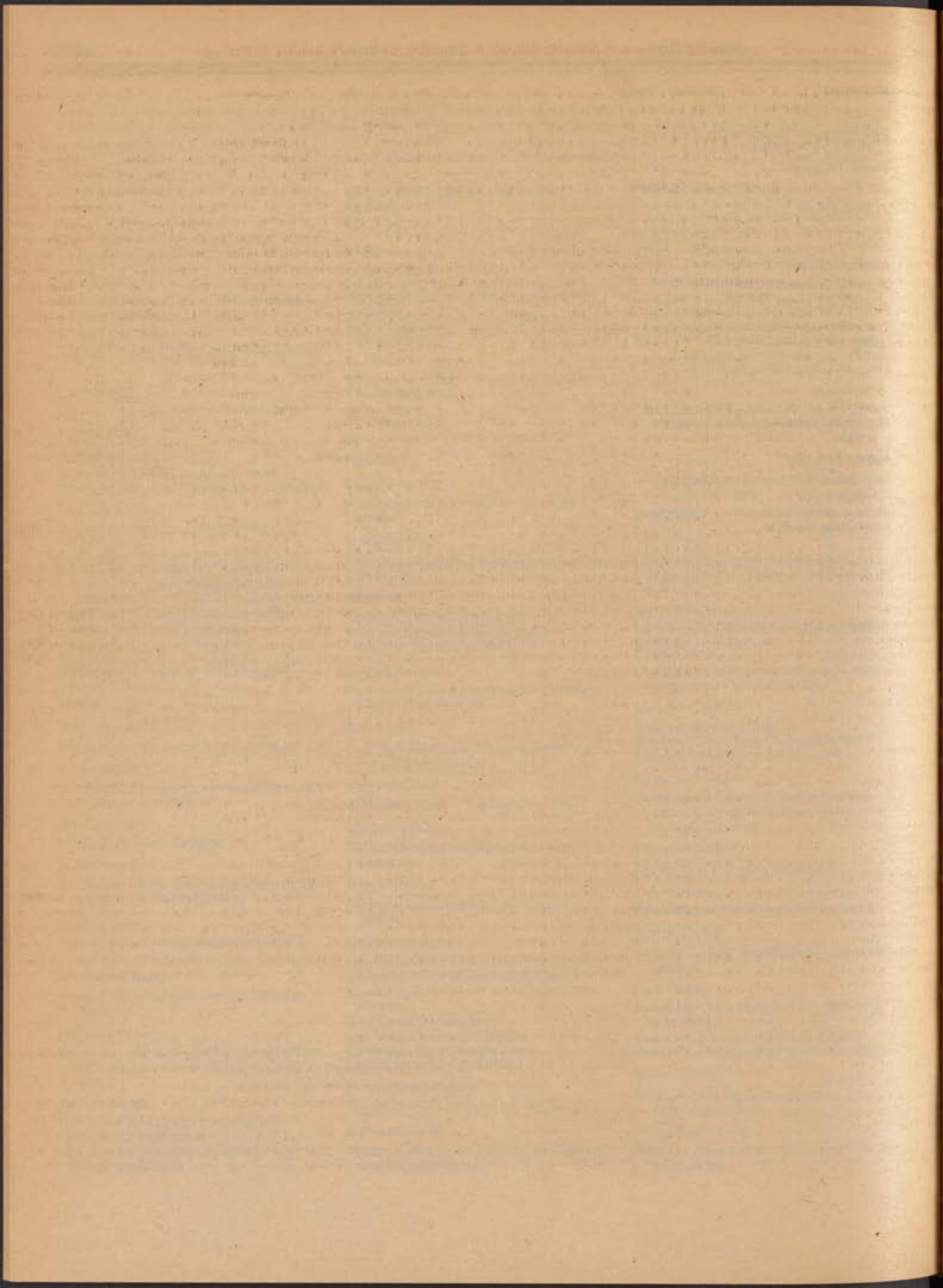
[1204.3]

MIDWAY ISLAND

Sand Island, *Commercial Pacific Cable
Company Site*

[FR Doc. 81-3543 Filed 2-2-81; 8:45 am]

BILLING CODE 4310-03-M



Tuesday
February 3, 1981

U.S. GOVERNMENT
BUDGET RESCISSION

Part III

**Office of
Management and
Budget**

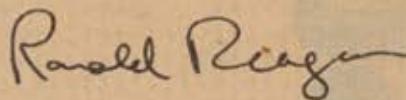
Budget Rescission

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescission

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a proposal to rescind \$1.5 million in funds appropriated for the Council on Wage and Price Stability. The details of this rescission proposal are contained in the attached report.



The White House, January 29, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

<u>Rescission No.</u>	<u>Item</u>	<u>Budget Authority</u>
R81-34	Executive Office of the President: Council on Wage and Price Stability Salaries and expenses.....	1,500

* * * * *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Fourth special message:*		
New items.....	1,500	---
Effect of fourth special message.....	1,500	---
Previous special messages.....	1,142,391	5,670,450
Total amount proposed in special messages..	1,143,891	5,670,450 <u>a/</u>

a/ This amount represents budget authority except for \$10,694 thousand involving the deferral of outlays only (D81-19A).

* First special message under President Reagan

Rescission Proposal No. R81-34

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency	Executive Office of the President		
Bureau	Council on Wage and Price Stability		
Appropriation title & symbol			
Salaries and expenses			
1111600			
OMB identification code:			Legal authority (in addition to sec. 1012):
11-1600-0-1-802			<input checked="" type="checkbox"/> Antideficiency Act
Grant program	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund:			Type of budget authority:
<input checked="" type="checkbox"/> Annual			<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year _____	(expiration date)		<input type="checkbox"/> Contract authority
<input type="checkbox"/> No-year			<input type="checkbox"/> Other _____

Justification: The Council on Wage and Price Stability Act of 1974 established the Council on Wage and Price Stability (CWPS) in the Executive Office of the President. Executive Order 12092 issued by President Carter in 1978 directed the Council to expand its monitoring efforts and to begin a program of voluntary wage and price standards.

In order to end the regulatory burdens of the current wage and price standards, President Reagan issued an Executive Order to terminate the wage and price program. This action will result in a reduction in Federal employment and a savings of \$1.5 million.

These savings of \$1.5 million have been reserved pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This proposal would rescind \$1.5 million in funds that are saved through the termination of the wage and price standards program.

Outlay Effects: This rescission proposal, in conjunction with the President's Executive Order to terminate the wage and price standards program, will reduce 1981 outlays by \$1.5 million.

EXECUTIVE OFFICE OF THE PRESIDENT

Council on Wage and Price Stability

Salaries and Expenses

Of the funds provided for the activities of the Council on Wage and Price Stability in P.L. 96-536, \$1,500,000 are rescinded.

Tuesday
February 3, 1981

Part IV

Department of Energy

Coal Competition Prospects for the 1980's: Request for Written Comments on Draft Report

DEPARTMENT OF ENERGY**Coal Competition Prospects for the 1980's: Request for Written Comments on Draft Report**

AGENCY: Office of Competition, Department of Energy.

ACTION: Solicitation of Written Comments.

SUMMARY: The Powerplant and Industrial Fuel Use Act, Section 742, requires the Department of Energy, in conjunction with 13 government agencies, to conduct a study of competition in the coal industry. Section 742 also requires that a draft report be published and written comments solicited prior to transmission of the final report by the President to the Congress. In keeping with this statutory directive, written comments are solicited on the summary accompanying this notice and on the complete draft report. These comments will be evaluated and incorporated, where appropriate, prior to transmission of the final report to the Congress.

FOR FURTHER INFORMATION CONTACT:
Leonard L. Coburn, Ernest R. Pantos, Department of Energy, Office of Competition, Policy and Evaluation, 1000 Independence Avenue, SW., Mail Stop 7E-088, Washington, D.C. 20585, (202) 252-5680.

SUPPLEMENTARY INFORMATION:
I. Background
II. Specific Comments Requested
III. Comment Procedures

I. Background

On November 9, 1978, Pub. L. 96-620, The Powerplant and Industrial Fuel Use Act (PIFUA) was signed into law. Section 742 of PIFUA requires that the Department of Energy, in conjunction with the Federal Trade Commission, the Department of Justice, the Federal Energy Regulatory Commission, the Department of the Interior, the Department of Transportation, the Department of Commerce, the Department of Labor, the Department of State, the Department of the Treasury, the Interstate Commerce Commission, the Council of Wage and Price Stability, the Tennessee Valley Authority, and the Appalachian Regional Commission, study competition and performance in the coal industry. Prior to final transmission of the report by the President to the Congress, Section 742 requires that a draft report be published and that an opportunity be given for the submission of comments for a period of ninety days. Where appropriate, the comments are to be incorporated into the draft report and a final report should

be transmitted by the President to the Congress. Appearing below is a summary of the draft report. The complete draft report is available from the Department of Energy.

II. Specific Comments Requested

The Department of Energy and the 13 other government agencies are interested in receiving written comments on any part of the draft report. Comments can be general in nature or can address specific sections of the draft report that are of particular interest to the reader. Each comment will be carefully considered and incorporated into the draft report, where appropriate.

III. Comment Procedures

You are invited to submit written comments with respect to the areas indicated above. Comments should be submitted to the following address:

Department of Energy, Office of Competition, Policy and Evaluation, 1000 Independence Avenue, SW., Mail Stop 7E-088, Washington, D.C. 20588.

Comments should be clearly identified on the outside of the envelope with the designation "Coal Competition Comments." Ten copies should be submitted. All comments will be available for public inspection in the DOE Reading Room at the above address.

The comment period will end 90 days after the issuance of this notice.

Issued in Washington, D.C.

Lester P. Silverman,
Principal Deputy Assistant Secretary for Policy and Evaluation.

January 29, 1981.

Coal Competition: Prospects for the 1980's

Summary Draft Report

January 1981.

Prepared by: Leonard L. Coburn and Ernest R. Pantos
U.S. Department of Energy, Assistant Secretary for Policy and Evaluation, Office of Competition, Washington, D.C. 20585

Coal Competition: Prospects for the 1980's

I. Introduction

The increasing cost of U.S. dependence on oil, much of it imported, and, to a lesser degree on gas, are prompting the United States to develop alternative domestic energy resources. Of these, the most obvious is coal, for the United States has vast supplies relatively widely distributed throughout the country. But having the coal is one thing, producing it in sufficient quantity and pricing it competitively are another.

Between those goals is the coal industry. The United States must look to the coal industry to help it produce coal as an attractive alternative to oil and gas. At the same time, the United States must ensure that the industry operates competitively and prices its product accordingly. Otherwise, given the difficulties of adjusting from one fuel to another, encouraging coal usage and thereby developing a reliance upon it may do little more than substitute a costly dependence on a domestic coal oligopoly for a costly dependence on a foreign oil cartel.

In the context of the current energy problem, the importance of competition in the coal industry is virtually self-evident. For this reason, an assessment of the role and status of competition in the coal industry is indispensable to ascertaining those areas in which Federal involvement is necessary or not and recommending options for Federal action. To these ends, this report presents the finding of a survey and an analysis of the past, present, and projected conditions affecting competition in the coal industry.

A. Historical Perspective

The industrial revolution and its need for cheap fuel made coal the principal energy source of the United States by the end of the 19th century (90 percent of U.S. energy consumption by 1890). The advent of the automobile as well as residential and commercial oil-and-gas-fired burners in the 20th century led to a decline in coal consumption as oil and gas were substituted for coal. During the 1940s and 1950s, as large coal users, transportation, residential and commercial, and industrial (except steel), switched to more convenient and cheaper oil and gas, electric utilities became the largest consumers of coal.

As a result, the production of bituminous coal during the first half of the 20th century fluctuated between 300 million and 630 million tons per year. Production slumped through the 1950s and 1960s, but it has risen steadily in the 1970's, surpassing the 1947 peak in 1975, with 648 million tons.

The coal industry traditionally has been an Eastern-based industry, centered in Appalachia, relying on many rather small mines owned primarily by companies producing only coal. In 1945, for example, about 75 percent of the nation's total coal production came from Appalachia, the top 50 producers produced only about 44 percent of production, and small producers of 100,000 tons or less produced about 18 percent of national production. But by 1978, total Midwest (24 percent) and Western (23 percent) production almost

equalled Appalachian (53 percent) production, the top 50 producers produced about 61 percent of total production, and small producers of 100,000 tons or less produced only about 8 percent of national production.

Paralleling these trends is a shift in the method of mining, from mainly underground mining, which represented 81 percent of coal produced in 1945, to mainly surface mining, which represented 63 percent of coal produced in 1978. This shift is more dramatic on a regional basis. In 1945, surface mining represented 15 percent of Appalachian production, 35 percent of Midwest production, and 16 percent of Western production. By 1978, surface mining represented 49, 70, and 89 percent, respectively. The trends both in the size and method of production have resulted from the need to supply large quantities of coal from a single source to large electric power generating units. Moreover, whereas ownership of large mines has traditionally rested in the hands of coal or steel companies, the trend today is toward ownership as a subsidiary of an oil, gas, nuclear, electric utility, or other type of conglomerate.

Between 1978 and 1990, the role of coal in the U.S. energy supply/demand picture is expected to change substantially. On a BTU basis, both the supply and demand of coal are projected to nearly double by 1990, while oil and gas usage remains stable or declines. The basis of these projections is the rapidly escalating prices of oil and gas, which will prompt adjustments toward relatively more economical energy resources, mainly coal.

Some sectors of the economy are expected to shift more rapidly to coal usage than others in the next 10 years. The electric utility industry, the dominant consumer of coal, is expected to increase its consumption up to 80 percent, and other industries are expected to double their consumption. In addition, synthetic fuel production will create a new market for coal in the 1990s. This market, which consumed almost no coal in 1978, is expected to consume nearly 100 million tons by 1995. At the same time, the transportation and residential and commercial sectors will remain substantial users.

To meet this increasing demand, coal production is projected to grow at an annual rate of about 5 to 6 percent through 1990. The greatest growth will occur in the West, whether it is expected to account for 39 percent of production in 1990 and 47 percent by 1995. This shift in production, from an industry based largely in the East to one distributed more evenly among several

regions presages some enormous changes in the makeup of the industry and its competitive characteristics.

B. Governmental Perspective

As the costs of dependence on oil and gas have become increasingly evident, both government and industry have emphasized the need to substitute coal and other energy resources for oil and gas. The National Energy Act (NEA) created the initial framework for concerted government and private-sector actions to promote the adjustment from one fuel resource to another. As an adjunct of NEA, the Powerplant and Industrial Fuel Use Act (PIFUA) imposes an official prohibition, except in certain circumstances, against large industrial and electric utility oil- and gas-fired boilers. Recognizing that many new generating units would rely on coal as a result of this prohibition, Congress provided in Section 742 that the Department of Energy (DOE), with 13 other government agencies, study competition in the coal industry.¹ The intent of that Section is to elicit an assessment of the effects of legislation and other factors on coal production and industry competition. This study is that assessment.

This study is, by no means, however, the first study of competition in the coal industry. Private-sector organizations have published many studies of the subject. Recently, four government agencies have published studies which now serve as a foundation for this study.

The Federal Trade Commission (FTC) study surveyed 107 companies and reported in-depth data on reserves, production and shipments, among other things, between 1964 and 1974.² Its analysis of that data presented findings on the structure of the coal industry. The best examination of production and reserves up to that time, the study is now somewhat dated because of more recent changes in the world energy market.

The Department of Justice (DOJ), as required by the Federal Coal Leasing Amendments Act (1976) to provide annual reports on the state of competition in the coal industry, issued

¹The Federal Trade Commission, the Department of Justice, the Federal Energy Regulatory Commission, the Department of the Interior, the Department of Transportation, the Department of Commerce, the Department of Labor, the Department of State, the Department of the Treasury, the Interstate Commerce Commission, the Council on Wage and Price Stability, the Tennessee Valley Authority, and the Appalachian Regional Commission.

²Richard B. Smith and Ernest R. Pantos, *The Structure of the Nation's Coal Industry: 1964-1974*, Staff Report to the Federal Trade Commission (Washington, D.C.: Government Printing Office, November 1978).

its first report in May 1978.³ Basing much of its analysis on the FTC data, this report surveys the competitive process in the coal industry and discusses the nature of coal, its manner of trade (presenting its definitions of product and geographic markets), and the nature of competition in coal, with emphasis on concentration and entry in its defined markets. However, DOJ's mandate led it to focus on Federal leasing of coal to a variety of companies, including coal, oil, nuclear, electric utility, and railroad companies. DOJ's second competition report issued in mid-1979 focused on an in-depth analysis of the metallurgical coal market.⁴ Its third competition report, issued in November 1980 focuses on coal transportation and the competitive implications of railroad ownership of coal.⁵ Portions of this third study are included in this competition analysis.

The General Accounting Office (GAO) report uses the FTC data for its analysis of concentration with some observations on conditions of entry.⁶

Finally, the Tennessee Valley Authority (TVA) report in its initial version and its recent revision presents a legal brief outlining the legal requirements for an analysis of competition and focuses its prime attention on oil company participation in the coal and nuclear industries.⁷

Collectively, these studies present a rather comprehensive analysis of competition in the coal industry. But they are unavoidably dated by their reliance on FTC data. Moreover, because of their particular interests, they discuss some areas only summarily, others not at all. This competition study begins where these end.

C. Problem, Scope, and Methodology

The need to ensure energy supplies at economic costs makes competition in the coal industry an important national concern. Any effort to help the industry realize the hopes placed on it requires an understanding of current conditions

³U.S. Department of Justice, *Competition in the Coal Industry* (Washington, D.C.: Government Printing Office, May 1978).

⁴U.S. Department of Justice, *Competition in the Coal Industry* (Washington, D.C.: Government Printing Office, May 1979).

⁵U.S. Department of Justice, *Competition in the Coal Industry* (Washington, D.C.: Government Printing Office, November 1980).

⁶Comptroller General of the United States, *The State of Competition in the Coal Industry* (Washington, D.C.: General Accounting Office, December 1977).

⁷Herbert S. Sanger, Jr. and William E. Mason, *The Structure of the Energy Markets: A Report of TVA's Antitrust Investigation of the Coal and Uranium Industries* (Knoxville, TN: TVA, June 1977) and 1979 Update (February 1979).

and present trends in order to ensure its continued competitiveness. The purpose of this report is to assess the current and projected conditions of competition in the industry and to determine in what ways it is possible to ensure the desired production of coal while minimizing the costs to the nation.

The contrast between this study and previous ones indicates both its scope and major concerns. This study of competition provides a basis for assessing the competitive process in the coal industry by developing and applying a methodology for examining the conditions of competition. At the same time, it diagnoses the limitations of present analytic tools.

Whereas other studies have stressed competition in the coal industry at a particular time, this study stresses the changing conditions of competition over extended periods of time. It will focus on the dynamics of the industry, that is, those forces which shape and change industry, but it will also depict the industry as it is at the moment, the static perspective.

Both dynamic and static representations of competition require an assessment of the two indispensable structural variables in an analysis of competition, concentration and entry conditions. This study will explain why these variables are important, what their use in analysis of competition can reveal, and how the results of their use can serve as a guide to assessing the present state of competition in the coal industry and the prospects for competition in the next decade. Particular attention is devoted to an in-depth examination of the principal participants in the coal industry, namely, the oil, gas, nuclear, electric utility, and railroad companies and to the questions about how their participation affects the competitive process and what, if anything, should be done about it now or in the future.

Finally, in its major departure from previous government studies, this study examines the relationship of the Federal government to the coal industry and analyzes the effects, actual or potential, of Federal involvement on present or prospective competition in the industry. In light of its findings, the study concludes with a number of options to protect and promote competition in the coal industry today and in the next decade.

This study uses throughout the analytic paradigm normally used in competition studies, a structure-behavior-performance analysis. Since competition is the focus of this study, this paradigm has been developed as the most effective way to depict the

industry in both its static and dynamic modes.

The development of the analytic paradigm enables the policymaker to assess the present state of competition of the coal industry, to assess the impact of present policies on that state of competition, and to assess future competitiveness. If perfect competition in the market existed, there would be no need for the intervention of the government in the market since there would be no market imperfections requiring correction. However, perfect competition in the market is rarely approached. As a result, a series of market imperfections develop that may or may not require government intervention. Competition analysis can assist the policymaker in determining the need for and degree of government intervention. One goal of this study is to consider how some forms of government intervention affect the competitive process in the coal industry, whether that intervention is likely to be or has been beneficial or detrimental, and whether emerging issues require government intervention.

This study uses the economic concept of competition in two ways, first, as a characteristic of the structure of the industry and, second, as a characteristic of the performance of the industry. In the first, structural sense, an industry is said to be competitive only when the number of firms selling a homogeneous commodity is so large and each individual firm's share of the market is so small that no individual firm can influence the price of the commodity significantly by varying the amount that it sells. In the second, performance sense, competition serves to discipline industry members to provide goods and services skillfully and cheaply. Competition as used in this study should not be confused with the more common businessman's use of the term, which means striving against other businessmen for patronage. This activity is more properly called rivalry and is not the same as the economic sense of the term competition as used in this study. Both senses overlap in their implications of dispersed private economic power and the necessity of efficient utilization of resources.

The structural aspect of the paradigm focuses on two primary variables, seller concentration and conditions of entry. Seller concentration is a useful predictor of dominance of a few firms in the market (both geographic and product) since judgments can be drawn about the ability of firms to coordinate pricing and production policies. In its simplest form, the smaller the number of sellers in a

market, the more likely it is that they can arrange a coordinated policy for raising prices or restricting production without the need to openly collaborate merely by being mutually aware of the impact of one firm's pricing and production decisions on other firms. The index used most often in seller concentration analyses is the concentration ratio, which measures the ratio of production or sales of a predetermined number of firms, usually the top four and eight firms, to the total industry output or sales.

The second primary structural variable is conditions of entry. Even if the existing producers or sellers in an industry were able to coordinate pricing and output policies perfectly, their ability to raise prices above competitive levels or to restrict production below competitive levels is limited by the ability of newcomers to enter the business and take a share of the market. If entry is easy, the potential competition from new entrants has a disciplining effect on price and output. The structural analysis must, therefore, determine whether entry conditions are high or low in order to judge whether the industry is competitive.

Whatever the structure of any industry, an analysis of competition must examine how firms are behaving and performing. Behavior and performance are factors neither independent of one another or from structure since behavior and performance can affect structure. The interplay among the three often makes sharp distinctions among them difficult.

The focus in this study is on the latest data on seller (producer) concentration, the factors that change seller concentration (market dynamics), and the conditions of entry. Government intervention in the market is a major concern in each. The behavior-performance analysis focuses on the major industry participants and how their participation affects the competitiveness of the coal industry.

This study benefits, of course, from more recent information than that available to previous government studies. It uses 1978 as the reference year since that is the latest year for which complete production data are available.

The study relies on a variety of data sources. The most important are: DOE/EIA Form 7, Bituminous Coal and Lignite Production and Mine Operation (EIA 7), for the year 1978; various Keystone publications; the 1979 EIA Administrator's Report to Congress; and various EIA policy studies. In addition, new data were collected by DOE for use in the section on oil, gas and nuclear

companies; by the Federal Energy Regulatory Commission (FERC) in its sections on electric utility captive coal and contracting; and by the DOJ in its section on railroads. A complete list of references is provided in the bibliography.

II. Structure

The competition analysis of the structure of the coal industry, focuses on two primary variables: seller concentration and conditions of entry. Although both are affected by other factors and each other, they will be separately discussed in the following two sections.

A. Seller Concentration

1. Theory and Relevance. The importance of seller concentration as a determinant of market outcomes (i.e., economic performance) arises from the theory that there is a positive relationship between the degree of interdependence among sellers in a market and the likelihood of those sellers, engaging in cooperative behavior, with the result noncompetitive performance. The level of seller concentration measures the number and size distribution of sellers in a market. One common measure of seller concentration is the concentration ratios of the output of the four and eight largest producers to the output of all producers in a market. Stated somewhat simplistically, high concentration levels indicate that a small number of companies account for a large share of total market output and that an increased degree of interdependence exists among sellers. Although there is no clear level of concentration above which an industry becomes noncompetitive, there appears to be widespread agreement that a four-firm ratio below 50 percent indicates that anticompetitive coordination would be unlikely.

2. Measurement Problems. Any analysis based upon the level of seller concentration in a market has little meaning unless the concentration measures are based upon reasonably accurate definitions of markets, which are defined, with difficulty, by identifying product and geographic boundaries.

Economic theory provides some basic principles for defining markets. The basic criterion is the degree of economic substitutability between goods and between similar goods from different geographic areas. Difficulty arises, however, because economic theory provides no guidance about how substitutable goods must be in order to belong to the same market. A

considerable degree of judgment is necessarily involved.

The dynamic nature of coal markets is only one of several reasons why it is difficult to delineate market boundaries. Competitive relationships are necessarily complex, especially in the case of a product such as coal, with significant variations in qualities, the geographic distribution of these qualities, and mining methods and costs. The overlay of a matrix of government regulation and the resulting uncertainty serves to multiply the complexity of these relationships and to make it more difficult to delineate boundaries. Reasonable market boundaries, however, can be established and are valuable to policymakers concerned with competition.

a. Product Boundaries. Product boundaries in the case of coal depend upon the degree of substitutability, based upon technical and economic factors, between coal and other energy sources and (given the wide variation in the characteristics of coal) between different types of coal in particular end uses. Even though all fuels serve basically the same function and certain fuels may substitute for coal in some instances, the degree of substitution between coal and oil, gas, or nuclear fuel is sufficiently limited that coal can be regarded as trading in a market that is distinct from markets for other fuels.

Regarding differences in the qualities of coal industry participants recognize a clear distinction between the market for high-quality bituminous metallurgical coal and the market for steam coal.⁸ Within the metallurgical coal market, there are several submarkets based on volatility. Separate product markets may exist for low-, medium-, and high-volatile prime coking coal.

Regarding the distinction between spot and long-term steam coal contracts, it can be argued that the two categories are part of the same broad market, since buyers and sellers can and do arbitrage between the spot and contract "markets." When spot prices are temporarily at a premium, some suppliers of long-term contract coal reduce the quality and quantity of deliveries under their contracts in order to move more coal into the spot market. Even in the West, where contracts are not easily broken, terms are renegotiated in light of changes in spot prices.

⁸ Although price differentials still indicate the existence of distinct steam and metallurgical coal markets, mounting evidence points to increasing substitution by users of both, and thus to some blurring in the boundaries between these two products.

b. Geographic Boundaries. The coal resources of the United States are distributed among eight major coal provinces. Due primarily to high transport costs, the degree of interregional substitution (i.e., the ability of coal from one area to compete with that from another) is limited. In recent years, greater use of unit trains, increased mining costs, and higher coal prices have lowered the ratio of coal transport costs to the delivered price of coal and thereby increased the geographic scope of coal markets. Transport costs are still high enough, however, that coal is bought and sold in regional markets rather than in a single national market.

This study uses four geographic markets, Appalachian, Midwestern, Western, and Midwestern-Western combined.⁹ The first three regional breakdowns follow traditional producing regions. This study uses these breakdowns rather than more refined market boundaries because of its focus on those dynamic factors which change markets rather than on factors requiring carefully constructed static boundaries. The Midwestern-Western region recognizes changing markets because of a host of factors and presents a roughly constructed market merely by combining the Midwestern and Western regions. The four previous government competition studies utilize more refined geographic markets; however, they are somewhat similar to the ones presented in this study.

The recent government reports on competition in the coal industry disagree in defining geographic market boundaries for steam coal. The FTC study grouped the eight producing provinces into three geographic markets: Appalachian, Midwestern, and Western. The study noted that several factors, particularly the Clean Air Act Amendments of 1970, have caused increasing amounts of low-sulfur Western coal to flow into the Midwest, resulting in a combined "Midwest and West" market. However, this trend is being slowed by subsequent legislation, such as the Clean Air Act Amendments of 1977, which require the use of local coal to minimize local economic disruption or unemployment, and the Surface Mining Control and Reclamation Act of 1977, which narrows the production cost gap between strip and underground mining. The 1978 DOJ study identified four distinct markets by separating the Western market into a Northern Plains market and a

⁹ The terms "Midwestern" and "Interior" are used interchangeably in this study. Chapter V of the full report indicates the composition of these markets.

Southwestern market. The GAO report contains yet another geographical configuration: three markets with slightly different boundaries from the FTC report. Apparently, the different geographic market delineations of the three government reports were the result of both conceptual and methodological differences. However, this disagreement did not result in substantial differences in the conclusions reached by the various reports.

Geographic boundaries for metallurgical coal are delineated most carefully in the 1979 DOJ study, which identifies distinct West and "West and Midwest" markets for coking coal. The study also finds that the North and Central Appalachia region and the low- and medium-volatile Alabama coking coal market are significantly insulated from competition from other coal regions.

c. Defining Economic Activity. A major issue in constructing concentration measures is the proper definition of the industry's economic activity. The issue is whether measures of current activity, such as sales or production, are adequate or whether measures of future productive ability, such as ownership of reserves, are more meaningful. The importance of this issue is greatest in the case of an exhaustible resource like coal. With a depletable resource, it is possible that a company's large market share in terms of current production might be a poor indicator of the firm's future position in the industry if its reserve position were relatively smaller by comparison. A large producer of coal today may not be a producer or an important producer in the future. The firm's future position depends critically on the amount of reserves it possesses and on its ability to maintain a reserve position. Conversely, a firm may have little current production but large reserves which it is just beginning to develop.

Coal reserve concentration, however, should not be used as an estimate of future production concentration. Firms may develop their reserves at very different rates, and little can be predicted about future mergers or which firms will enter or exit the industry at what time or changes in ownership of firms, e.g., from Federal leasing. At best, market shares based on coal reserves indicate which firms may be the largest coal producers in the future and suggest possible changes in future production concentration.

A second issue relating to reserves is whether coal on unleased Federal and Indian lands should be included. Due to the leasing moratorium imposed by the Department of the Interior (DOI) from

1971 until recently, the three government studies all have calculated a reserve measure that would exclude unleased Federal reserves and reserves on Indian land. Since the Federal government occupies a key position in Western coal reserve ownership, this adjustment turns out to be very significant in calculating regional concentration ratios.

In June 1979, however, the Federal leasing moratorium was lifted, and the Federal Coal Management Program regulating Federal leasing of coal reserves went into effect. With the resumption of leasing, exclusion of unleased Federal reserves from the total universe base is no longer appropriate. If these reserves were excluded, the concentration measure would overstate the extent of private control over the nation's coal reserves. Under land-use planning criteria and various environmental regulations, however, some reserves will continue to be barred from leasing. Consideration has to be given to how these "not-for-lease" reserves may be estimated and excluded in order to refine the measure of total reserves as a universe base requires additional consideration.

The measurement of concentration levels in coal is further complicated by the extensive use of long-term supply contracts and the presence of "captive" mining operations, coal mines owned by electric utilities. Arguments have been made on both sides of the issue of whether coal production or reserves accounted for by long-term contracts or captive operations should be included in any measure of the total economic activity in coal. This study concludes, however, that both reserves committed under long-term contract and captive production should be included in the relevant coal universes because both represent potential competition. If other sellers were to act jointly and elevate price, the higher price could induce a supply response from both "committed reserves" (those reserves dedicated to long-term contracts) and captive production. Long-term contracts often contain clauses allowing cancellation by either party within a reasonable period, usually one year. In the case of captive production, such production often is able to enter the open market in response to favorable price movements. In fact, there is historical evidence to indicate that this has taken place in the coal industry. In addition, captive production is part of total demand and total supply and plays a role in price determination. Thus, such coal cannot be viewed as totally isolated from the market.

In evaluating the advantages and limitations of these various concentration measures, it should be remembered that no one is superior to the others for all purposes. The measures that conceptually are the most refined and permit the narrowest interpretation of existing market concentration also rely on data that have undergone the most ad hoc adjustments and thus are probably the least accurate. Also, since market concentration is itself only a rough index of potential market power, the incremental benefits of the greater precision in the data should be carefully weighed against the additional cost of obtaining or achieving such accuracy.

3. Seller Concentration Levels.—a. Coal Production Concentration. The levels of seller concentration found in this study do not change the competitive implications drawn from the findings of previous government studies that used various narrower market breakdowns. However, because market boundaries can change rapidly, this study analyzed dynamic factors instead of developing more refined market boundaries. Table 1 presents the concentration ratios for national and regional coal production in 1966 and 1978. The regional breakdowns are based upon major coal producing areas, Appalachian, Midwestern, Western, and Midwestern-Western combined.

Table 1.—Concentration Percentages Nationally and Regionally

Region	Percentage of production accounted for by			
	Top 4 firms	Top 8 firms	1966	1978
Total U.S.	27.6	21.3	37.4	28.7
Appalachian	23.7	16.2	35.2	24.5
Midwestern	51.1	48.1	84.0	62.7
Western	31.3	37.3	53.8	58.9
Midwestern-Western	53.1	36.8	74.2	50.8

Table 1 shows that 1978 coal production concentration was low nationally and in the Appalachian and Western regions. Concentration was higher in the Midwestern region, but it fell significantly from 1966 levels. Concentration levels also fell in the Appalachian region, but increased in the Western region. The evolution of a combined Midwestern-Western region shows that concentration has fallen dramatically over the period. Presently, the four-firm seller concentration ratio does not exceed 50 percent in any region.

b. Coal Reserve Concentration. The issue of the adequacy of coal reserve information has received considerable attention in a number of studies. The

recurring problem associated with the data from the Bureau of Mines (BM) is its variability and lack of adequate discreteness. The estimation of coal resources as opposed to reserves has been done on no more than a conjectural basis. Coal resources indicate the total amount of coal available, whether identified or undiscovered. Identified resources include those that have been measured or indicated and these two categories constitute reserves. The remaining categories, inferred, hypothetical and speculative, plus the reserves constitute total resources. The last three measurements really are no more than a best guess. As a prognostication for crude planning purposes the use of the coal resource total may be adequate; however, for the degree of precision required for universe figures used in

competition studies, it may be inadequate.

The measurement of a demonstrated reserve base (measuring in-place reserves) has been done with more attention to what is actually available; however, this data base is quite flawed as well. It has been criticized for overestimating the economic coal reserves available by not excluding the reserves that are not ready for economic mining due to the entire range of legal and economic restrictions and problems associated with assembling logical mining units (a statutory concept found in the Federal Coal Leasing Amendments Act). On the other hand, it is argued that the definition for including reserves in the demonstrated reserve base may be so strict that significant amounts of coal are excluded from the reserve base. This problem

underestimates the universe figures. Combined, the two problems cut in opposite directions, with no adequate basis for determining their relative magnitudes. These are but a few of the problems that are encountered in using the present coal reserve data. A more complete discussion can be found in the studies indicated above.

The FTC study endeavors to correct some of these problems. The data compiled were the most accurate of its kind; however, significant data and conceptual problems remained. The three recent government coal competition studies all rely on the data collected by the FTC, although they apply them in varying ways. In each of the studies, as reflected in Tables 2 and 3, coal reserve concentration was found to be substantially lower than coal production concentration.

Table 2.—Concentration Ratios for Bituminous and Lignite Coal

Concentration measure	DOJ/FTC/GAO (Appalachia)		DOJ/FTC (Midwest)		FTC (Western)		FTC (Midwest and Western)		DOJ (Northern Plains)		DOJ (Southwest)		DOJ/FTC (United States)	
	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms
Production (1964)	20.1	29.4	58.1	77.1	33.1	50.9			63.1	100.0	48.2	49.0	23.8	33.7
Production (1969)	25.7	37.3	60.7	82.7	33.6	55.8								
Production (1974)	22.3	32.5	56.1	72.7	34.3	51.3	44.3	57.6	37.7	77.5	53.8	56.4	28.2	38.7
Total reserves (1974)	15.2	22.8	22.0	26.6	13.9	20.1	15.4	20.5	14.3	22.1	29.7	39.8	25.0	34.8
Uncommitted reserves (1974)	19.3	25.7	25.6	31.7	13.5	19.0	15.8	21.1	13.7	20.5	25.4	34.7	18.3	20.3
Total non-Federal reserves (1974)	15.2	22.8	22.0	28.6	NA	NA	NA	NA	42.8	66.0	67.9	91.0	20.0	27.5
Uncommitted non-Federal reserves (1974)	19.3	25.7	25.6	31.7	NA	NA	NA	NA	46.9	70.2	66.3	90.6	25.5	34.9

¹ Only five firms in 1964 and six in 1969 and 1974 included in FTC Survey.

Source: FTC data: Bureau of Mines, Department of Interior, Minerals Yearbook; Table compiled from: Federal Trade Commission, *The Structure of the Nation's Coal Industry*, Bureau of Economics, November 1976, pp. 38, 40, 41, 42, 45, 81-84, 89; and Department of Justice, *Competition in the Coal Industry*, May 1978, p. 63; and General Accounting Office, *The State of Competition in the Coal Industry*, December 1977, p. III-4.

Table 3.—GAO Concentration Ratios for Bituminous and Lignite Coal

Concentration measure	Central western		Southwestern		United States	
	4 firms	8 firms	4 firms	8 firms	4 firms	8 firms
Production (1974)	44.4	55.1	97.6	100	26.6	38.7
Total reserves (1974)	16.5	21.8			13.3	18.2
Total non-Federal reserves (1974)	27.0	35.7			18.8	25.5

¹ Represents only 5 firms.

Source: FTC Data and Keystone Coal Industry Manual, U.S. Coal Production by Company, 1974. Table compiled from: GAO, *The State of Competition in the Coal Industry*, December 1977, pp. II-6, II-12, III-6 and III-11.

c. Turnover Among Major Producers. High turnover among major producers can be an indication of the absence of market power since entry is relatively easy. There has been considerable change in the composition of the major coal producers from 1966 to 1978. Changes in control or ownership or entry of new major producers have resulted in a significant growth in the

number of oil-controlled and utility-controlled majors; the number controlled by steel and independent coal companies has declined. The entrance of new producers controlled by oil companies and utilities has altered the ranking of firms within the major producing class; half of the top ten producers in 1978 did not exist in 1966. This greatly altered ranking is one

indication of the dynamic nature of the coal industry.

4. Dynamic Factors Affecting Seller Concentration. Dynamic factors influence, not only the identity of the major coal producers, but also the product and geographic dimensions of coal markets. Among the most important are technological change, and institutional and legal factors such as

environmental and tax laws, fuel choice intervention, transportation, and Federal leasing policy.

a. Technological Change.

Technological change is probably the most important long-run determinant of the product boundaries of the market. The historical record clearly indicates that advances in technology increase the set of economically viable possibilities for substitution on the demand side of the market. As a result, product boundaries are pushed outward to encompass a wider set of substitution possibilities. A wide range of fuels are now technologically substitutable in the electric utility, industrial, commercial, and residential sectors of the economy. However, the development of synthetic oil will allow coal to be substituted for crude oil in the production of gasoline and thereby increase the possibilities of substitution in the transportation sector. Whether and when these technological alternatives will become economic substitutes depends on a variety of institutional and legal factors, which are discussed below.

Technological change has important effects on geographic as well as product market boundaries. For example, the development of coal shipment by low-cost unit trains has increased the distance coal can be shipped at a constant delivered price. Coal slurry pipelines are expected to decrease shipping costs in the future, allowing Western coals to compete in more distant markets. As in the case of product markets, the degree to which geographic market boundaries expand in the future will be influenced by institutional and legal factors.

b. Institutional and Legal Factors.

Product and geographic market boundaries (and therefore seller concentration levels) respond to a variety of institutional and legal factors. These will be discussed briefly here and expanded upon in the section on the role of government. Whereas technological change usually has long-run effects on the market, new laws and regulations generally have more immediate effects.

Environmental laws have caused massive shifts in coal consumption patterns. The Clean Air Act Amendments of 1970 caused many Midwestern utilities to purchase low-sulfur "compliance coal" from Western coal producers. The subsequent geographic expansion of the market to comprise both the Midwestern and Western regions effectively lowered seller concentration levels, which were higher in the Midwest than in any other region. Additional changes in the environmental laws may alter regional market boundaries again. Although it

seems likely that Midwestern utilities will use relatively less Western coal and more local coal, it is too soon to assess the impact this shift will have on regional seller concentration levels.

Government policies restricting fuel choice also affect market definitions since they alter the degree of interfuel substitutability. PIFUA restricts the use of oil and gas in certain new electric steam generators and major industrial fuel-burning installations. Since the high price of oil makes that fuel uncompetitive with coal in these uses anyway, the law has had little actual effect on fuel choice. Coal receives little competition from oil for electric utility plants. Although the fuel-use restrictions may force the use of coal rather than natural gas in some cases, rising natural gas prices also limit the degree of gas usage. Therefore, policies restricting fuel use appear to have had little effect on product or geographic market boundaries.

Federal and state tax programs also can affect market boundaries. State severance taxes are higher in the West than in the East or Midwest. This disparity tends to increase the relative cost of Western coal by comparison to the cost of coal from other regions. Royalty payments on Federal coal leases also have their greatest impact in the West and may tend to increase the cost of Western coal. The removal of coal taxes would have little effect on national coal production, but it would cause a significant shift in production from Eastern and Midwestern to Western coal. Concentration could increase or decrease, depending on how the market boundaries are altered and which firms operate in or enter the markets.

Federal coal leasing policy has a tremendous impact on seller concentration in the West. The Federal government owns approximately 60 percent of Western coal reserves. The extent to which these reserves are made available for leasing has a substantial effect on coal reserve concentration ratios. The rate of leasing and the choice of lands to be leased also have an effect on geographic market boundaries and may determine to some extent which companies will increase their participation in the market. Increased leasing of Federal coal lands should tend to reduce seller concentration since it facilitates the entry of new firms.

5. Summary. As noted in previous sections, the measurement of seller concentration in the coal industry is fraught with numerous conceptual and data problems. However, the results of the present study, combined with the findings of several previous major

government studies, indicate that the degree of seller concentration does not pose significant competitive problems in the coal industry. In general, under a wide variety of product and geographic market definitions, seller concentration was found to be low or moderate and decreasing. In those smaller regional markets where concentration was relatively high or increasing, more detailed analysis showed that there were no major competitive problems. It should be stressed that without evaluation of other structural factors, concentration ratios present only limited information upon which to base judgments of competitiveness.

B. Conditions of Entry

Seller concentration is only one element of market structure. A second major variable is the ease of entry into the market by new firms, a factor usually referred to as the "conditions of entry." Even where seller concentration is high, firms do not possess market power if there are no significant barriers to entry. If they were to charge monopoly prices, new firms attracted by the high profits would enter the market, increase output, and drive prices down to competitive levels. There are several barriers to entry into the coal industry, but none of them affect competition significantly at the present time.

1. Economies of Scale. One entry condition that can effectively impose a high entry barrier is the existence of large economies of scale. New entrants can be deterred if the smallest mine required for efficient production is so large that their entry would flood the market and cause coal prices to fall below the profitable level. Of course, this problem is reduced if demand is increasing. An analysis using two different productivity measures (both of which may have significant shortcomings) found evidence of scale economies in coal production. Productivity was positively related to mine size for all regions and mine types examined. This relationship was seldom continuous, and the most efficient size varied among regions, mine types, and productivity measures.

Since there is no clear minimum efficient mine size in the coal industry, this study uses three different measures of scale necessary for entry into coal mining, namely, coal production required for the largest electric generating unit, the average unit, and the average contract size. The largest of these is the coal output necessary to meet the requirements of the highest estimate of average electric utility contract size in the Western region. Even at this large scale (2.9 million tons

per year), the required output represents slightly less than 1 percent of total coal production in the market. Therefore, there is no possibility that the entry of a new firm would drive prices below profitable levels. Although economies of scale exist, they are not substantial enough (relative to total market output) to present a barrier to entry into coal mining.

There may be economies, not only from operating larger mines, but also from operating a large number of mines. The available evidence indicates that there are no significant multiplant scale economies for coal production. For mines of different size, type, and productivity, there was no statistically significant difference in productivity between major coal producers (that tend to own more than one mine) and non-major producers.

2. Capital Requirements. The capital investment necessary to develop a coal mine may form a barrier to entry into the coal industry if new firms cannot raise the required initial capital funds or can do so only on terms less favorable than those for established producers. The initial capital investment necessary to open a mine depends on several factors, including the method of mining (underground or surface), the type of coal, the thickness of the coal seam, and the depth of overburden. It is clear, however, that the cost of opening a new mine has increased sharply in recent years, partly because of general inflation and partly because of new environmental, and health and safety regulations.

Estimated initial capital requirements for several representative coal mining operations range from \$31.5 million for a strip mine producing three million tons per year to \$87 million for an underground mine producing at the same rate. Whether capital requirements such as these present an entry barrier depends on how they are perceived by potential entrants and financial institutions. To a large extent, this perception is likely to depend on the size of the firm. For purposes of analyzing capital requirements as a barrier to entry, it is useful to view the coal industry as being composed of two categories:

(1) A group of large companies including major diversified firms (particularly oil companies), captive mine operations of electric utilities and steel companies, and large independent coal companies. In general, all of these companies either are captive operations or enter into long-term contracts, often for large electric power projects in the West; and

(2) A group of numerous small coal producers, usually located in Appalachia, many of which move in and out of production depending on the state of the spot market for coal.

These two industry categories face quite dissimilar conditions regarding access to financial resources. The large firms in the first category tend to be financially strong and are able to use a variety of financing techniques that rely on the strong credit position of the parent company or the security of long-term contracts. The small companies in the second category do not enjoy these advantages. Small companies have problems in negotiating long-term contracts, primarily because the size of their coal reserves is too small to meet the total requirements of an electric generating plant. Although the coal could be obtained from several mines, there are significant economies in securing coal from one source (e.g., lower transportation and contract negotiation costs).

Therefore, small coal producers generally operate in the spot market and face much greater uncertainties than firms with long-term contracts. Small companies usually obtain funds from regional banks, finance companies, coal brokers, equipment manufacturers and equipment leasing companies. Such financing is usually for shorter time periods and at a higher cost.

Although small companies may not be able to obtain financing on as favorable terms as large companies, this is because they operate in different market segments with different degrees of risk, the capital requirements for entering small-scale coal production are relatively low. Since these small firms have moved quite easily into and out of the spot market, there is no reason to believe that capital requirements form a significant barrier to entry into this market category.

In summary, although the initial capital requirements for large mines are quite high, a variety of financing techniques based on the existence of a long-term contract facilitates entry by any company with sufficient economic coal reserves. The initial capital requirements for entering small-scale coal production are not high enough to form a barrier to entry into spot coal markets. In short, capital requirements do not present a significant barrier to entry into the coal industry.

3. Transportation Problems. Lack of adequate coal transportation facilities could present a significant barrier to entry in the future. Entry may be blocked by the inability of transportation systems to handle additional coal traffic or by the lack of

new transportation networks necessary to open access to new coal lands.

The National Energy Transportation Study (NETS) has found that congestion already has occurred on several Eastern rail links. By 1990, NETS indicates congestion is projected to occur on 67 links, mostly west of the Mississippi. Coal movement is heavy in most of these corridors. Depending on the actual rate of growth of coal shipments and the capital investment decisions of the railroads, serious railroad bottlenecks could develop.

This potential problem can be ameliorated by the availability of alternative transportation systems, particularly coal slurry pipelines. Although only one coal slurry pipeline is operating presently, several proposed systems are on the drawing board. The potential availability of low-cost pipeline transportation provides an important potential avenue for entry into coal markets by new companies. Efforts to reduce barriers to entry for coal slurry pipelines should be supported.

4. Federal Leasing Policy. Approximately 60 percent of the Western coal reserve base is owned by the Federal Government, and an additional 20 percent is dependent upon the availability of complementary Federal coal for its production. Any decision not to lease Federal coal or to lease inadequate amounts or to lease in inappropriate locations could create a substantial barrier to entry. New entrants would have to obtain coal from those companies holding existing Federal leases or possessing non-Federal sources. In regions such as the Powder River basin, where the great majority of mining sites are dependent upon the availability of Federal coal, new entry into coal mining could be achieved only by purchases of existing leases from their current holders. The implications of this situation are critical since existing lease holders could deny entry entirely merely by being unwilling to sell present leases. Given that a competitive industry requires ease of entry, severe limitations on the availability of Federal coal could create an artificially high entry barrier, shift substantial market power to present industry participants, and undermine the present market structure characterized by low to moderate concentration. Such actions can lead to a much more concentrated industry in future years, with serious implications for the economy.

Moreover, there are many Western coal regions. The choice of areas to lease and the sequence for planning can determine the eventual lessee because

of the pattern of surface ownership rights, economic advantages inherent in possessing adjacent mines or leases, or other access limitations. The failure to systematically develop the coal resource, hydrology, and wildlife data needed for prelease planning of public lands orients lease planning to known areas that are partially leased or are adjacent to existing operations. These areas tend to have land ownership patterns inconsistent with significant new entry prospects. This orientation may be a problem only with the first lease sale since it was undertaken with dispatch to show that coal leasing could resume quickly. Future sales may not be subject to similar failures and orientations.

III. Behavior and Performance

It is difficult to judge the performance of firms in an industry directly, particularly in a dynamic natural resource industry such as the coal industry. Prices and profits may be affected by differences in the quality of coal resources and by the transitory effects of disturbances such as coal strikes and the OPEC oil embargo. The progressiveness of the industry can be judged only against the opportunities for technological advance.

The extensive analysis of seller concentration and entry conditions in the coal industry (summarized above) indicates that firms within the industry can be expected to behave in a competitive manner and that performance should approach the competitive ideal. Coal prices increased because of the sharp increase in coal demand after the Organization of Arab Petroleum Exporting Countries (OAPEC) oil embargo and in anticipation of a major coal strike in late 1974. More recently, contract coal prices have risen steadily because of increased production costs. When corrections are made for the effects of inflation, coal prices in constant dollars fell from 1975 to 1979. Spot prices have fluctuated with the rise and fall of coal demand, particularly in response to expected coal strikes. This behavior is consistent with what would be expected in a competitive natural resource market with fluctuating demand.

Although seller concentration levels and entry conditions in the coal industry are conducive to competition, many of the major coal producers are involved in closely related industries. These relationships, known as horizontal or vertical integration, may result in noncompetitive behavior or less than optimal performance. In the case of horizontal integration, the coal producer also produces one or more energy

products that compete in the same markets as coal. In the case of vertical integration, the coal producer owns one or more other stages of the production process. For example, many electric utilities produce the coal that is used by them in the generation of electricity.

The following sections analyze the competitive implications of the relationships among the groups of companies within the coal industry: oil, gas, and nuclear firms, whose products may compete with coal; electric utilities, which may produce the coal needed for their own power plants or for the market in general; and railroads, which may own some of the coal that is transported on the railroad networks.

A. Oil, Gas, and Nuclear Companies

1. Entry into the Coal Industry. The entry of petroleum companies into the coal industry has occurred in two periods. During the 1960s, four of the largest coal producers were acquired by oil companies. During the 1970-1978 period, petroleum firms entered the industry through numerous smaller acquisitions, joint ventures, and *de novo* (grass roots) entry. Of the 1978 coal reserves of the petroleum companies that entered coal production during the latter period, 85.6 percent were held by *de novo* entrants (including two joint ventures).

Oil and gas companies accounted for a small proportion of U.S. coal production in 1978. The eight major oil companies produced only 2.9 percent of total output. All coal producers classified as oil and gas companies (a group of 46 companies) accounted for 19.0 percent. The petroleum companies' production shares in regional markets were also low.

The eight majors held 7.1 percent of total United States demonstrated recoverable coal reserves in 1978; the 23 largest domestic petroleum producers held 17.6 percent. When unleased Federal coal reserves are excluded from the reserve base, these percentages rise to 10.2 percent and 25.2 percent, respectively. Although the petroleum companies' shares of coal reserves were higher in some regions, they do not indicate the existence of a competitive problem.

All oil and gas companies are expected to account for one-third of the new coal production capacity planned for the 1979-1988 period. Of all planned production expansion between 1979 and 1988, the eight majors are expected to account for 13.4 percent, and the 23 largest oil and gas producers for 21.6 percent. Rough estimates of their shares of future coal production capacity indicate that the eight majors will

account for 9.6 percent of 1988 production capacity (about three times their 1978 production share). The 23 largest oil and gas producers are expected to account for 18.4 percent of 1988 coal capacity. The eight majors are expected to account for 20 percent of 1988 coal production capacity in the Northern Plains region. These relatively high shares do not indicate that the petroleum companies will possess market power, however, because of the ease of entry into the industry (especially with the resumption of Federal coal leasing). Moreover, there are several indications that geographic coal markets are expanding and that the Northern Plains will not be readily distinguishable from other areas in the Western coal market in 1988.

In 1978, the group of 17 companies classified as nuclear fuel firms held only 15.7 percent of United States coal reserves. Their shares of 1978 coal production were low nationally and in all regions except the Southwest, where their share was 33.9 percent; however, these companies account for only 10.8 percent of the Southwest region's planned coal production capacity expansion over the 1979-1988 period.

2. The Withholding Theory. Theoretically, it is possible that the entry of petroleum and nuclear companies into the coal industry could have adverse effects on interfuel competition (i.e., competition between coal and oil, gas, or nuclear fuel). It has been suggested that if these companies control substantial amounts of coal, they may restrict coal supply (by withholding reserves, slowing the rate of production, and retarding technological progress) in order to protect their petroleum or nuclear investments from competition from coal. Also, it is possible that firms with the power to set monopoly prices for one fuel would set even higher prices because the reduced sales of that fuel would be offset by increased sales of the alternative fuel. These possible situations have been termed the "withholding theory" and the "kickback theory."

An analysis of current and foreseeable future conditions in the energy industries indicates that there is a low probability of withholding and kickback effects, for the following reasons:

1. There is a low degree of interfuel substitutability. For several reasons, moderate changes in the price of one fuel have little effect on the demand for the other. These include the large price differential between coal and petroleum, government regulations prohibiting the use of petroleum where coal can be used, and the relatively small influence

of uranium prices on the choice between nuclear or coal power plants. Since they trade in essentially separate markets, changes in the supply of coal would have little effect on the value of petroleum or uranium.

2. Evidence indicates that neither oil and gas companies nor nuclear fuel firms possess market power in the coal industry. If they attempted to restrict coal production, other companies would expand their output or new firms would enter the market.

3. Recent studies have concluded that the structure of the uranium industry is conducive to competition.

4. The ability of petroleum companies to exert concerted economic or political power is limited by substantial interfirm differences in their interests which result from differences in their asset and revenue structures (e.g., coal revenues as a percent of total revenues), differences in the location and type of coal reserves, and differences in their primary coal markets. This structural diversity also leads to substantial differences in firm behavior, such as the rate of production capacity expansion, capital expenditures, reserve acquisition expenditures, and research and development (R&D) efforts.

3. Effects on Industry Competition and Performance. Contrary to what would be expected according to the withholding theory, oil and gas companies have made substantial contributions to the development of the coal industry. Ten petroleum companies alone invested about \$2.5 billion in the coal business during the five years between 1974 and 1978. An estimated \$789 million of this was provided by *de novo* entrants. Petroleum companies that have entered the coal business on a grass-roots basis and that will develop their own coal reserves plan to add about 190 million tons of new production capacity by 1988. This represents nearly 25 percent of the new production capacity planned by the industry for the 1979-1988 period. Thus, even if petroleum companies that acquired coal companies do not expand production any more than the acquired company would have (without the merger), the grass-roots development of new reserves by oil and gas companies will contribute substantially to future U.S. coal production.

Large petroleum companies also have brought to the coal industry considerable experience in the management of large capital-intensive investment projects with long gestation periods. It is this type of project that will be in the forefront of the coal industry's development. In addition, oil and gas companies have applied much of their technological know-how toward

improving coal exploration, production, combustion, and conversion processes. They are leaders in coal research, with eight petroleum companies accounting for 41 percent of privately-funded coal R&D expenditures over the 1974-1977 period. This excludes the R&D expenditures of Texaco and Standard Oil of Ohio, which undoubtedly would have increased the percentage significantly.

To date, the entry of petroleum companies into the coal industry has tended to have a favorable effect on the competitive structure of the industry. The new production of *de novo* entrants has tended to create company turnover and to reduce seller concentration in some markets.

4. Policy Implications. In view of the substantial contributions of oil and gas companies to the coal industry and the absence of significant anticompetitive effects in the foreseeable future, prohibiting petroleum companies from acquiring additional coal assets (or requiring them to divest the coal assets they own) would have unnecessary adverse economic effects. The probable results would be reduced investment, less efficient production, less R&D, higher coal prices, and greater reliance on foreign petroleum supplies to meet energy demand.

The former Director of the FTC's Bureau of Competition has recommended that a limit, or "cap," be placed on the amount of coal reserves that can be held by large oil companies. The cap would be set high enough for petroleum firms to hold several times the amount of coal necessary to supply a synthetic fuel plant and several electric utility plants. The cap would be adjusted as economies of scale change and as reserve estimates change. Although this regulation would capture much of the benefit of petroleum company participation in the coal industry, it would require the establishment of a regulatory system that would have to handle complex questions. Considering the absence of evidence that oil and gas company involvement in the coal industry will have significant anticompetitive effects in the foreseeable future, it is probable that the costs of such a regulatory program would far outweigh its benefits.

The coal industry is highly dynamic, partly because of changing environmental and energy regulations. Therefore, changing conditions should be monitored in order to detect any nascent competitive problems stemming from the participation of companies with other energy interests in the coal industry.

B. Electric Utilities

1. Entry into the Coal Industry.

Captive coal results when a natural monopolist, the electric utility, vertically integrates into an intermediate product stage, the production of coal, for use in the generation of electric power.¹⁰ Captive coal is rapidly increasing in importance as a source of coal for the electric utilities. In 1965, about 5.5 percent of all coal used by electric utilities came from captive mines. In 1978, captive coal deliveries totaled 67 million tons, or about 14 percent of total coal deliveries to the electric utilities. Captive coal production is projected to account for 20 percent of projected 1985 total utility coal consumption.

The major growth in captive coal will be for utilities West of the Mississippi River. In 1978, the Western utilities used 55 percent of the total 67 million tons of captive coal. By 1985, utilities located in the West are projected to use about 68 percent of the projected total captive coal production of 143 million tons.

The major potential benefit of captive coal is the increased security of supply and coal quality reliability. Generally, the competitive nature of the coal industry would result in reliable supplies of acceptable quality; and historically, the utilities have relied primarily on long-term contracts with independent suppliers to get coal in the quantity and quality needed. However, in recent years, circumstances such as changing environmental regulations for both the coal producers and the utilities, rapidly increasing costs of coal production, and rapidly increasing coal prices (not always cost related) have resulted in a situation where some coal suppliers and utilities have been reluctant to sign long-term coal supply contracts which may prove disadvantageous in the future. Some utilities have turned to captive coal as a solution to these problems.

Other benefits of captive coal to the electric utility include profits as great or greater than the rate of return being earned by the regulated electric utility, some protection against coal price increases that are not cost related (e.g., coal supply shortfalls), and some leverage in negotiating with independent coal producers.

2. Effects on Industry Competition and Performance. Captive coal is vertical integration by an electric utility, a

¹⁰Captive coal is defined here as outright ownership and operation of the coal mining facility, or utility ownership of the coal reserves with an arrangement with an independent mining company to mine the coal, or, as in a few cases, having a loan or loan guarantee arrangement with a coal mining company which makes it something less than an arms-length transaction.

regulated monopolist. When a monopolist is regulated to limit the rate of return earned, vertical integration can be used as a means of circumventing regulations to gain some or all of the monopoly level of profits. Inefficiencies may result from such vertical integration. There is an incentive for a monopolist regulated at the intermediate stage to integrate to increase total profits by creating a new investment base (the intermediate stage) against which it will earn the regulated rate of return. The regulated monopolist would also have an incentive to use an inefficient capital/labor mix in the intermediate stage by putting undue emphasis on adding capital to increase the investment base. Furthermore, it may accept inflated prices for capital inputs to the intermediate stage to pad the investment base.

Based on statistical analyses of coal mine productivity and coal prices, the segment of the coal industry captive to the electric utilities appears to be performing in an economically less efficient manner than comparable non-integrated coal mines. It should be noted that this conclusion is based only on data from mines east of the Mississippi. Moreover, other methodological difficulties may exist in the analysis. From a technical efficiency standpoint, the captive mines analyzed appeared significantly less productive than comparable noncaptive mines. The captive mines had an average productivity index of 13.06 tons per man-day compared to 16.73 tons per man-day noncaptive mines.

From an allocative efficiency standpoint, the captive coal prices analyzed were significantly higher than comparable noncaptive coal prices. The prices of captive coal delivered to utilities averaged 140.5 cents per million BTU compared to 122.3 cents per million BTU for noncaptive prices.

3. The Effect of Captive Coal on Market Structure. In the markets analyzed, the effect of captive coal on market structure has been minimal or beneficial. Only in the Southwest are there potential problems. The Southwest is a highly concentrated coal market, with a small number of buyers and sellers. It is in this region, where captive coal makes up a significant part of the coal supply, that it has the greatest effects on the coal market. Captive coal has both a positive and a negative effect on competition in the Southwest. Captive coal increases competition because it gives the utilities a supply alternative if noncaptive coal producers are not competitive. A utility that controls captive coal reserves would

have the option of producing its own coal if it does not receive competitive offers from independent coal producers.

The potential anticompetitive impact of captive coal operations is that, once a utility sets up an affiliate operation to produce coal, it may rely on the affiliate for all its future coal needs without negotiating with independent coal suppliers. This arrangement would not only reduce the number of potential buyers in a market with few buyers, but also lessen the opportunities for new coal companies to enter the market and compete for the utilities' business.

4. The Effect of Coal Contract Size and Length. If an electric utility does not have a captive operation, it must buy coal on the open market and use some form of contracting mechanism. The size and length of coal contracts have substantial implications for coal industry competition because large, long-term contracts act to increase the concentration of sellers in a market and because they can be barriers to entry into coal production for prospective coal suppliers. The length and size of a coal contract also affect the number of times a buying utility must transact in the market place to satisfy the lifetime coal requirements of a power plant. The smaller the percentage of a plant's requirements that are covered by a contract and the shorter its duration, the greater the number of coal supply agreements necessary to satisfy the needs of the plant and, consequently, the greater the number of opportunities for potential suppliers to compete for contracts.

Offsetting these considerations of larger contract size and longer contract duration are the lower coal prices associated with them. Long-term coal supply agreements offer a number of potential means for coal suppliers to increase the efficiency of their production performance over performance under short-term agreements. Credit is typically more available and less expensive when the sale of a mine's total output is guaranteed to a large plant for the entire life of the mine. By ensuring sales of a mine's output for a long term, mine operations can occur at a constant, planned rate which allows optimal employment of equipment and personnel, and avoids excessively high fixed and variable costs associated with fluctuations in the rate of production. Long-term coal supply agreements can provide information on utilities' long-term demand for coal and suppliers' commitments. Improved knowledge of coal demand and supply allows suppliers the opportunity to be prepared

to bid for the rights to supply coal and to plan their coal reserve acquisitions and mining accordingly. The knowledge of utilities' demand for coal that can be gained from contract information also can increase coal production efficiency by facilitating more timely mine openings and rates of production. Larger and longer coal supply agreements also typically include well defined performance and incentive clauses for the seller and buyer.

Long-term contracts also provide the commitment necessary for the buying utility to take advantage of such transportation efficiencies as unit trains from mine to plant, for which the fixed costs would be too high for shorter time periods if the transportation were not already extant. Contracts for the expected life of a plant and mine are essential to justify most mine-mouth plants, which virtually eliminate coal transportation costs. Long-term contracts also decrease the frequency with which buyers have to incur the transaction costs of supplier search and evaluation, and contract negotiations. Prices for coal delivered under long-term contracts are also more stable and, therefore, more predictable for the utility.

5. The Effect of Utilities' Supplier Selection Practices. Searching for a reliable coal supplier is a process which should begin with a determination of all of the suppliers that might be able to economically supply a utility's coal needs. The subjective or ignorant exclusion of any potential suppliers from consideration creates barriers to entry into coal production, decreases the number of competitors, and might eliminate the most qualified supplier.

Utilities' solicitation of potential coal suppliers for bids varies from vigorous, objective efforts to casual, subjective efforts. The objectivity and breadth of the utility solicitation effort is important to the maintenance of a competitive coal production environment, particularly in the interests of allowing new suppliers, to compete for contracts.

Choosing to solicit bids from reputable suppliers not only benefits the coal buying utility, but also serves to eliminate the less reliable supplier from the market place. However, emphasis on supplier reliability also causes utilities to be biased toward suppliers that have supplied them or other utilities previously, and occasionally creates entry barriers for new and potentially better suppliers.

Based upon FERC's preliminary investigation of utilities' coal procurement practices suggests that many coal-buying utilities do not conduct thorough investigations of

supplier reliability and the feasibility of mining their respective coal reserves, and the utilities' negotiation and administration of coal supply agreements frequently lack deliberation and expertise. This shortcoming is evidenced by the preliminary findings in FERC's investigation, by the many utility coal contracts which FERC staff judges to be poorly written, and by the wide range in rates of coal price increases that exist within market regions.

In summary, it appears that the number of coal-buying utilities using supplier selection practices which stimulate efficient production performance and competition in the coal industry is about equal to the number which do not.

6. Policy Implications. Based on statistical analysis of coal mine productivity and coal prices, coal mines captive to the electric utilities appear to be performing in a less economically efficient manner than comparable non-integrated coal mines. There is also evidence, however, that adverse efficiency effects may depend on the quality of electric utility regulation and particularly the method used to regulate the transfer price of captive coal.

The increasing tendency for utilities to establish captive coal operations may lessen the opportunities for new coal companies to enter the market. This consideration must be weighed against the benefit of utilities having the option of producing their own coal if they do not receive competitive offers from independent coal producers.

The trend toward large, long-term contracts also may present a barrier to entry by small coal producers. It seems clear, however, that the numerous efficiencies stemming from the use of long-term contracts far outweigh any competitive benefit from encouraging the use of short-term contracts by small-scale producers.

Finally, it appears that the supplier selection practices of a significant proportion of electric utilities could be improved to stimulate efficient production performance and competition in the coal industry.

C. The Railroads

1. Entry into the Coal Industry. Beginning in 1850, the development of the West was encouraged by granting the railroads large amounts of Federal land. Each grant consisted of a right-of-way plus alternate sections of land on each side of the line, with a resulting "checkerboard" pattern of railroad and Federal lands. These lands contain some of the largest coal deposits in the United States. Three railroads (the Burlington Northern, the Union Pacific, and the

Santa Fe) currently own over 16 billion tons of coal reserves, an amount as much as 25 percent of the total non-Federal coal reserves in the Western coal markets.

In recent years, each of these railroads has been active in marketing its coal, usually by leasing their reserves to coal mining companies. The railroads also have begun to mine their coal by establishing subsidiaries that enter joint ventures with coal producers.

2. Theoretical Implications. A railroad with an interest in the coal industry (through ownership of coal reserves, for example) could find it profitable to restrict the amount of coal transported. By doing so, it would drive up the price of coal and share in the increased coal profits. Three conditions must be met in order for this competitive problem to occur:

- a. The railroad must have market power over the transportation of coal.
- b. The profits from the restriction of coal transportation must exceed the profits from coal transportation. This depends principally on the railroad's share of the coal market and the effectiveness of railroad rate regulation. The railroad will not restrict coal transportation if it can obtain significant monopoly profits from transporting coal.
- c. The railroad must be able to restrict service, for example, by failing to build new track, to supply sufficient equipment, or to offer unit train service. Service regulation must be ineffective.

3. Effects on Industry Competition and Performance. Although two of the three conditions discussed above (generally effective rate regulation and ineffective service regulation) exist in the Western railroad industry, only the Burlington Northern has market power or can restrict the output of transportation services by failing to increase the capacity of its rail network without violating the Interstate Commerce Act. Rates were found to be well below monopoly levels, but probably somewhat above long run marginal cost. Thus, some small degree of participation in the coal industry by the Burlington Northern would not be anticompetitive. The critical participation level cannot be determined precisely, but, with rates very near to long-run marginal cost, only very modest coal holdings are necessary to provide an incentive for anticompetitive conduct. Yet the Burlington Northern already has substantial coal reserves and is a leading reserve holder in the Northern Plains coal market.

4. Policy Implications. Unless railroad service is regulated more effectively, it seems possible that the leasing of Federal coal reserves to the Burlington

Northern would have an anticompetitive effect. On the other hand, competitive transportation rates may significantly exceed current rates, so that, if rates were significantly increased, the Burlington Northern might not have the incentive to restrict transportation services in order to reap monopoly profits from its coal holdings. Furthermore, although the Burlington Northern is a leading resource holder, it produces no coal itself, and its lessees currently produce relatively little coal from Burlington Northern properties. Thus, the Burlington Northern might not find that a transportation restriction would lead to monopoly profits in its coal holdings even at current transportation rates.

IV. Government Intervention

Government intervention in the coal industry has given rise to serious debate. On the one hand, government interventionists argue that the government interventionists argue that the government should intervene if the marketplace is not working well, with the result that many socially desirable functions are not being performed or are being performed inadequately. On the other hand, government noninterventionists argue that the government should not intervene or should reduce its role since it has usurped many of the functions that can and should be performed by the marketplace more efficiently. Even where opponents agree that intervention may be necessary, they argue, the form of intervention has been more costly than necessary.

While this study cannot provide definitive answers to these arguments, it can shed light on the competitive effects of government intervention in the coal industry. The analyses usually focus on two implications of government intervention, its dynamic effect on market boundaries and its effect on conditions of entry. Each of the following areas will be discussed: environment, technology, fuel choice legislation, transportation, taxation, leasing, and lead times.

A. Environment

This section will discuss the clean air laws and their dynamic effects. Government intervention in this area was deemed necessary since the marketplace was not providing an adequate solution to industrial pollution. As a result of this government intervention, significant changes have occurred in the coal markets.

1. Role of Government. The major impact discussed here results from the requirements imposed by the clean air

laws on the electric utility industry. The most important laws are the Clean Air Act Amendments of 1970 and 1977. The 1970 amendments imposed, among other things, a limitation on the emission of sulfur dioxide (SO_2). This limitation required that all new utility coal-fired steam generators above a certain size to limit their SO_2 emissions to 1.2 pounds per million Btu of heat input. Under this standard, utilities could burn medium- and high-sulfur coal by using some process to reduce SO_2 emissions (cleaning or scrubbing), or they could burn low-sulfur coal without cleaning or scrubbing. With the 1977 Amendments, not only was the emission limitation retained, but a percentage reduction on all SO_2 was imposed.

For all new electric utility steam generators constructed after September 18, 1978, an emission limitation of 1.2 pounds of SO_2 per million Btu of heat input was imposed and a reduction of SO_2 emissions by 90 percent must occur. An exception was made for low-sulfur coals which emit 0.6 pounds or less of SO_2 per million Btu of heat input and, which can reduce emissions by 70 percent. The major difference between the 1970 and 1977 Amendments is that no coal can be burned without some reduction in emissions through cleaning or scrubbing.

2. Dynamic Implications. From a competition perspective, one of the major changes brought about by these laws is the change in both product and geographic markets. For product market, in the short-term, utilities with existing boilers may be required to burn specific types of coal to meet emission limitations. This short-term effect can fragment the product markets into compliance (those coals burned without scrubbing) and noncompliance coals. In the long-term, however, a utility designing a new boiler has a wider choice of coal and cleaning combinations. Therefore, the entire range of coals becomes available, and the product market no longer is fragmented.

The geographic changes in the coal market have been much more dramatic. Due in large part to the clean air laws, what was once a formerly compartmentalized industry, with rather discrete geographic market boundaries, has become much more dynamic, with significant shifts in geographic boundaries.

Given a range of emission choices, a utility can consider a broad array of coal and cleaning alternatives. The ultimate choice usually depends on economics (although noneconomic factors sometimes may be decisive). Without the clean air laws, utilities

more than likely would use more medium- and high-sulfur coal since it is usually located closer to the point of consumption. With the implementation of the 1970 amendments, utilities could choose medium- or high-sulfur coal (usually located in the East or Midwest) with a scrubber, or use more distant low-sulfur coal (usually located in the West). Throughout the 1970s this choice radically changed market boundaries, with the result that Midwest utilities increasingly turned to low-sulfur Western coal. From the Midwestern utilities' perspective, therefore, geographic coal markets expanded to include new Western coal sources.

Western coal penetration into traditional Eastern and Midwestern coal markets depends to a large extent on the stringency of the clean air laws. With just the 1970 amendments, this penetration was large, since the most economic choice often meant burning Western low-sulfur coal. With the 1977 Amendments and the requirement to scrub all coals (albeit to varying degrees), the penetration of Western coal may be slowed since it may become cheaper to scrub medium- and high-sulfur coal located nearby than to transport and scrub low-sulfur Western coal.

In any event market boundaries will change as a result of these laws. Their initial imposition created dramatic changes in geographic markets, and new and more stringent standards again will cause market shifts to take place.

The implications of such dynamic changes in geographic markets are significant. The expansion of geographic markets can reduce seller concentration if the geographic expansion adds substantially to the number of sellers comprising the regional market, as happened in the Midwest. For example, a previous study found the Midwest market in the 1960s relatively insulated from competition and operating essentially like a tight oligo-poly.¹ The expansion of the market to encompass a larger geographic area has had the effect of exposing this region to greater actual and potential competition and of bringing the market structure closer to the competitive model.

3. Entry Implications. Environmental regulations can have effects on entry. Imposing stringent environmental regulations on the way coal is mined can increase entry barriers into the industry by making it more costly to enter initially and to remain competitive after entry. This entry-forestalling effect

is discussed in the section on lead times. The competitive viability effect after entry stems from the additional costs required to mine in an environmentally acceptable manner. If environmental costs are similar for large and small mines, then their effect on smaller mines is greater since costs are spread out over fewer tons of coal. As mine-mouth prices rise or profitability decreases as prices remain constant, small mines may be competitively disadvantaged. The demise of small mines can alter the structure of the industry by increasing concentration among the remaining firms. This study, however, did not undertake to examine the costs imposed on mining coal as a result of environmental regulations.

B. Technology

The major role of the government in technology is through funding of R&D in the coal industry. The degree to which the Federal government supports new technologies can affect the rate of innovative activity. To the extent that government funds are available, technological innovation may accelerate, alter cost structures and coal usage, and thereby create additional pressures for changes in coal markets.

1. Role of Government. The Federal government has funded R&D programs to improve the technology for converting coals to synthetic liquid and gaseous fuels for the direct combustion of coal (fluidized bed combustion, for example), and for improved mining techniques.

2. Dynamic Implications. In a recent study, EIA examined the impact upon forecasted 1990 coal production if coal demonstration programs for synthetic fuel development were not funded. The study found that total coal consumption would be virtually unaffected, reducing projected 1990 production by a meager 13 million tons. Beyond 1990, however, the impacts may grow as the synthetic fuel industry becomes commercially viable. The projected reduction in consumption is too speculative to quantify, however.

The elimination of such government funding apparently will have no impact on geographic coal markets. From the product market perspective, however, the commercialization of coal-based synthetic fuels may extend the substitutability of coal for natural gas and oil. Given all the uncertainties surrounding the time when commercialization of synthetic fuels will be economic, the competitive implications of this indirect substitution are too speculative and are too far off in the future. Government intervention or nonintervention in the synthetic fuel industry apparently has few direct

¹ Reed Moyer, *Competition in the Midwestern Coal Industry* (Cambridge, MA: Harvard University Press, 1964).

effects on the dynamic interplay of coal markets at least through 1990.

C. Fuel Choice Legislation

1. **Role of Government.** PIFUA requires certain new electric utility steam generators and certain new industrial major fuel burning installations to use a fuel other than oil and gas, with certain limited exceptions. To the degree that fuel choice is restricted by government fiat, it may have some implications for the competitiveness of the coal industry.

2. **Dynamic Implications.** A recent EIA study examined the effects of this legislation on the coal industry. The result of removing PIFUA would be a drop in coal consumption by electric utilities of about 35 million tons in 1990. The reason for the drop is that electric utilities which would have been forced to burn coal for electricity generation would switch to gas, especially in regions such as the South Atlantic and Gulf Coast areas, where gas is more plentiful and cheaper than coal. Coal production declines would be spread evenly between East and West.

The effects of fuel choice intervention on competition appear minimal. Geographic markets appear minimally affected. Some effect may appear on the product side, since product definitions depend, among other things, on interfuel substitutability. If PIFUA limitations are eliminated, then the present assumptions about actual interfuel substitutability may require renewed analysis. Generally, however, fuel choice intervention appears to have little effect on coal market boundaries.

D. Transportation

Transportation costs and availability have a dual effect on competition in the coal industry. Transportation costs are a primary factor imparting both regionality and dynamic qualities to the coal industry. Transportation availability can effect entry conditions by affecting access to potential coal producing areas and to consumption areas.

1. **Role of Government.** Government intervention in this area is pervasive with respect to transportation costs since the Interstate Commerce Commission (ICC) regulates railroad rates (the cost of transportation services to transportation users). While the ICC also regulates transportation availability to some extent (for example, rail additions must be approved by the ICC), the impetus for new rail lines must come from the railroads since the ICC has little or no authority to order significant rail additions.

2. **Dynamic Implications.**

Transportation costs assume a large portion of delivered costs because coal is a bulky commodity relative to its cost. For instance, in the West, transportation costs can represent in excess of 50 percent of delivered costs; in the East, the transportation component is substantially less. Due to this substantial difference in contribution to delivered costs, coal markets assume a regional character since all coals cannot compete on a delivered-price basis in all markets.

Changing transportation cost impart a dynamic quality to these regional boundaries. As transportation costs vary, so do regional boundaries. The larger portion of delivered costs represented by transportation costs, the greater the potential variability or change in regional boundaries. For example, the introduction of unit train rates (rates based on the shipment of coal only as opposed to single car rates) substantially reduced transportation costs and thereby made Western coals (which had lower mine mouth costs to begin with) more desirable in distant markets such as the Midwest and South Central states. Even though the clean air laws made low-sulfur Western coal more desirable, the substantial reduction in delivered prices caused by the introduction of unit trains assisted in making Western coal competitive in Midwest and South Central markets.

In recognition of the importance of transportation costs to the competitiveness of coal markets, DOE is examining the sensitivity of market boundaries, among other things, to coal transportation rate changes. Since this examination has not been completed, it is premature to draw any specific conclusions other than the more general ones indicated above.

3. **Entry Implications.** The question of transportation availability and particularly railroad availability to meet future coal production requirements recently has been addressed in joint Department of Transportation/DOE study entitled National Energy Transportation Study (NETS).

NETS suggests that, by 1985, congestion on routes in Wyoming, Colorado, Nebraska, and Illinois, and in the St. Louis area can be expected. In the East, similar congestion can be expected on routes in West Virginia, Kentucky, and western Virginia.

By 1990, a greater number of routes become congested, especially if less oil is used than presently anticipated. This greater congestion results in serious bottlenecks in the West and incipient capacity problems especially in the Powder River Basin area of Wyoming

and Montana. Since this is the critical production area in the West, the implications may be substantial.

Transportation alternatives to railroads, especially in the West are limited. Where there is access to waterways, barges and inland lake transports can be used. Here too, the NETS Study found some substantial congestion especially on some of the major waterways. In the West, however, the primary transportation alternative is the coal slurry pipeline. (Coal by wire, the transmission of electricity over high voltage lines from mine-mouth generating plants, can be an alternative and is discussed in NETS.) Coal slurry pipelines have been found to be effective competitors over long distances with railroads. The future availability of this transportation system can help ameliorate the potential capacity problems created by overloading the rail transportation system.

The inability of present or new entrants to gain access to the transportation system can impede entry into the coal industry. If rail availability is constrained in the most important Western producing region, the Power River Basin, then other more costly areas must increase production to offset the constrained production from the Power River Basin. The result can lead to increased coal costs either because the coal that is produced to meet forecasts is more costly or because decreased supplies in the face of increased demand may lead to more intense bidding up the price of available supplies. The implication is that existing producers may be able to increase their market power and affect prices since new competitors cannot enter easily to offset this price increase and bring the market back to or closer to competitive equilibrium.

While this competition study has not assessed the accuracy of NETS or other studies predicting similar rail congestion, the implication to be drawn from these studies is that the competitive process, especially in Western markets, may be seriously affected by inadequate transportation facilities.

E. Taxation

Federal and state tax programs can impart dynamic qualities to market definitions, and they can affect the conditions of entry into the coal industry.

1. **Role of Government.** The most important tax programs considered in this study are state severance taxes, Federal royalty payments, and the depletion allowance. State coal

severance taxes are excise taxes that are primarily revenue generating to ameliorate some negative impacts of coal development on communities in the state. Royalty payments to the Federal government for coal mining on Federal lands really are not a tax, but a factor payment; mine operators are buying coal from its owner, the Federal government. But if the royalty charged by the Federal government exceeds that charged by private owners, then the extra Federal royalties can be considered a tax similar to the excise tax. The effect of the excise tax (and the royalty payment, if it act as a tax) is to decrease industry output and increase prices to the consumer. Finally, the depletion allowance is a form of negative taxation. It is intended to offset the effects of the corporate income tax on highly capital-intensive industries, such as mineral extraction. Many believe that the depletion allowance leads to increased investment in extractive resources such as coal and leads to more output and lower prices than would be the case without the allowance.

2. Dynamic Implication. In a recent study, the EIA projected coal production with and without the Federal and state taxes indicated above. The results of the study indicate that while overall coal production does not change very much, regional production changes significantly. Overall, without the taxes, national coal production would increase marginally (by about 23 million tons). But the removal of the taxes causes a significant shift in coal production from Eastern and Midwestern medium and high-sulfur bituminous coal (64 million tons) to Western low-sulfur subbituminous coal (140 million tons).

The shift reflects several factors. These are higher state severance taxes in the West than the East or Midwest. Federal royalty payments have a greater effect on Western production since relatively more Western coal than Eastern or Midwestern coal is produced from Federal lands. Unchanging environmental regulations mean that the economics of using various sulfur-level coals is unchanged. Finally, the removal of the depletion allowance causes higher net coal prices in the East since severance taxes and Federal royalty payments do not offset the impact of the depletion allowance while, in the West, the increase due to the removal of the depletion allowance is more than offset by removal of the much higher state severance taxes.

Taken together, the removal of these tax programs can be expected to reduce significantly the cost of coal production in the West. With such cost reductions,

coal users can be expected to shift a significant part of their demand to the West. The implication from this theoretical analysis is that Western coal would be expected to increase its penetration into markets supplied by medium- and high-sulfur Eastern and Midwestern producing regions.

Concentration can increase or decrease, depending upon how the geographic markets are altered, the addition or subtraction of industry participants in those markets, and the incentive of new firms to enter as a consequence of the increased demand in the West or to exit as a consequence of decreased demand in the east or Midwest.

3. Entry Implications. The focus of this section is on the excise tax, which has some direct and indirect effects on entry. Principally, the direct effects of a state excise tax are that revenue will be raised by the taxing authority, the quantity of coal produced and consumed will fall, and economic burdens will be imposed both on buyers, who pay a higher price than before the imposition of the tax, and on sellers, who receive a lower net price.

The direct effects can depend on the price sensitivity of the buyer or seller and on the period of time involved. The market participant whose behavior is price sensitive can shift part of the tax burden to others and bear less of the tax burden directly. In the short run, the tax can be expected to raise more revenues as sellers and buyers have fewer alternatives. It is likely that coal producers will be able to pass along the excise tax to coal buyers, such as electric utilities and industrial users. However, in the long run, as buyers and sellers can adjust to the effects of the tax, it can be expected to raise less revenue and reduce output more than in the short run. Moreover, coal buyers may look elsewhere if the effect of the tax is substantial, thereby reducing the quantity of coal demanded.

In this long-run situation, the indirect effects of the excise tax become more important. The coal producer, now forced to reduce output and most likely to reduce profitability, will shift some of this burden to others, principally its suppliers of land, labor, and equipment. Also, in the long run, it can be expected that investment in mining will be reduced because of lowered expectations on the return on investment.

This situation has a differential effect due to the large variations in state excise taxes. With some states imposing large excise taxes, both exploration for new coal sources and new mine openings or expansions may be inhibited due to lower rate of return

expectations. Such an effect can inhibit entry in those states and affect the overall competitiveness of the industry. For this reason, existing industry members may be able to affect prices and output with less fear that new entry and its price/output disciplining effect, will restore the industry to competitive equilibrium.

Thus, taxation programs can affect both market dynamics and entry conditions. While no suggestion is made that these tax programs should be eliminated, the large differences among the levels of the taxes can pose some problems for the overall competitiveness of the industry.

F. Federal Leasing

With the shift of coal production away from production predominantly in the East to production distributed more evenly between East and West, coal production growth in the West can be expected to be enormous. The Federal government owns approximately 60 percent of Western coal reserves and another 20 percent are dependent on the availability of complementary Federal coal for its production. The orderly leasing of Federal coal in the West can affect the ability of the West to meet the forecasted production goals. The orderly leasing of Federal coal also has substantial implications for competition in terms of both market dynamics and entry conditions.

1. Role of Government. The Federal government has evolved a complex process for the leasing of its coal reserves. The six-year process is broken down into a four-year land-use planning stage, and a two-year activity planning stage. In the land-use planning stage, DOI's goal is to identify areas acceptable for further consideration for coal leasing. This process involves screening out areas that for one reason or another are not suitable: the areas have coal reserves of low development potential or they are environmentally unsuitable for leasing or there are multiple-use trade-offs that make them more valuable for other uses or they are preferred for nonmining uses by the surface owners. The hallmark of the entire land-use process is that it is governmentally initiated and carried out.

In the activity planning phase, DOI selects for sale, from the tracts identified during the land-use planning stage, a sufficient number of tracts to meet regional leasing targets. Activity planning includes the following steps: requests from the industry for expressions of interest in leasing possible tracts; preliminary tract delineation; site-specific analyses of the

delineated tracts; tract ranking on the basis of environmental, social, and economic effects and a cumulative analysis of the tracts; selection of lease sale schedule alternatives; and preparation of regional lease sale environmental impact statements.

2. Dynamic Implications. A recent EIA study examined the impact on coal production of Federal leasing policy. The study examined 1990 coal production based upon the orderly leasing of coal according to present policies versus 1990 production without any Federal leasing. A continuation of the Federal moratorium on coal will affect 1990 coal production.¹² While total national production would decline insignificantly (about 8 million tons), Western production would decline substantially (about 67 million tons). The Western decrease would be largely offset by increased expansion of Appalachian and Midwest production of 42 million and 15 million tons respectively.

Generally, the effects of a coal-leasing moratorium on Federal lands are a function of the reserves affected and of the cumulative level of reserve commitment. The cumulative level of reserve commitment is a function of the demand for coal and the forecast period. Therefore, at any given rate of demand growth, the impacts will grow progressively greater over time and also will be greater if the forecasted coal demand is increased.

The implications for markets appear to be significant. With Western production curtailed to a significant degree, demand would be made up by Appalachian and Midwestern production. With less penetration of Western coal, shifts in market boundaries may occur. Actual and potential competition within these new boundaries can be affected as a result.

A similar dynamic effect can occur even with renewed Federal leasing if the amount of coal leased falls below the amount necessary to maintain a competitive industry. The amount of coal leased is a function of the targets set by DOI during its activity planning stage. In turn, the targets depend on DOE production goals.

DOE establishes its production goals on the basis of a modeling approach. It continuously updates and revises these

goals, which are based on a large number of variables. The adequacy of these goals depends to a large extent upon the assumptions that are used in the model, and substantial variations in production goals may result from small changes in the assumptions.

DOI uses the DOE's production goals as part of its leasing targets. Using a formula for establishing its targets, the DOI sets a leasing schedule that will meet these targets. The methodology used by DOI has come under criticism by GAO, COWPS and DOJ, among others. This criticism, however, was aimed at the first lease sale by DOI, which by DOE's admission was scheduled somewhat hastily in order to get the coal leasing program going again. Future lease sales have been programmed with less haste, and therefore, may not be subject to similar criticism. The implication to be drawn from this criticism is that not enough coal may be leased and production shortfalls may occur in the future due to leasing shortfalls. The effect on markets may be less than in the no-leasing situation, but, nonetheless, the competitiveness of the industry may be substantially affected.

3. Entry Implications. The lack of leasing or shortfalls in leasing also may affect the conditions of entry. Moreover, the present leasing process may inhibit entry even if leasing is adequate.

The effect of no new leasing or inadequate leasing may affect market structure substantially. Existing producers may be able to increase their market share by expanding present operations without fear of entry by new companies since entry may be blocked because minable lands are not available. With the possibility of increasing market share, concentration may increase, and the likelihood that existing industry participants can exert more control over pricing/output decisions increases. The most significant force restraining this tendency in entry into the market. If entry is restrained because inadequate coal leases are available from the Federal government, then the moderating effects of entry on concentration may be eliminated or reduced. The entire competitive process will tend to be undermined.

Even if leasing is adequate, the present land-using planning and activity planning process may inhibit entry because of problems with the resource data, adequate public participation before a final decision, multiple-use trade-offs, and Regional Coal Teams (RCTs). It must be noted that many of the problems identified in this study may result only from the first lease sale

scheduled for early 1981. Because of the desire to implement the coal leasing program in the shortest possible time, some problems may occur. Future lease sales will be scheduled with less haste. Therefore, the competitive problems identified may disappear in the future. These problems should be viewed only as potential ones, and depend on whether DOI responds to criticism associated with the first lease sale.

a. Resource Data Problems. In the land-use planning stage, DOI must segregate areas into areas with low, medium or high development potential. Subsequent planning proceeds in those areas considered to have medium or high potential. This planning is supposed to utilize a series of maps known as Coal Resource Occurrence/Coal Development Potential (CRO/CDP) maps generated by the U.S. Geological Survey (USGS). If the CRO/CDP maps are not available, the USGS can substitute other available data.

The major problem encountered with this system is the lack of CRO/CDP maps or the opportunity to provide data to the USGS for their equivalents. Since the CRO/CDP maps usually have not been prepared, Bureau of Land Management District Offices have been forced to create their own coal maps for land-use planning purposes. These maps often overlook new areas since better data tend to exist near existing mines and lease tracts or on areas where railroads have sought partners to mine their alternative sections.

Since USGS does not drill in unleased areas where a company proposes to drill (a decision which may be justifiable to avoid duplication and unnecessary government expenditures), and since information from the latter is not publicly available, it is difficult to assess the development potential of other areas.

The result is that a lack of adequate data for coal mapping used to delineate tracts or to recognize the development potential of existing resources tends to restrict the availability of potential new mine sites. For example, one of the two potential tracts in Utah that is likely to support development independent of an existing mine was deferred, and drilling will be done largely by a private firm.

Restricting the land-use planning to the areas where better data are available may have the unintended result purpose of preselecting future lessees. An example of the potential for the land-use planning process to determine the identity of the eventual lessee occurred in Wyoming when it was decided to limit the land-use planning for coal leasing to the area of the Union Pacific's checkerboard in

¹²Due to a host of problems in the previous leasing program, the Federal government imposed a moratorium on new leasing in 1971. Very little leasing has taken place since, except in certain circumstances to avoid mine shutdowns or the loss of the Federal coal if the operator had to mine around the reserves. Renewed leasing is scheduled for early 1981. Therefore, the EIA study using the continuation of the moratorium is only a theoretical possibility and is unrelated to actual fact.

southern Wyoming while excluding the coal lands wholly owned by the Federal government south of the checkerboard. Given the speed with which DOI moved to implement the first lease sale, this limitation may be justifiable since the tracts selected are closest to existing transportation and existing mine sites, which may increase their competitiveness, in DOI's view.

Moreover, future coal development may be restricted as private explorations occur only in areas that already have been screened in land-use plans. Even large companies have indicated that the delay and risk of non-leasing in other areas is too great to warrant initial private exploration of those areas.

If the tendency of the leasing process continues to identify those areas near present mining sites or presently leased lands and to omit less developed areas and thereby essentially to preselect lessees, then new entrants may be inhibited or prevented from acquiring Federal coal leases. The implications for the competitiveness of the Western coal industry can be substantial.

b. Unsuitability Criteria Problems. One of the screens in the land-use planning phase involves a determination of the suitability of the lands for development. DOI uses 20 unsuitability criteria derived from the Surface Mining and Reclamation Act of 1977 and other criteria from DOI policies concerning wilderness areas, endangered species, and migratory birds. The primary purpose of using all these unsuitability criteria is to minimize the risk that, if a lease is issued, the coal cannot be mined because of environmental constraints.

The application of the unsuitability criteria and the exceptions to them appear to involve considerable discretion. Substantial reliance is placed upon determinations made by other Federal and state agencies. The primary problem here is one of inability of interested parties to participate in the decision-making process in a timely manner. As a result, substantial areas may not clear the land-use planning phase or may clear it only conditionally, and development in potentially new areas may be inhibited or retarded, while primary emphasis is placed on areas where existing activity has occurred.

c. Multiple-Use Trade-Off Problems. The third major step in the land-use planning process is a consideration of multiple-use trade-offs. Two problems have occurred: a lack of adequate data to make informed multiple-use trade-off decisions and inadequate justifications for the decisions that are made. The first problem can restrict tract selection, and

the second can tie up those tracts selected in administrative appeals. Both have occurred, and both can inhibit the entry of new firms.

d. Regional Coal Team Problems. The other major problem appears to be the functioning of the RCT. Federal-state committees formed to address the coal program issues in designated areas. Each RCT guides and reviews tract ranking, selection, and sale scheduling, and recommends regional lease sale alternative. The RCT's choice of tracts to be delineated and the priority given to tracts can dictate the eventual lessee.

The implications to be derived from these problems are that many potential lease tracts do not make it through the land-use and activity planning stage and that those that do may tend to favor existing industry participants, to the disadvantage of new entrants.

The decision-making process may help existing companies tie up new lease tracts through a series of administrative appeals and thereby keeps them off the lease schedule for considerable periods of time. On the other hand, potential new entrants may be frustrated in their attempts to obtain legal redress for the decisions that may preclude or inhibit their entry.

G. Lead Times

Long lead times (the time period required to bring a new coal facility into operation) tend to increase the level of entry conditions into the coal industry. Government regulation in general has had the adverse effect of lengthening lead times substantially. As a result, the ability to enter the coal industry has been inhibited and can affect the competitiveness of the industry.

1. Role of Government. Government regulations imposed under twelve different laws have had the effect of increasing lead times by 11 percent to 63 percent for various coal-related facilities. Government regulations have affected the time periods required to accomplish each phase of facility planning and construction. Planning and site selection takes longer due to environmental requirements. Environmental studies have increased lead times by as much as two years. Differences between the government and the private party over data collection and other interpretations of these studies can further extend this period. The actual approval of permits can occur rather quickly; however, the information required for the permit application has lengthened the permitting process considerably since permitting agencies require complete environmental and design data. Moreover, there is considerable risk if

equipment purchases are made during the permitting process, but before final permit approval, but to wait until all permitting is finalized before equipment is ordered further increases the lead time. Depending on the demand situation, lengthy lead times can have an adverse effect on the ability to secure coal supply contracts.

2. Entry Implications. Lead times affect entry in several ways. The longer the lead time the longer it takes the coal production of new entrants to enter the marketplace. This, in turn, affects the likelihood that existing firms can set prices above competitive levels, since substantial profits could be earned until the entry occurs and bids prices back to competitive equilibrium. Long lead times increase the initial capital investment necessary to enter the coal industry, since greater amounts of capital are tied up between the inception of the planning and actual production. Finally, private efforts to shorten lead times can increase risk since there is uncertainty in getting through the permitting or regulatory process.

V. Conclusions

The purpose of this competition study is to determine whether the coal industry can meet price and output goals in a competitively determined manner over the next decade. The answer to that question requires an evaluation of the competitive process of the coal industry, here, on the basis of a structure-behavior performance paradigm. This study concludes that the coal industry is workably competitive, with some important qualifications, and that it should be able to meet price and output goals in a competitively determined manner.

Overall, coal output has increased steadily during the past decade, at prices that appear competitively determined. While upward pressure was placed on coal prices by the sharp increase in coal demand caused by the 1973 OPEC oil embargo and by anticipation of a major coal strike in 1974, contract coal prices from 1975 through 1979 have fallen in constant dollars (i.e., dollars discounted for the effects of inflation). Spot prices have fluctuated with coal demand. This behavior is consistent with what would be expected in a competitive coal market with fluctuating demand.

According to 1978 production figures for the United States as a whole and for the three major producing regions, Appalachian, Midwestern, and Western concentration was moderate to low and decreasing in all areas except the West. A combined Midwestern-Western region indicated moderate and decreasing

concentration. Concomitantly, entry conditions are relatively easy; however, the study has found incipient problems with some entry conditions that may cause changes adverse to competition during the next decade.

Neither economies of scale nor capital requirements pose a substantial barrier to entry into the industry. Because the scale of entry by any given company is small by comparison to output in the regional markets a new entrant need have no fear of flooding a market and reducing price below cost. For large firms, capital appears relatively available from a variety of internal or external sources. For the smaller companies operating in the spot market facing different capital requirements, capital also appears to be available.

The entry conditions that appear to cause some concern involve those where government intervention has been prevalent, namely environment, transportation, taxation, leasing, and lead times. In addition to altering markets substantially over the last decade, environmental regulations have had the effect of increasing the time necessary to bring a coal-related facility on line. This intervention has increased capital requirements and risk, both of which inhibit entry. It also may delay the time when new entrants can begin production that would reduce seller concentration and compel more competitive pricing decisions.

The transportation component of the delivered price of coal has a strong influence on the geographic boundaries of coal markets. The marketing reach of coal producers is determined by the delivered price and, in turn, the delivered price determines whether a market can be entered. Since rail rates for coal are regulated by the Federal government, their level can have either a deterrent or a promotional effect.

In addition, the availability of transportation facilities to carry coal has an equally important entry effect. To the extent that coal transportation facilities are unavailable, entry is inhibited. Government policies play an important role in this process through rate regulation of railroads (financially healthy railroads can support greater rail expansion), through certifying new entry of competing rail lines, through the provision of eminent domain authority for competing sources of transportation (e.g., coal slurry pipelines), and through a number of other policies. Projections for possible rail congestion in the most important expanding production region, the Powder River Basin, presage problems both in the private and government sector during the 1985-1990 period.

Differential taxation, especially at the state level, can mean that one area will be developed more rapidly or more slowly. Such differing development can mean that less desirable coal will be developed first, at added costs to coal consumers, or that reduced profitability in one area as opposed to another can inhibit entry. Enlightened tax policies can spur production in the most desirable areas or promote entry by reducing the drain on profitability. While differential tax policies may not be inhibiting entry yet, they pose the possibility of doing so and of adversely affecting the competitive process.

Finally, the ultimate ability of new entrants to enter depends upon the availability of coal resources. Since most of the forecasted new growth in production will come from the West and since the Federal government is the largest coal resource owner in the West, the magnitude and location of coal leasing can play a crucial role in the development of the Western coal industry. This study has identified a number of areas of concern in the leasing process, starting in the land-use planning phase and proceeding through the activity planning stage. These problems have two major implications, first, that not enough coal may be leased during the next decade and, second, that what will be leased may be leased in areas that may favor present industry participants, to the disadvantage of potential entrants.

Therefore, while the present seller concentration of the industry should not present a major cause for concern, the conditions of entry, especially where government intervention has occurred, do present cause for concern. Unless the government's role in these areas is altered over the next decade, the structure of the coal industry may be adversely affected and the price/output goals for the industry for the next decade may not be met.

The evaluation of behavior and performance focuses briefly on the performance of the industry as a whole, and at length on the performance of coal companies with a horizontal relationship with other energy companies or of coal companies with a vertical relationship with coal consumers (electric utilities) or coal transporters (railroads). To the extent that these relationships create incentives for anticompetitive behavior, the performance of the coal industry can be adversely affected. However, no evidence suggests that either horizontal or vertical integration is presently a serious problem or soon likely to become one.

The entry of oil and gas companies into coal has brought claims that somehow these companies will want to withhold coal reserve development or production in order to raise coal prices to a level equal to oil and gas prices. Based on this study's assessment of interfuel substitutability, asymmetry among companies, current and future production shares, and current antitrust safeguards, no finding can be made now to impute the requisite market power to oil and gas companies to pursue successfully any withholding of coal reserves or production.

While electric utilities increasingly are relying on captive production, this reliance may lead to the creation of some inefficiencies since incentives may exist to extract a monopoly price from unregulated coal operations. This study finds that from a price and output perspective captive coal operations are less efficient than similar noncaptive coal operations. The competitive implication is that resources may be misallocated, and that the market may be less than fully competitive; however, adverse efficiency effects may depend in part on the quality of electric utility regulation and particularly on the method used to regulate the transfer price of captive coal.

The effect of captive coal operations on market structure is examined in four markets. In three of the four markets, the effect is considered minimal or even procompetitive. In the fourth, the Southwest, the effect could be considerable if the number of buyers were reduced and thereby adversely affect the potential for new entrants to enter.

Where electric utilities do not operate their own production, but contract on a long-term basis, the competitive process is affected with no clear price effects, but with potential entry effects affecting small coal producers. This problem must be counterbalanced with the numerous efficiencies stemming from the use of long-term contracts, which appear to far outweigh any competitive benefit from encouraging the use of short-term contracts.

Finally, the study evaluates the participation of railroads in the coal industry to determine whether any incentives for anticompetitive behavior exist. While incentives may exist, they are very limited, since they apply to only one railroad, the Burlington Northern and even then it is quite speculative whether the BN would attempt to act in an anticompetitive manner.

Overall, the behavior and performance trends yield results that do not detract substantially from the

structural analysis. While oil and gas companies are increasing their share of production, there does not appear to be any cause for concern now or though 1990. Moreover, several factors besides asymmetry mitigate any potential market power on the part of oil and gas companies. First is the role of the Federal government in the West, which can provide the necessary coal resources to new entrants to undermine any emerging oil and gas company market power. Second is the role of the electric utilities, which can provide price discipline through their ability or threat to integrate into coal production, or through long-term contracting.

While actual integration by electric utilities appears to produce less efficient results in their captive coal operations, the phenomenon may be partly explained by inadequate regulation. This type of seller/buyer interaction exerts counterbalancing forces in the coal industry that help maintain a workably competitive process.

The general conclusion, therefore, is that an analysis employing a structure-behavior-performance paradigm finds the coal industry workably competitive, with some incipient problems due to government intervention. These should be rectified to ensure that they do not grow and to ensure that the industry remains competitive throughout the next decade.

[FR Doc. 81-3986 Filed 2-2-81; 8:45 am]

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Federal Register

Vol. 46, No. 22

Tuesday, February 3, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) (Monday/Thursday or Tuesday/Friday).

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 28, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

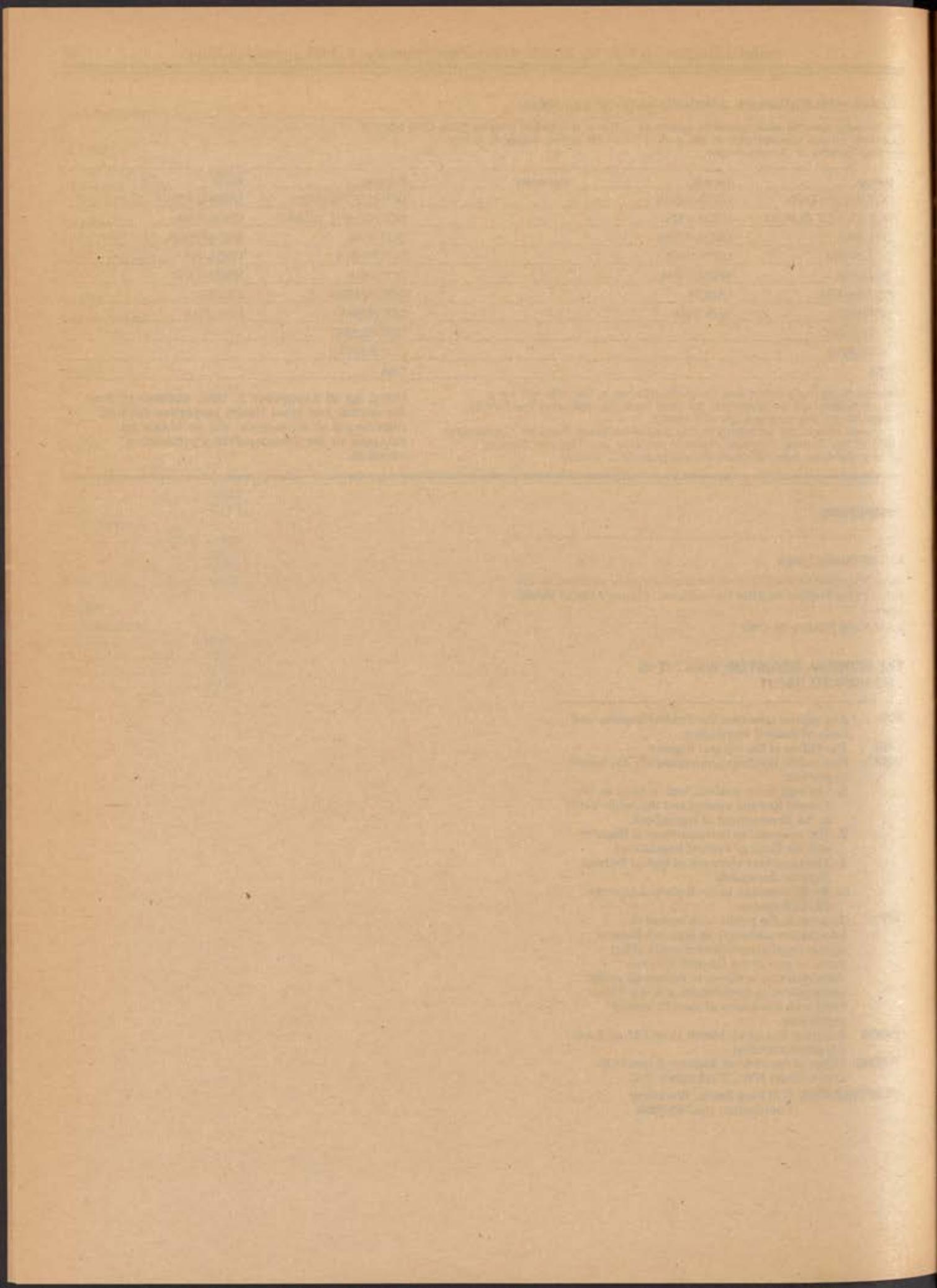
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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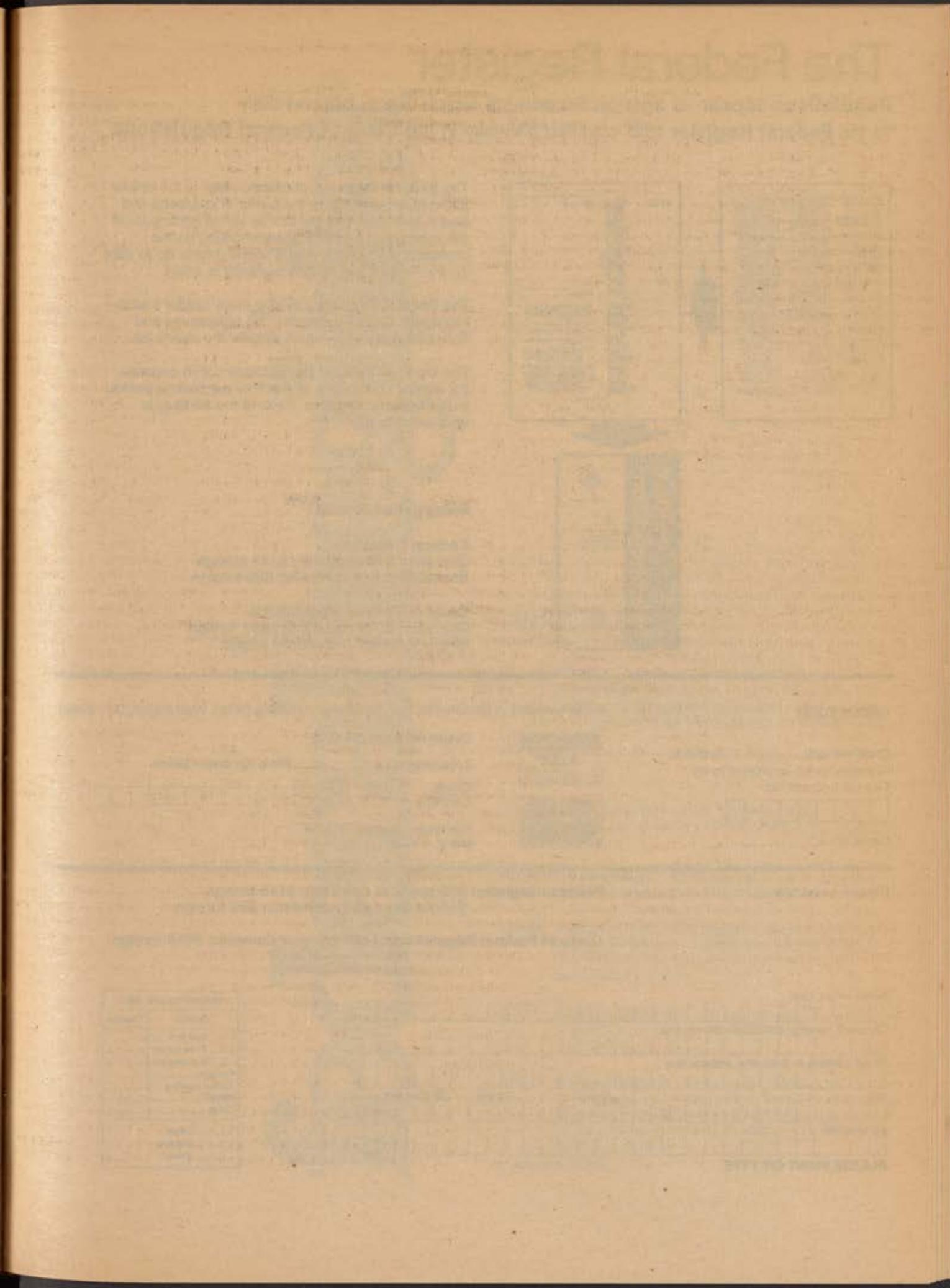
WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: February 13 and 27; March 13 and 27; at 9 a.m. (identical sessions).

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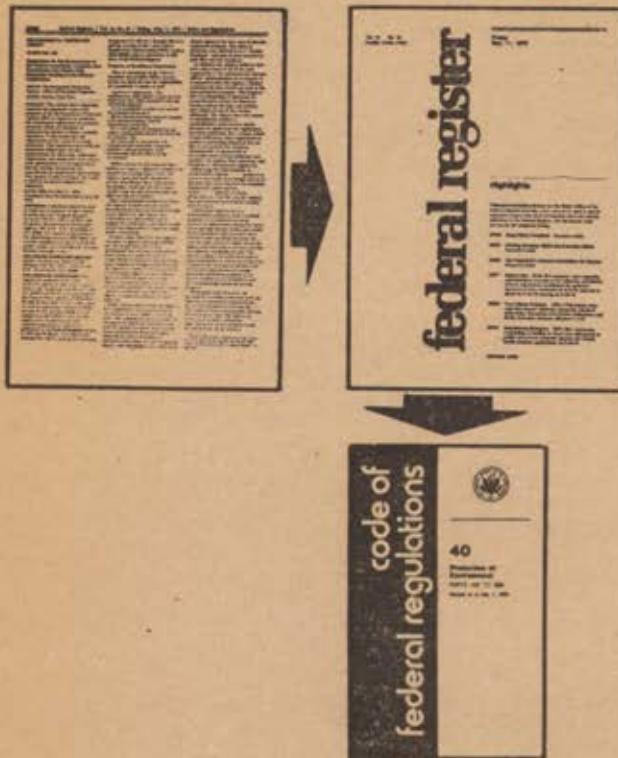
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