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Highlights

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

3489 **Continuation of Emergency Building Temperature Restrictions** Presidential proclamation

3491 **Eligibility of Bangladesh to purchase defense articles and services** Presidential determination

3589 **Grant Programs—Education** ED invites applications for new projects under the Law-Related Education Program for fiscal year 1981; apply by 4-24-81

3547 **Foreign Service** State provides significant new benefits for spouses and former spouses of participants in the Foreign Service Retirement and Disability System; comments by 2-17-81

3503 **Loan Program** HUD amends regulations of the Section 312 Rehabilitation Loan Program; effective 2-15-81

3577 **Natural Gas** Office of the Federal Inspector for the Alaska Natural Gas Transportation System approves affirmative action plan

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Highlights

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

3504 **Income Tax** Treasury/IRS publishes regulations relating to self-insured medical reimbursement plans and the withholding of income tax under these plans; effective for taxable years beginning after 12–31–79

3794 **Medical Services** HHS/HCFA proposes regulations providing program approval of a facility that furnishes training and support services for self-dialysis and/or home dialysis; comments by 3–16–81 (Part IV of this issue)

3633 **Solar Energy** EPA announces release of the 1980 Section 11 Report on review of the Department of Energy's Conservation and Solar Energy Program; comments by 2–15–81

3501 **Highway Projects** DOT/FHWA revises regulations which provides policies and procedures for the reimbursement of public employees working on Federal Aid highway projects; effective 2–17–81

3527 **Child Welfare** HHS/Sec'y publishes time limits for States to file claims; comments 3–16–81

3584, 3585 **Grant Programs** Commerce/MBDA announces soliciting applications under General Business Services Program to operate projects in certain counties in Virginia, Pennsylvania and Maryland; apply by 2–20–81 (2 documents)

3493 **Aliens** Justice/INS amends regulations relating to adjustment of nonimmigrant aliens to status of permanent resident and the change of nonimmigrant classification of aliens in the United States for Iranians; effective 1–15–81

3714 **Hazardous Materials** DOT/RSPA has requirement to establish cost sharing demonstration projects to develop hazardous materials accident prevention and emergency response programs

3782 **Security Regulations** DOT/FAA revises and consolidates security regulations for scheduled passenger and public charter operations (Part III of this issue)

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3509 Justice

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Presidential Documents

Title 3—

The President

Proclamation 4813 of January 13, 1981

Second Continuation of Emergency Building Temperature Restrictions

By the President of the United States of America

A Proclamation

I find that continued implementation of the Emergency Building Temperature Restrictions, Energy Conservation Plan No. 2, is required in the national interest. This Plan was transmitted by me to the Congress on March 1, 1979, and approved by resolution of each House of Congress in the manner provided by law.

This Conservation Plan was implemented by me approximately eighteen months ago because it was clear in view of the unstable world production of crude oil that we could not rely on imports to meet our normal demand. On April 15, 1980, I continued this Plan in effect because of the decline in worldwide crude oil production compared to the previous year, the prohibition on imports of Iranian oil, and the threat to the stability of commerce in the countries of the oil-producing Persian Gulf resulting from tensions between Iran and Iraq and the Soviet Union's actions in Afghanistan.

Since then, war has broken out between Iran and Iraq, substantially interrupting crude oil production in those countries. This disruption is of significant scope and is likely to be of substantial duration. New worldwide crude oil production is now and is likely to continue to be at least two million barrels a day less than consumption through the first quarter of 1981. This shortage has resulted in increased petroleum prices, and the combined effects of the shortage and present and future price increases resulting from it may have a major adverse impact on the national economy. The war between Iran and Iraq, as well as border tensions between Syria and Jordan and the Soviet actions in Afghanistan, have also greatly increased the threat to other sources of petroleum supplies in the Middle East. Should other disruptions result, they are likely to be of an emergency nature and to further disrupt the Nation's economy.

Because of these events, the risk to the Nation from our reliance on insecure oil imports is greater than when the Plan was renewed approximately nine months ago, as well as when the Plan was implemented approximately eighteen months ago. Under applicable law, the findings that a shortage of energy supply requires implementation of the Plan must be considered anew every nine months. I therefore renew the findings and determination contained in Proclamation No. 4667 of July 10, 1979, and renewed in Proclamation No. 4750 of April 15, 1980, under sections 201(b) and 3(8) of the Energy Policy and Conservation Act (42 U.S.C. Sections 6261(b) and 6202(8)).

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

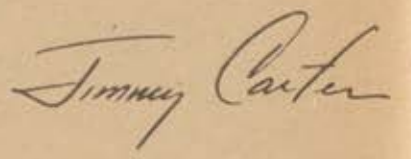
1–101. The finding and determination under sections 3(8) and 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8) and 6261(b)) contained in Proclamation No. 4667 of July 10, 1979, and renewed in Proclamation No. 4750 of April 15, 1980, are hereby renewed.

1–102. This Proclamation shall be transmitted to the Congress.

1–103. The provisions of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2 (44 FR 12911 of March 8, 1979) and the regulations thereunder, or any amendments thereto, shall continue in effect until October 16, 1981, unless earlier rescinded.

1–104. In accordance with the provisions of this Plan and the regulations thereunder, the Secretary of Energy is hereby authorized to continue the administration of the program in all respects.

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



[FR Doc. 81–1648
Filed 1–13–81; 3:37 pm]
Billing code 3195–01–M

Editorial Note: The President's message to the Congress, dated Jan. 13, 1981, transmitting Proclamation 4813, is printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 3).

Presidential Documents

Presidential Determination 81–1 of December 30, 1980

Eligibility of Bangladesh To Purchase Defense Articles and Defense Services Under the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the sale of defense articles and defense services to the Government of Bangladesh will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 FR 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 FR 12799), No. 74–9 of December 13, 1973 (39 FR 3537), No. 75–2 of October 29, 1974 (39 FR 39863), No. 75–21 of May 20, 1975 (40 FR 24889), No. 76–1 of August 5, 1975 (40 FR 37205), No. 76–11 of March 25, 1976 (41 FR 14163), No. 76–12 of April 14, 1976 (41 FR 18281), No. 77–5 of November 5, 1976 (41 FR 50625), No. 77–17 of August 1, 1977 (42 FR 40169), No. 77–20 of September 1, 1977 (42 FR 48867), No. 79–5 of February 6, 1979 (44 FR 12153), No. 79–11 of June 21, 1979 (44 FR 38437), No. 80–12 of March 3, 1980 (45 FR 16995), and No. 80–14 of March 13, 1980 (45 FR 19211), shall be published in the **Federal Register**.

Jimmy Carter

The White House,
Washington, December 31, 1980.

[FR Doc. 81–1714
Filed 1–13–81; 4:21 p.m.]
BILLING CODE 3195–01–M

Rules and Regulations

Federal Register
Vol. 46, No. 10
Thursday, January 15, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 504, Amdt. 1; Navel Orange Regulation 505]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 16–22, 1981, and increases the quantity of such oranges that may be so shipped during the period January 9–15, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 16, 1981, and the amendment is effective for the period January 9–15, 1981.

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

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

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

The committee met again publicly on January 13, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improving.

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

1. § 907.805 is added as follows:

§ 907.805 Navel Orange Regulation 505.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 16, 1981, through January 22, 1981, are established as follows:

(1) District 1: 1,246,000 cartons;
(2) District 2: 126,000 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 28,000 cartons.

(b) As used in this section, "Handle," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

2. Paragraph (a)(1)–(4) in § 907.804 Navel Orange Regulation 504 (46 FR 2025), is hereby revised to read:

§ 907.804 Naval Orange Regulation 504.

(a) * * *
(1) District 1: 1,261,000 cartons;
(2) District 2: 54,509 cartons;
(3) District 3: Unlimited cartons;
(4) District 4: 39,000 cartons.

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

Dated: January 14, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-1813 Filed 1-14-81; 12:43 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 245 and 248

Iranian Nationals; Adjustment of Status to That of Person Admitted for Permanent Residence, Revision of the Categories of Who May Be Adjusted to Permanent Resident Status; and Change of Nonimmigrant Classification, Revision of Categories of Whose Nonimmigrant Classification May Be Changed

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service relating to the adjustment of nonimmigrant aliens to the status of permanent resident and the change of nonimmigrant classification of aliens in the United States. The changes are necessary in order to make the regulations consistent with Department of State policy in the issuance of immigrant and nonimmigrant visas to nationals of Iran and to grant the benefits when it has been determined to be in the national interest.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT:
For general information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048

For specific information—Stanley E. Davis, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-5014

SUPPLEMENTARY INFORMATION: As a result of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran and the break in diplomatic relations with that country on April 7, 1980, it was determined to be in the national interest to place appropriate limitations and restrictions on those Iranian nationals who were then in the United States. By amendments to 8 CFR 245.1(d) and 248.2 published April 16, 1980, the adjustment to permanent resident status and the change of nonimmigrant classification of Iranian nationals were limited to those who were in specified categories. A subsequent amendment to 8 CFR 245.1(d) published April 22, 1980 expanded the categories of Iranian nationals who were eligible for adjustment to permanent residence. The previously published amendments do not provide for the adjustment of status to permanent resident or the change of nonimmigrant classification of Iranian nationals when it has been determined to be in the national interest. This is inconsistent with the Department of State's practice which provides for the issuance of immigrant and nonimmigrant visas to nationals of Iran when it is determined to be in the national interest. In order to correct this inconsistency and to give the Immigration and Naturalization Service the necessary authority to grant these benefits when it has been determined by the Department of State to be in the national interest, the following amendment to Chapter I of Title 8 of the Code of Federal Regulations are made. Because the rule confers a benefit, the notice of proposed rulemaking requirement of 5 U.S.C. 553 is not required.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE

In § 245.1, paragraph (d) is revised to read as follows:

§ 245.1 [Amended]

* * * * *

(d) *Immediate relatives under section 201(b) and preference aliens under section 203(a)(1) through 203(a)(6).* An applicant who claims immediate relative status under section 201(b) or preference status under section 203(a)(1) through 203(a)(6) of the Act is not eligible for the benefits of section 245 of the Act unless he/she is the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter and approved to accord him/her such status. A nonimmigrant alien who is an Iranian national is not eligible for the benefits of section 245 of the Act unless (1) he/she claims immediate relative status under section 201(b) or preference status under section 203(a)(1), (2), (4) or (5) of the Act and is also the beneficiary of a valid visa petition filed in accordance with Part 204 of this chapter and approved to accord him/her such status, (2) he/she has applied for or has been granted asylum in the United States, or (3) such benefit has been determined to be in the national interest by the Department of State.

* * * * *

(Secs. 103 and 245; 8 U.S.C. 1103 and 1255)

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Section 248.2 is revised to read as follows:

§ 248.2 Ineligible classes.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15) (D) or (K) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(C) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15) (A) or (G) of the Act. An alien classified as a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15) (A) or (G) of the Act, or, if he is not subject to the foreign residence requirement of section 212(e) of the Act or has been granted a waiver thereof, a change to classification under section 101(a)(15) (H) or (L) of the Act, if otherwise qualified. A nonimmigrant alien who is an Iranian national is ineligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(G) of the Act unless such change is determined to be in the national interest by the Department of State.

(Secs. 103 and 248; U.S.C. 1103 and 1258)

Dated: January 9, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-1361 Filed 1-14-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 19831; Amdt. No. 21-53]

Type Certification Procedures for Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides a revision to the procedural rules for the type certification of gliders (including sailplanes) to permit equivalency findings with respect to the applicable airworthiness standards as is now permitted in the type certification of other aircraft. These procedural rules would also be applicable to the type certification of fixed-wing, self-launching (powered) gliders. This updating of the Federal Aviation Regulations eliminates an inconsistency in the regulations and, without any derogation of safety, an unnecessary economic burden which was previously imposed on this segment of sport aviation.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin Walker, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 755-8714.

SUPPLEMENTARY INFORMATION: This amendment is based on Notice 80-17 which was published in the **Federal Register** on October 14, 1980 (45 FR 67677) and revises the procedural rules in § 21.23 of the Federal Aviation Regulations (FAR) for the type certification of gliders.

Section 21.23 of the Federal Aviation Regulations (FAR) provided that an applicant is entitled to a type certificate for a glider if the applicant submits the type design, test reports, and computations necessary to show that the glider meets the applicable regulations and there is no unsafe feature of characteristic of the glider. The applicable regulations were defined in § 21.23(a) to be those airworthiness

requirements of Part 23 or Part 27 of the FAR that the Administrator finds to be (1) appropriate for gliders and (2) applicable to the applicant's specific type design. No provisions were made for gliders which may not meet all of the applicable airworthiness requirements of Part 23 or Part 27, although the provisions not complied with are compensated for by factors in the glider's type design that provide an equivalent or greater level of safety. The procedural requirements for the type certification of gliders were unique in this respect. The type certification procedures applicable to all other aircraft specifically provide for such equivalency, and there did not appear to be any justification for the restriction against the use of designs which provide an equivalent level of safety with respect to certification of basically a sport aircraft operated for pleasure and not for compensation or hire.

Accordingly, the FAA proposed to amend § 21.23(a) to permit the issuance of type certificates for gliders (including sailplanes), including fixed-wing, self-launching (powered) gliders, that comply with either the applicable airworthiness requirements of Part 23 or 27 of the Federal Aviation Regulations or such other airworthiness criteria that provide an equivalent level of safety to those requirements.

Specifically, this amendment permits the development and use of comprehensive and detailed criteria for the type certification of gliders, provided the Administrator finds that to the extent the criteria does not meet the applicable airworthiness requirements of Part 23 or Part 27, it provides an equivalent level of safety to those requirements. Simultaneous with the issuance of this amendment, the FAA is issuing new Advisory Cicular (AC) No. 21.23-1 to approve two comprehensive and detailed criteria, but not the only criteria, that may be used by an applicant for the type certification of fixed-wing gliders (sailplanes), including self-launching gliders. A draft of AC 21.23-1 was published in the Federal Register (45 FR 67818) for comment on October 14, 1980, along with NPRM 80-17.

AC 21.23-1 identifies the European Joint Airworthiness Requirements (JAR-22) for Sailplanes and Powered Sailplanes, when supplemented by certain FAA criteria, as acceptable criteria for the type certification of gliders pursuant to § 21.23 as amended. This amendment, together with the issuance of AC 21.23-1, is reponsive to a petition for rulemaking filed by the Soaring Society of America requesting FAA to adopt JAR 22.

Discussion of Comments

All commenters expressed agreement with the proposals contained in Notice 80-17. Many commenters simultaneously commented on the draft AC 21.23-1. Comments on the AC were outside the scope to Notice 80-17, but were considered in the development of the final AC.

One commenter questions the reference to Part 27 in § 21.23(a). Section 21.23(a) previously referenced Part 27 to provide a basis to type certificate rotary wing gliders and the reference is retained in new § 21.23(a) for that purpose.

Planned Glider Engine and Propeller Rule Making

The preamble of NPRM 80-17 stated that Part 33 and 35 of the regulations contains the certification requirements for engines and propellers, to be installed in gliders, i.e., self-launching (powered) gliders. New AC 21.23-1 provides criteria for approving engines and propellers as an integral part of the glider. This criteria has been found by the FAA to meet the applicable requirements of Parts 33 and 35 or to provide an equivalent level of safety to those requirements not complied with when approved as an integral part of a glider that meets the criteria in the AC. Such an approval does not constitute certification of the engine or propeller for installation on other gliders. The FAA plans to initiate rule making in the near future to add new Subparts to both Part 33 and Part 35 to establish specific requirements for the general type certification of glider engines and propellers. JAR 22, Subparts H and J, will be used as the basis for the proposed rule making.

Adoption of the Amendment

Since this rule imposes no burden on any person, allows alternate methods of compliance with established airworthiness standards and is in consonance with the spirit of Executive Order 12044, I find that good cause exists to make these amendments effective immediately. Accordingly, Part 21 of the Federal Aviation Regulations is amended as follows, effective January 15, 1981.

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

By revising § 21.23 to read as follows:

§ 21.23 Issue of type certificate: Gliders (including sailplanes), including fixed-wing, self-launching (powered) gliders.

An applicant is entitled to a type certificate for a glider if the applicant submits the type design, test reports, and computations necessary to show, and the Administrator finds that—

(a) The glider complies either with those airworthiness requirements of Part 23 or Part 27 of this chapter found by the Administrator to be appropriate for gliders and applicable to the specific type design or with such other airworthiness requirements as the Administrator may find provide an equivalent level of safety to those Parts; and

(b) There is no unsafe feature or characteristic of the glider.

(Secs. 313(a), 314, 601, 603, 604, 610, and 611 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355, 1421, 1423, 1424, 1430, and 1431); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR Part 11)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified above under the caption: "For Further Information Contact." Moveover, it has been determined that this rule will not have a significant economic impact on a substantial number of small entities.

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC on January 12, 1981.

Langhorne Bond,

Administrator.

[FR Doc. 81-1402 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-41-AD; Amdt. 39-4017]

Airworthiness Directives; Puritan-Bennett Aero Systems Co. P/N 174039, 174010-01, 174010-03, and ZMR100 Series Oxygen Masks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an Airworthiness Directive (AD) that requires replacement of a regulator diaphram on Puritan-Bennett Aero Systems Company (PBASCo) oxygen masks. The AD is needed to prevent the regulator inlet valve from either leaking, causing depletion of the oxygen supply, or developing positive pressure within the facecone, making it difficult to breathe.

DATES: Effective March 20, 1981.

Compliance required within one hundred twenty (120) days after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW, Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring replacement of the oversized diaphragm in certain PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series was published in the Federal Register at 45 FR 59904. The proposal was prompted by an FAA determination that certain regulators on PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series contain oversized diaphragms. Under certain conditions, an oversized diaphragm can cause the regulator inlet valve either to leak or to develop positive pressure within the facecone. Although the regulator may work properly in normal usage, it can develop one of the above conditions without warning. There is no reliable field test method for determining when or where the mask will develop the problems. Since this condition is likely to exist or develop on other oxygen masks of the same type design, the proposed AD would require replacement of the oversized diaphragm in certain PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series.

Interested persons have been afforded the opportunity to participate in the making of this amendment. No objections were received. Accordingly, the proposal is adopted with minor wording change in paragraph (c) for clarity.

Adoption of the Amendment

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

Puritan-Bennett Aero Systems Company: Applies to Puritan-Bennett Aero Systems Company oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series as listed below.

S/N for P/N 174039

0001 through 0012

S/N for P/N 174010-01 and 174010-03

00100 through 00144
146, 147, 149, 00150 through 00194
195 through 259
261 through 273
275 through 292

S/N for P/N ZMR100 Series

6603 through 7234

Compliance required as indicated, unless already accomplished.

To prevent the regulator inlet valve from causing either leakage or positive pressure within the facecone, accomplish the following:

(a) Within 120 days from the effective date of this Airworthiness Directive, remove diaphragm assembly P/N F334-1001-1 and install diaphragm assembly P/N F334-1001-1 modified to include diaphragm and plate assembly P/N F334-1003-1, Revision E.

(b) After modification per paragraph (a) of this AD, permanently mark letter "M" at the end of or beneath the mask serial number. This serial number is located under the face cushion on the left-hand side of the hardshell on the 174039 and ZMR100 series masks, and on the back surface of the head harness on the 174010-01 and 174010-03 masks.

(c) The modified diaphragm replacement of paragraph (a) of this AD shall be accomplished by returning the mask to Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245. However, this replacement in the ZMR100 series masks listed below may be accomplished in the field in accordance with the following Puritan-Bennett Aero Systems ATA Component Maintenance Manuals:

35-10-25 for the ZMR160 mask
31-10-27 for the ZMR129 mask
35-10-28 for the ZMR129-1 mask
35-10-29 for the ZMR118 mask

Note.—Puritan-Bennett Aero Systems Company Service Bulletin No. 1, dated April 15, 1980, pertains to the subject of this Airworthiness Directive.

(d) Alternate inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This amendment becomes effective March 20, 1981.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, California on January 2, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-1079 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NE-43; Amdt. 39-4018]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: On October 24, 1980, a telegraphic airworthiness directive (AD), T80-22-55, was issued requiring visual and dye penetrant inspections for cracks in the piston rods of main rotor dampers and the removal from service of these dampers if cracks are found. On November 21, 1980, an emergency AD (air mail) revision to the AD, T80-22-55 R1, was issued to add requirements for a one-time dye penetrant inspection for cracks and inspections for main rotor damper bearing wear. This revised AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

DATES: Effective date—This amendment becomes effective January 15, 1981 for all persons except those to whom it was made effective immediately by telegram dated October 24, 1980, and air mail letter dated November 21, 1980.

Comments must be received on or before March 10, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 12, New

England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

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

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

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

Because of recent fatigue failures and the separation of the piston rods of main rotor dampers, a telegraphic AD, T80-22-55, was issued on October 24, 1980, requiring visual inspections and, if any indication of a crack was found, dye penetrant inspections of the piston rods. The AD also required that the dampers be removed from service if a crack was found. Subsequent to the issuance of the telegraphic AD, engineering research and tests have shown that the wear and metal-to-metal contact within the damper spherical bearings can increase the loads sustained by the damper piston rods and therefore contribute to the fatigue failure of these rods. There has also been an additional failure of a piston rod in service. Therefore, emergency AD T80-22-55 R1 was issued on November 21, 1980, effective November 28, 1980, to revise the AD with additional requirements for a one-time dye penetrant inspection of all damper piston rods, based upon time in service and previous replacement of bearings, and repetitive inspections of the damper rod end bearings for wear.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky Model S-76A helicopters by individual telegrams dated October 24, 1980.

These conditions still exist, and the AD, as revised, is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

Request for Comments on the Rule

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

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

Adoption of the Amendment

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

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

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

1. On Damper piston rods with more than 500 hours time in service: Within 10 hours time in service, after the effective date of this AD, and thereafter at intervals not to exceed 10 hours time in service, perform a visual inspection for cracks in the piston rods of P/N 76106-08000 main rotor dampers with the dampers in their fully extended position. Using extreme care not to damage the tip cap or trim tab, grasp the main rotor blade at the tip end and move it in the direction of rotation until it is in the full lead position. If any indication of a crack in the chromium plate is found, conduct a dye penetrant inspection of the piston rod for cracks in accordance with specification MIL-I-6866, Type II, Method C. Protect piston seals and rod end bearings from cleaning and inspection fluids. If the presence of a crack, as described in Sikorsky Alert Service Bulletin 76-65-19, is confirmed, replace the piston rod prior to further flight with a serviceable piston rod.

2. Within the next 25 hours time in service, after the effective date of this AD, unless already accomplished, conduct a dye penetrant inspection, in accordance with the specification in paragraph 1, for cracks in the piston rods for dampers with more than 500 hours time in service and dampers which have had the damper spherical bearings replaced. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

3. On damper spherical bearings with more than 100 hours time in service: Within the next 25 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 15 hours time in service, conduct a bearing wear inspection of the damper spherical bearings in accordance with paragraph 9 of the Temporary Revision 5-23 of Sikorsky S-76 Maintenance Manual No. SA4047-76-2. When a damper spherical bearing fails to meet the wear criteria of this inspection, conduct a dye penetrant inspection, in accordance with the specification in paragraph 1, of the damper piston rod for cracks. If a crack is found, replace the piston rod prior to further flight with a serviceable piston rod.

The Sikorksy "Telexed" Alert Service Bulletin No. 76-65-19, dated November 17, 1980, to all S-76A operators pertains to the subject matter of this directive.

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

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

Reporting approved by the Office of Management and Budget Under OMB No. 04-40174.

Upon submittal of substantiating data by an operator, an FAA Maintenance Inspector, subject to prior approval by the Chief, Engineering and Manufacturing Branch FAA New England Region, may adjust the inspection intervals of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

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

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

This amendment becomes effective January 15, 1981 for all persons except those to whom it was made effective immediately by telegram dated October 24, 1980, and air mail letter dated November 21, 1980.

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

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

DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION."

Issued in Burlington, Massachusetts, on January 2, 1981.

John B. Roach,

Acting Director, New England Region.

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

[FR Doc. 81-1080 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NE-42; Amdt. 39-4019]

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

AGENCY: Federal Aviation Adminstration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: On November 7, 1980, the FAA issued a telegraphic airworthiness directive (AD), T80-23-51, effective upon receipt, which required an initial and repetitive inspection of the main rotor blade spar for cracks.

The AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES: Effective date—This amendment becomes effective January 15, 1981 for all persons except those to whom it was made effective immediately by telegram dated November 7, 1980.

Comments must be received on or before March 10, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

This notice publishes telegraphic AD T80-23-51, which was issued November 7, 1980, and which currently requires an initial and a 300 hour repetitive inspection of the main rotor blade spar for cracks. This action was initiated because of a recent main rotor blade fatigue crack at the root end attachment hole area found in service.

FAA engineering evaluation of the service crack and all current data indicated that more restrictive inspection requirements for the main rotor blade spars were appropriate, and thus, TAD T80-23-51 was issued. Additional testing and analysis of the main rotor blade root end attachment hole area are being performed to investigate new inspection procedures.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately to all known United States operators of Sikorsky Model S-76A helicopters by individual telegrams dated November 7, 1980.

Request for Comments on the Rule

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

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

Adoption of the Amendment

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

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

To prevent operation with a cracked main rotor spar, accomplish the following:

Applies to main rotor blades, P/Ns 76150-09000 or 76150-09100, with more than 600 hours time in service. Compliance required within the next 25 hours time in service after the effective date of this AD, unless previously accomplished within the last 100 hours time in service, and thereafter at intervals not to exceed 300 hours time in service.

1. Inspect the main rotor blade spar for cracks in accordance with the Sikorsky S-76 composite materials manual, SA 4047-76-5, paragraph 2-7.

2. If a spar crack is found, replace the main rotor blade with a new or serviceable component.

3. Report within 24 hours any discrepancies found during the inspections required herein, including the main rotor blade time in service, to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant 5 U S C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602.

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

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

This amendment becomes effective January 15, 1981, for all persons except those to whom it was made effective immediately by telegram dated November 7, 1980.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044, as amended, on June 27, 1980, by Executive Order 12221, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on January 2, 1981.

John B. Roach,

Acting Director, New England Region.

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

[FR Doc. 81-1081 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AWA-1]

Prohibited Areas P-65 Pacific Palisades, Calif., and P-66 Rancho del Cielo, Goletta, Calif.

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

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes prohibited area airspace over the residence of the President of the United States for the purpose of enhanced security. This action prohibits aircraft flight within the designated prohibited areas.

DATES: Effective date—January 20, 1981.

Comments must be received by February 17, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-1, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

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

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to establish Prohibited Areas P-65 Pacific Palisades, Calif., and P-66 Rancho del Cielo, Goletta, Calif. These areas are established as requested by the Department of Treasury, United States Secret Service, to enhance the level of security provided the President by prohibiting unauthorized flights of aircraft over and in the immediate vicinity of presidential residences. The vertical and lateral limits of the areas have been designed to impose minimum burden upon the public and still provide acceptable security restraints. Because of the obvious need to effect reasonable and immediate security precautions for the protection of the President, I find that notice and public procedure are unnecessary and that there is good cause for publication of the rule less than 30 days prior to its effective date. However, comments are invited on the rule. When the comment period closes, the FAA will use the comments and any other available information to review the regulation.

The Rule

This amendment to §73.87 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) designates Prohibited Areas P-65 Pacific Palisades, Calif., and P-66 Rancho del Cielo, Goletta, Calif. Flight within the designated prohibited areas is prohibited unless permission is obtained from the using agency. Part 73 of the Federal Aviation Regulations (14 CFR Part 73) was republished in the **Federal Register** on January 2, 1981 (46 FR 832).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, §73.87 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 832) is amended, effective 0901 GMT, January 20, 1981, by adding:

"P-65 Pacific Palisades, Calif.
Boundaries. That airspace within a 1 mile radius of Lat. 34°03'15"N., Long. 118°29'30"W.
Designated altitudes. Surface to 1,000 feet AGL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D.C.
P-66 Rancho del Cielo, Goletta, Calif.
Boundaries. That airspace within a 1 mile radius of Lat. 34°31'00"N., Long. 120°05'08"W.
Designated altitudes. Surface to 1,000 feet AGL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D.C."

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

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

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

Shelomo Wugalter,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-1481 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 93 and 159

[Docket No. 19948; Amendment Nos. 93-41 and 159-23]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rulemaking amends the regulations pertaining to the new operating policy for Washington National and Dulles International Airports which were to become effective on January 5, 1981, and will now become effective on April 26, 1981. This amendment changes the dates referenced in the regulation to make them consistent with the new effective date. It also makes other clarifying changes of an editorial nature.

DATE: The amendment becomes effective on April 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward S. Faggen, Legal Counsel, AMA-7, Metropolitan Washington Airports, Washington National Airport, Washington, D.C. 20001, Telephone: (703) 557-6123.

BACKGROUND INFORMATION: On September 15, 1980, the Federal Aviation Administration issued Amendment Nos. 93-37 and 159-20 to the Federal Aviation Regulations. (45 FR 62406, September 18, 1980) The amendments were to become effective on January 5, 1981; and are now scheduled to be effective on April 26, 1981. (45 FR 71251, October 27, 1980). As a result of the original January 5, 1981, effective date, several of the regulations as amended contain the phrase "after January 4, 1981."

Due to the delay in the effective date of the implementing regulations, these phrases should be changed. This amendment changes the phrase "after January 4, 1981" wherever it appears in Amendments 93-37 and 159-20 to "after April 25, 1981".

In addition, Amendment No. 159-20 amended § 159.59 by redesignating paragraphs "(a)", "(b)", and "(c)" as "(c)", "(d)", and "(e)" and by adding new paragraps (a) and (b). Former paragraph (c), now (e), contained references to former paragraphs (a) and (b) which, due to oversight, were not

changed to reflect their new designations as (c) and (d). This amendment corrects this oversight by amending new § 159.59(e) by deleting references to the old paragraphs and substituting the reference to the correct paragraphs.

Since these amendments are clarifying and editorial in nature, I find that notice and public comment are not necessary or practical. This amendment will become effective at the same time as Amendments 93–37 and 159–20. The effective date for those amendments is April 26, 1981.

Adoption of the Amendments

Accordingly, Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) and Subpart C of Part 159 of the Federal Aviation Regulations (14 CFR 159) are amended, effective April 26, 1981, as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

PART 159—NATIONAL CAPITAL AIRPORTS

§§ 93.123, 159.40, 159.59, 159.60 [Amended]

1. By removing the phrase "after January 4, 1981", wherever it appears in new §§ 93.123(c); 159.40(a); 159.40(b); 159.40(c); 159.59(b) and 159.60, and substituting in each of these sections the phrase "after April 25, 1981".

§ 159.59 [Amended]

2. By revising new § 159.59(e) to read as follows:

* * * * *

(e) Nothwithstanding paragraphs (c) and (d) of this section, an aircraft that has wings and tail higher than five feet from the ground and does not have adequate brakes may not be taxied on the airport under any conditions, and must be towed if it is necessary to move it.

(Secs. 103.307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348 and 1354); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment which is corrective and editorial in nature, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

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

Langhorne Bond,

Administrator.

[FR Doc. 81-1662 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231 and 161

[Release Nos. 33-6279; 39-605]

Simplified Form of Trust Indenture

AGENCY: Securities and Exchange Commission.

ACTION: Interpretative release.

SUMMARY: The Commission is issuing this release to call attention to a new simplified form of trust indenture that may be used in connection with offerings of debt securities requiring a qualified indenture under the Trust Indenture Act of 1939.

FOR FURTHER INFORMATION CONTACT: Norman Schou at (202) 272–2573, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Recently, the Commission's Division of Corporation Finance ("Division") was asked to qualify an indenture under the Trust Indenture Act of 1939 [15 U.S.C. 80a et seq.] that was prepared on a novel, simplified format. In the interest of reducing the burden of registration on issuers of debt securities, the Division wishes to draw attention to the unusual features of this indenture.

The new indenture, between Navco Corp. and the Boatmen's National Bank of St. Louis, Trustee, was filed under the Securities Act of 1933 [15 U.S.C. 77a et seq.] as an exhibit to registration statement no. 2–69424 in connection with an offering of sinking fund debentures. This type of indenture was suggested in a recent article by counsel for Union Carbide Corporation. See McDaniel, *The Review of Securities Regulation*, Vol. 13, No. 16 (Sept. 24, 1980). The advantage of this indenture is that it incorporates by reference many of the provisions of the Trust Indenture Act required to be included in qualified indentures, instead of physically incorporating such provisions in the language of the indenture itself, in the traditional complex manner. The Navco Corp. indenture is simple and straightforward and, with incorporation by reference, only 35 pages long. Other shortcuts in indenture draftsmanship which contribute to speedier processing of registration statements were discussed by the staff in Release No. 33–6090 (July 11, 1979) [44 FR 43466].

Copies of the indenture may be obtained from the Commission's Public Reference Section by referring to the Navco Corp. file number.

Accordingly, 17 CFR Parts 231 and 261 are amended by adding reference to this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-1515 Filed 1-14-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Chains and Parts Thereof, of Cast Iron, Iron or Steel From Italy; Correction of Notice of Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Correction of notice of revocation of countervailing duty order.

SUMMARY: This notice is to advise the public that the Department of Commerce is correcting its notice revoking the countervailing duty order on chains and parts thereof from Italy to provide that entries, or withdrawals from warehouse, for consumption made before January 14, 1980, are subject to countervailing duties.

EFFECTIVE DATE: January 15, 1981. The correct effective date for the refund is January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 2128, Washington, D.C. 20230 (202–377–1770).

SUPPLEMENTARY INFORMATION: A notice entitled "Chains and Parts Thereof, of Cast Iron, Iron or Steel from Italy; Revocation of Countervailing Duty Order" was published in the Federal Register on November 7, 1980 (45 FR 73921). The notice incorrectly stated the effective date for the refund of any estimated countervailing duties collected with respect to entries of the merchandise. The correct date is January 14, 1980 rather than April 3, 1980. Entries, or withdrawals from warehouse, for consumption, made before January 14, 1980 are subject to countervailing duties as set forth in T.D. 77–249 and as modified by T.D. 79–20.

The Department of Commerce is instructing Customs officers to proceed with liquidation of entries of the subject merchandise in accordance with this notice.

This correction of revocation and notice publication are in accordance with section 104(b)(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-1470 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 140

Payroll and Related Expense of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This is a revision of an existing regulation which provides policies and procedures for the reimbursement of public employees working on Federal Aid highway projects. This rewrite of the regulation is a part of FHWA's effort to reduce redtape and to make the regulations easier to understand and to comply with.

EFFECTIVE DATE: February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey C. Wood, Office of Fiscal Services, 202-426-0563, or Thomas P. Holian, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce redtape and to make its regulations easier to understand and comply with, the FHWA is revising 23 CFR Part 140, Subpart G to clarify the regulation and facilitate compliance with it.

The revision meets the standards of 23 U.S.C. 101(e) (minimization of redtape) and the recommendations of the FHWA's Regulations Reduction Review Task Force (43 FR 10578) for brevity and clarity.

The revised regulation only restates existing policies and procedures for the reimbursement of public employees on Federal-aid projects, often referred to as "force account" work. No new or additional economic or other burdens are expected to be placed upon the economy, the private sector, consumers, or Federal, State, or local governments. The revision is neither costly nor controversial. For these reasons, the FHWA has determined that publication of the revised regulation for notice and comment could not reasonably be anticipated to result in the receipt of useful information.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The impact of this rule is so minimal that it does not warrant the preparation of a regulatory evaluation.

In consideration of the foregoing, Subpart G of Part 140 of Chapter I, Title 23, Code of Federal Regulations, is amended to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 7, 1981.

John S. Hassell, Jr.,

Federal Highway Administrator.

Subpart G of Part 140 is revised to read as follows:

PART 140—REIMBURSEMENT

Subpart G—Payroll and Related Expense of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods

Sec.

140.701 Purpose.
140.703 Reimbursable costs.
140.705 Salaries and wages.
140.707 Travel and transportation.
140.709 Employee leave and holidays.
140.711 Social security, retirement, and other payroll benefits.
140.713 General administration and other overhead.
140.715 Use of cost accumulation centers and cost distribution methods.

Authority: 23 U.S.C. 101(e), 114(a), 315; 49 CFR 1.48(b).

Subpart G—Payroll and Related Expense of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods

§ 140.701 Purpose.

To prescribe policies and procedures for reimbursing a State highway agency (SHA) for the costs of salaries, wages, and related costs incurred by its employees or by those of a county, city, or other local public agency (LPA) for the benefit of a federally participating highway project.

§ 140.703 Reimbursable costs.

The costs of salaries, wages, and related costs may be reimbursable for the following activities:

(a) *Preliminary engineering.* Location, design, and related work preparatory to the advancement of a project to physical construction.

(b) *Construction engineering.* The supervision and inspection of construction activities; additional staking functions considered necessary for effective control of the construction operations; testing materials incorporated into construction; checking shop drawings; and measurements needed for the preparation of pay estimates.

(c) *Acquisition of rights-of-way.* The preparation of right-of-way plans; making economic studies and other related preliminary work; appraisal for parcel acquisition; review of appraisals; preparation for and trial of condemnation cases; management of properties acquired; furnishing of relocation advisory assistance; and other related labor expenses.

(d) *Highway planning.* The orderly and continuing assembly and analysis of information about highways, such as the history of development and their extent, dimensions and conditions, use, economic and social effects, costs, and future needs.

(e) *Research and development.* The search for more complete knowledge of the characteristics of the highway system and the translation of the results of research into practice.

(f) *Administrative settlement costs-contract claims.* Services related to the review and defense of claims against Federal-aid projects, as provided for in Subpart E of Part 140 of this title, Administrative Settlement Costs-Contract Claims.

(g) *Miscellaneous functions.* Costs incurred for other activities which are properly attributable to, and for the benefit of, Federal-aid projects but are not assignable to any of the previously defined functions.

§ 140.705 Salaries and wages.

(a) Subject to appropriate authorization requirements, Federal funds may participate in the cost of salaries, wages, and related payroll expenses incurred for periods of time public employees are actively engaged, either directly or indirectly, in project-related activities.

(b) Salaries, wages, and related payroll expenses of an SHA for maintenance, general administration, supervision and other overhead are not eligible for reimbursement except as provided for in paragraph (b) of § 140.713.

§ 140.707 Travel and transportation.

(a) Federal funds may participate in the cost of commercial transportation, privately owned automobiles, and per diem or subsistence which is essential to the prosecution of the project and is performed in accordance with prescribed procedures.

(b) Reimbursement may be made for use of privately owned automobiles and per diem or subsistence which is incurred in conformance with established reimbursement policy of the SHA or LPA.

§ 140.709 Employee leave and holidays.

(a) An SHA or LPA may claim reimbursement for the costs of leave, i.e., annual, sick, military, jury, etc., that is earned, accounted for, and used in accordance with established procedures. The cost of such leave must be a liability of the SHA or LPA, must be equitably distributed to all activities, and the pro rata costs distributed to a Federal-aid project must be representative of the amount that is earned and accrued while working on the project.

(b) Compensatory leave granted by an SHA or LPA in lieu of payment of overtime to eligible employees may be claimed for reimbursement if accrued and granted under established policies on a uniform basis. Such leave costs must meet the criteria discussed in paragraph (a) of this section.

(c) Costs for other leave of a similar nature which may be peculiar to a specific SHA or LPA may also be reimbursed provided it meets the criteria set forth in paragraph (a) of this section.

§ 140.711 Social security, retirement, and other payroll benefits.

(a) Federal funds may participate in allocable costs incurred for social security, retirement, group insurance premiums, and similar items applicable to salaries and wages of public employees engaged in work in Federal-aid projects.

(b) The costs for such benefits must be a liability of the SHA or LPA and must meet the criteria set forth in paragraph (a) of § 140.709.

§ 140.713 General administration and other overhead.

(a) General administration, supervision, and other unallowable overhead costs of an SHA are those considered necessary for the management, supervision, and administrative control of a suitably equipped, staffed and operational SHA. Examples of such unallowable costs may include, but are not limited to, the following types of personnel, related payroll benefit costs, and other administrative or support services:

(1) Directors, department heads, legal, accounting, budgeting, internal auditing, personnel, and procurement units.

(2) Related clerical, secretarial, and other support services for officials and personnel listed in paragraph (a)(1) of this section.

(3) Management, supervision, and administrative overhead costs incurred by other units or departments of State, county, or city governmental organizations.

(b) Costs incurred for services rendered by employees generally classified as administrative may, however, be considered eligible for reimbursement for:

(1) A highway planning unit and a research and development unit, in the ratio of time spent on the participating portion of work in the unit to the total unit's working hours, and

(2) Other operating units if such employees are assigned for specific identifiable periods of time to perform project-related activities in the same manner as other operating personnel.

§ 140.715 Use of cost accumulation centers and cost distribution methods.

(a) Cost accumulation centers, i.e., cost centers, cost pools, or other acceptable cost accumulation methods, may be used to capture related types of costs for later distribution to all projects or other benefitting activities for which work was performed during the accounting period. The accounting and cost distribution procedures must be in accordance with paragraph (b) of this section for types of costs incurred under the following general criteria.

(1) Salaries, wages and related payroll benefit costs may be incurred during a payroll accounting period which affects a number of projects and, therefore, may not be easily adaptable to charging directly to individual projects due to such factors as (i) incompatibility of time increments for individual projects, (ii) an inordinate amount of time or additional number of documents to provide separate project coding, or (iii) a documented reduction of overhead costs in the elimination of processing source and coding required, increased electronic data processing applications, and additional accounting requirements.

(2) Small items of costs may be incurred which affect several projects and would result in a disproportionate amount of time and number of documents for separate project accounting in relation to the amount of costs involved.

(3) Items of costs may otherwise be eligible for reimbursement but, due to their nature and the small amounts involved, they are not being claimed for reimbursement, since the additional overhead costs required for separate project coding and effective internal controls are not cost beneficial in relation to separate project reimbursable amounts.

(4) The items of costs must be directly attributable to and properly allocable to the projects to which they are distributed. They must not lose their identity, i.e., type, amount, purpose for which incurred, whether federally participating, input source, etc.

(b) The use of separate cost accumulation centers for comparably related types of costs is a prerequisite to the use of percentages, or other acceptable distribution methods, for cost distribution to benefitting projects or other activities. The accounting procedures and methods of distribution used must have prior concurrence of the Federal Highway Administration, be representative of average actual costs, and must assure that (1) costs are uniformly and equitably distributed to all projects and activities for which work was performed during the accounting period irrespective of source of funds, (2) provisions are established for an adequate segregation of costs and separate distribution methods for similarly related types of costs, (3) actual costs and liabilities are fully accounted for and controlled, and (4) that reviews are made periodically, and the rates or other distribution methods are adjusted at least once annually by any over or under-distributed accumulated costs from the cost accumulation center for the preceding accounting period.

(c) Percentages representative of average actual costs may be used to distribute leave, social security, and other payroll benefits. Such rates are based on prior cost experience adjusted by anticipated known factors which will affect overall costs during the current year, i.e., scheduled salary increases, changes anticipated in insurance premiums, etc.

[FR Doc. 81-1341 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 510

[Docket No. R-81-693]

Section 312 Rehabilitation Loan Program

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The Secretary is amending the regulations for the Section 312 Rehabilitation Loan Program as a result of changes made in the program by the Housing and Community Development Act of 1980. Congress has changed the maximum loan amount for residential properties from $27,000 to $33,500 per dwelling unit and has included provisions making the maximum loan amounts for congregate dwelling properties and single room occupancy properties $25,000 and $15,000 per dwelling unit respectively. In addition, this Final Rule further limits refinancing to those cases deemed by the Secretary to be necessary and appropriate, based on a provision of the 1980 Act which states that this authority may not be delegated to any agency or organization outside the Department. This Final Rule is needed immediately to implement these important program changes. This Final Rule applies to the Section 312 Rehabilitation Loan Program, listed as No. 14.220 in the Catalog of Federal Domestic Assistance (CFDA).

EFFECTIVE DATE: February 15, 1981.

FOR FURTHER INFORMATION CONTACT: Craig S. Nickerson, Office of Urban Rehabilitation and Community Reinvestment, Room 7162, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone: 202/755-5970. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The 1980 legislative amendments change the maximum loan amount for residential property from $27,000 to $33,500 per dwelling unit; this requires amendment of § 510.36(a)(1) of the present regulations. In the present regulations, other requirements were tied to this loan limit and, therefore, several sections are being revised to reflect the new statutory loan limit. In addition, the definition of dwelling unit § 510.4(g)) is being revised to refer specifically to dwelling units in congregate housing properties and single room occupancy properties, and the maximum loan amounts for these properites of $25,000 and $15,000 per dwelling unit, respectively, are being inserted in § 510.36(a), in order to implement the amended maximum loan amounts for these categories of properties. Finally, one technical correction of existing § 510.36(a)(3) (renumbered § 510.36(a)(5) in these amendments) is being made to eliminate inconsistency with § 510.74. Section 510.74 does not require as-is appraisals for loans under $33,500 (as amended). Similarly, therefore, the requirement in § 510.36(a)(5) for a loan limit based on an as-is value calculation is being eliminated.

To implement the provisions of the 1980 legislation restricting approval of refinancing to Departmental officials, § 510.40 of the regulations is also being amended to provide that the locality or LPA must submit any loan application involving refinancing to the HUD Area Office for review and approval based on a judgment that refinancing is necessary and appropriate. Based on this new statutory requirement, § 510.72 of the regulation on local loan approval is also being revised to prohibit a locality or LPA from approving loans involving refinancing.

Other Information

The Department has determined that an environmental impact statement is not required with this rule. A copy of the Finding of No Significant Environmental Effect is available for inspection in the Office of the Rules Docket Clerk at the address provided above.

This rule only includes changes to the Section 312 Final Rule, 24 CFR Part 510, published September 10, 1980, that are necessary to implement legislative amendments in the Housing and Community Development Act of 1980, except for the single technical correction in § 510.36 mentioned above. None of the amendments included in this rule are subject to Departmental regulatory interpretation. Therefore, public comment on this rule is not being requested. These changes will become effective February 15, 1981; the same date that the Section 312 Final Rule, 24 CFR 510, becomes effective.

This rule is not listed in the Department's semi-annual agenda of significant rules, published pursuant to Executive Order 12221.

A waiver of Congressional review requirements of Section 7(o)(4) of the Housing and Urban Development Act has been received.

Accordingly, 24 CFR Part 510 is amended as follows:

1. Section 510.4 is amended by removing the second sentence of paragraph (g) of § 510.4 and inserting in lieu thereof:

§ 510.4 [Amended]

* * * * *

(g) * * * However, a dwelling unit in a congregate housing property need not contain a kitchen area if the property contains or is connected to a central dining facility where meals can be served to the occupants of the dwelling units, and a dwelling unit in a single room occupancy property need not contain a bathroom or a kitchen.

2. Section 510.36 is amended by removing paragraph (a) and inserting in lieu thereof:

§ 510.36 [Amended]

(a) *Residential.* The maximum loan amount for a Section 312 rehabilitation loan on a single-family or multifamily property shall not exceed the lesser of:

(1) $33,500 per dwelling unit; or

(2) $25,000 per dwelling unit in a congregate housing property; or

(3) $15,000 per dwelling unit in a single room occupancy property; or

(4) The total cost of rehabilitation (plus the cost of refinancing as defined in § 510.40 of this Part if applicable); or

(5) For loans over $33,500, an amount which when added to the outstanding indebtedness related to the property, creates a total indebtedness which does not exceed 97 percent of the sum of the as-is value of the property and the actual cost of rehabilitation.

3. Section 510.40 is amended by removing paragraph (c) of § 510.40 and inserting in lieu thereof:

§ 510.40 [Amended]

* * * * *

(c) *Procedure for Approval.* The LPA shall include in the loan file documentation supporting its opinion that refinancing meets the criteria in this Section and shall refer the loan to the HUD Area Office for a determination that refinancing is necessary and appropriate and for loan approval.

4. Section 510.72(a)(2) is amended by removing the period, substituting a comma, and adding the following:

§ 510.72 [Amended]

(a) * * *

(2) * * * and it shall prohibit the locality or LPA from approving loans involving refinancing pursuant to § 510.40.

§§ 510.39, 510.44, 510.74, 510.78, 510.80 [Amended]

5. The figure "$27,000" is changed to "$33,500" wherever it appears in §§ 510.39(a), 510.44(b)(1) and (2), 510.74(a) and (b), 510.78(b)(1) and (2) and 510.80(b)(2) of this Part.

[Sec. 312 of the United States Housing Act of 1964, as amended (42 U.S.C. 1452(b), and Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. (d))

Issued at Washington, D.C., November 28, 1980.

Walter G. Farr, Jr.,

Deputy Assistant Secretary for Office of Community Planning and Development.

[FR Doc. 81-1531 Filed 1-14-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[T.D. 7754; EE-167-78]

Income and Employment Taxes; Self-Insured Medical Reimbursement Plans

AGENCY: Internal Revenue Service.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to self-insured medical reimbursement plans and the withholding of income tax under these plans. Changes to the applicable law were made by the Revenue Act of 1978 and the Technical Corrections Act of 1979. These regulations provide necessary guidance to the public for compliance with the law and affect both employers who maintain self-insured medical reimbursement plans and certain employees who receive medical benefits under these plans.

DATES: The regulations are effective for taxable years beginning after December 31, 1979. However, transitional rules are provided for plan years beginning in 1979 and ending in 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Wickersham of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention:CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 105(h) of the Internal Revenue Code of 1954 (45 FR 13123). The amendments were proposed to conform the regulations to section 366 of the Revenue Act of 1978 (92 Stat. 2855). Section 103(a)(13) of the Technical Corrections Act of 1979 (94 Stat. 213), as enacted April 1, 1980, made clarifying amendments to section 366 of the Act and added section 3401(a)(20) to the Internal Revenue Code of 1954. A public hearing was held on June 24, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. In addition, a provision is added to the Employment Tax Regulations (26 CFR Part 31) concerning the withholding of income tax for payments under self-insured medical reimbursement plans.

Definition of Self-Insured Plan

The final regulations provide that a medical reimbursement plan underwritten by a policy of insurance issued by a licensed insurance company, or a qualifying prepaid health care plan, that does not involve the shifting of risk is considered self-insured. This test is unchanged from the proposed regulations.

Several commentators suggested that the absence of a shifting of risk is an inappropriate standard for self-insured reimbursement plans and should be eliminated. The commentators requested that the standard should be whether a plan is underwritten by a policy of insurance or a prepaid health care arrangement with a licensed insurance company.

The final regulations retain the shifting of risk standard for determining whether a plan is self-insured. An economic shifting of risk is a necessary element of insurance. The final regulations make it clear that if a specific policy or arrangement provides no shifting of risk it will be considered self-insured and subject to the rules of this regulation. Further, the final regulations make it clear that a policy or arrangement whereby an insured portion is added to what is essentially an administrative services arrangement will not cause the part which involves no shifting of risk to be considered as insured and therefore not subject to the section 105(h) rules.

Part-Time And Seasonal Employees

The final regulations provide rules that relate to the exclusion of part-time and seasonal employees from eligibility to participate in a self-insured medical reimbursement plan. The final regulations provide that if the employer has other employees in similar work the determination of whether an employee is part-time or seasonal is made by comparing the customary employment of such other employees in similar work to the employees described as part-time or seasonal. For employers that do not have other employees performing work similar to the employees described as part-time or seasonal, the determination will be made by comparing other employees in similar work in the same industry and location. Further, a safe harbor is provided whereby an employer may treat employees whose customary employment is less than 25 hours a week or 7 months a year as part-time or seasonal employees.

Health Maintenance Organization Participants

A provision is added to the final regulations to provide rules for employers maintaining a self-insured medical reimbursement plan that are required by law to offer employees the option of joining a health maintenance organization. For purposes of satisfying the eligibility requirements and for other purposes, employees who elect to participate in a health maintenance organization are considered to be benefited under the self-insured plan provided certain criteria are satisfied.

Medical Diagnostic Procedures

The final regulations provide an exception from the nondiscrimination requirements applicable to self-insured medical reimbursement plans for medical diagnostic procedures. Under the final regulations the exception is limited to only medical diagnostic procedures for employees. The exception is not expanded as requested by several commentators to include programs of preventive medicine and general health improvement. In addition, the exception for diagnostic procedures has been revised to include only transportation expenses that are otherwise allowed as medical deductions under section 213.

Multiple Plans

The final regulations add clarifying provisions that allow an employer with two or more self-insured medical reimbursement plans to aggregate two or more plans into a single plan for purposes of satisfying the nondiscrimination requirements. The regulations also make it clear that one plan document can be used for more than one separate plan of an employer if the employer establishes which plans are separate.

Withholding Tax

The final regulations add § 31.3401(a)(20)-1 to the Employment Tax Regulations (26 CFR Part 31) to provide rules under section 3401(a)(20), which was added by the Technical Corrections Act of 1979. The final regulations make it clear that amounts reimbursed to an employee for medical care under a self-insured medical reimbursement plan even though

includible in gross income are not "wages" under section 3401. Consequently, such reimbursements are not subject to withholding under section 3402.

Drafting Information

The principal author of this regulation is Kevin W. Cobb of the Employee Plans and Exempt Organizations 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 regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Parts 1 and 31 are hereby adopted as set forth below:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.105–11 is added immediately after § 1.105–10 to read as follows:

§ 1.105–11 Self-insured medical reimbursement plan.

(a) *In general.* Under section 105(a), amounts received by an employee through a self-insured medical reimbursement plan which are attributable to contributions of the employer, or are paid by the employer, are included in the employee's gross income unless such amounts are excludable under section 105(b). For amounts reimbursed to a highly compensated individual to be fully excludable from such individual's gross income under section 105(b), the plan must satisfy the requirements of section 105(h) and this section. Section 105(h) is not satisfied if the plan discriminates in favor of highly compensated individuals as to eligibility to participate or benefits. All or a portion of the reimbursements or payments on behalf of such individuals under a discriminatory plan are not excludable from gross income under section 105(b). However, benefits paid to participants who are not highly compensated individuals may be excluded from gross income if the requirements of section 105(b) are satisfied, even if the plan is discriminatory.

(b) *Self-insured medical reimbursement plan*—(1) *General rule*—(i) *Definition.* A self-insured medical reimbursement plan is a separate written plan for the benefit of employees which provides for reimbursement of employee medical expenses referred to in section 105(b). A plan or arrangement is self-insured unless reimbursement is provided under an individual or group policy of accident or health insurance issued by a licensed insurance company or under an arrangement in the nature of a prepaid health care plan that is regulated under federal or state law in a manner similar to the regulation of insurance companies. Thus, for example, a plan of a health maintenance organization, established under the Health Maintenance Organization Act of 1973, would qualify as a prepaid health care plan. In addition, this section applies to a self-insured medical reimbursement plan, determined in accordance with the rules of this section, maintained by an employee organization described in section 501(c)(9).

(ii) *Shifting of risk.* A plan underwritten by a policy of insurance or a prepaid health care plan that does not involve the shifting of risk to an unrelated third party is considered self-insured for purposes of this section. Accordingly, a cost-plus policy or a policy which in effect merely provides administrative or bookkeeping services is considered self-insured for purposes of this section. However, a plan is not considered self-insured merely because one factor the insurer uses in determining the premium is the employer's prior claims experience.

(iii) *Captive insurance company.* A plan underwritten by a policy of insurance issued by a captive insurance company is not considered self-insured for purposes of this section if for the plan year the premiums paid by companies unrelated to the captive insurance company equal or exceed 50 percent of the total premiums received and the policy of insurance is similar to policies sold to such unrelated companies.

(2) *Other rules.* The rules of this section apply to a self-insured portion of an employer's medical plan or arrangement even if the plan is in part underwritten by insurance. For example, if an employer's medical plan reimburses employees for benefits not covered under the insured portion of an overall plan, or for deductible amounts under the insured portions, such reimbursement is subject to the rules of this section. However, a plan which reimburses employees for premiums paid under an insured plan is not subject to this section. In addition, medical expense reimbursements not described in the plan are not paid pursuant to a plan for the benefit of employees, and therefore are not excludable from gross income under section 105(b). Such reimbursements will not affect the determination of whether or not a plan is discriminatory.

(c) *Prohibited discrimination*—(1) *In general.* A self-insured medical reimbursement plan does not satisfy the requirements of section 105(h) and this paragraph for a plan year unless the plan satisfies subparagraphs (2) and (3) of this paragraph. However, a plan does not fail to satisfy the requirements of this paragraph merely because benefits under the plan are offset by benefits paid under a self-insured or insured plan of the employer or another employer, or by benefits paid under Medicare or other Federal or State law or similar foreign law. A self-insured plan may take into account the benefits provided under another plan only to the extent that the type of benefit subject to reimbursement is the same under both plans. For example, an amount reimbursed to an employee for a hospital expense under a medical plan maintained by the employer of the employee's spouse may be offset against the self-insured benefit where the self-insured plan covering the employee provides the same type of hospital benefit.

(2) *Eligibility to participate*—(i) *Percentage test.* A plan satisfies the requirements of this subparagraph if it benefits—

(A) Seventy percent or more of all employees, or

(B) Eighty percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all employees are eligible to benefit under the plan.

(ii) *Classification test.* A plan satisfies the requirements of this subparagraph if it benefits such employees as qualify under a classification of employees set up by the employer which is found by the Internal Revenue Service not to be discriminatory in favor of highly compensated individuals. In general, this determination will be made based upon the facts and circumstances of each case, applying the same standards as are applied under section 410(b)(1)(B) (relating to qualified pension, profit-sharing and stock bonus plans), without regard to the special rules in section 401(a)(5) concerning eligibility to participate.

(iii) *Exclusion of certain employees.* Under section 105(h)(3), for purposes of this subparagraph (2), there may be excluded from consideration:

(A) Employees who have not completed 3 years of service prior to the beginning of the plan year. For purposes of this section years of service may be determined by any method that is reasonable and consistent. A

determination made in the same manner as (and not requiring service in excess of how) a year of service is determined under section 410(a)(3) shall be deemed to be reasonable. For purposes of the 3-year rule, all of an employee's years of service with the employer prior to a separation from service are not taken into account. For purposes of the 3-year rule, an employee's years of service prior to age 25, as a part-time or seasonal employee, as a member of a collective bargaining unit, or as a nonresident alien, as each is described in this subdivision, are not excluded by reason of being so described from counting towards satisfaction of the rule. In addition, if the employer is a predecessor employer (determined in a manner consistent with section 414(a)), service for such predecessor is treated as service for the employer.

(B) Employees who have not attained age 25 prior to the beginning of the plan year.

(C) Part-time employees whose customary weekly employment is less than 35 hours, if other employees in similar work with the same employer (or, if no employees of the employer are in similar work, in similar work in the same industry and location) have substantially more hours, and seasonal employees whose customary annual employment is less than 9 months, if other employees in similar work with the same employer (or, if no employees of the employer are in similar work, in similar work in the same industry and location) have substantially more months. Notwithstanding the preceding sentence, any employee whose customary weekly employment is less than 25 hours or any employee whose customary annual employment is less than 7 months may be considered as a part-time or seasonal employee.

(D) Employees who are included in a unit of employees covered by an agreement between employee representatives and one or more employers which the Commissioner finds to be a collective bargaining agreement, if accident and health benefits were the subject of good faith bargaining between such employee representatives and such employer or employers. For purposes of determining whether such bargaining occurred, it is not material that such employees are not covered by another medical plan or that the plan was not considered in such bargaining.

(E) Employees who are nonresident aliens and who receive no earned income (within the meaning of section 911(b) and the regulations thereunder) from the employer which constitutes income from sources within the United States (within the meaning of section 861(a)(3) and the regulations thereunder).

(3) *Nondiscriminatory benefits*—(i) *In general.* In general, benefits subject to reimbursement under a plan must not discriminate in favor of highly compensated individuals. Plan benefits will not satisfy the requirements of this subparagraph unless all the benefits provided for participants who are highly compensated individuals are provided for all other participants. In addition, all the benefits available for the dependents of employees who are highly compensated individuals must also be available on the same basis for the dependents of all other employees who are participants. A plan that provides optional benefits to participants will be treated as providing a single benefit with respect to the benefits covered by the option provided that (A) all eligible participants may elect any of the benefits covered by the option and (B) there are either no required employee contributions or the required employee contributions are the same amount. This test is applied to the benefits subject to reimbursement under the plan rather than the actual benefit payments or claims under the plan. The presence or absence of such discrimination will be determined by considering the type of benefit subject to reimbursement provided highly compensated individuals, as well as the amount of the benefit subject to reimbursement. A plan may establish a maximum limit for the amount of reimbursement which may be paid a participant for any single benefit, or combination of benefits. However, any maximum limit attributable to employer contributions must be uniform for all participants and for all dependents of employees who are participants and may not be modified by reason of a participant's age or years of service. In addition, if a plan covers employees who are highly compensated individuals, and the type or the amount of benefits subject to reimbursement under the plan are in proportion to employee compensation, the plan discriminates as to benefits.

(ii) *Discriminatory operation.* Not only must a plan not discriminate on its face in providing benefits in favor of highly compensated individuals, the plan also must not discriminate in favor of such employees in actual operation. The determination of whether plan benefits discriminate in operation in favor of highly compensated individuals is made on the basis of the facts and circumstances of each case. A plan is not considered discriminatory merely because highly compensated individuals participating in the plan utilize a broad range of plan benefits to a greater extent than do other employees participating in the plan. In addition, if a plan (or a particular benefit provided by a plan) is terminated, the termination would cause the plan benefits to be discriminatory if the duration of the plan (or benefit) has the effect of discriminating in favor of highly compensated individuals. Accordingly, the prohibited discrimination may occur where the duration of a particular benefit coincides with the period during which a highly compensated individual utilizes the benefit.

(iii) *Retired employees.* To the extent that an employer provides benefits under a self-insured medical reimbursement plan to a retired employee that would otherwise be excludible from gross income under section 105(b), determined without regard to section 105(h), such benefits shall not be considered a discriminatory benefit under this paragraph (c). The preceding sentence shall not apply to a retired employee who was a highly compensated individual unless the type, and the dollar limitations, of benefits provided retired employees who were highly compensated individuals are the same for all other retired participants. If this subdivision applies to a retired participant, that individual is not considered an employee for purposes of determining the highest paid 25 percent of all employees under paragraph (d) of this section solely by reason of receiving such plan benefits.

(4) *Multiple plans, etc.*—(i) *General rule.* An employer may designate two or more plans as constituting a single plan that is intended to satisfy the requirements of section 105(h)(2) and paragraph (c) of this section, in which case all plans so designated shall be considered as a single plan in determining whether the requirements of such section are satified by each of the separate plans. A determination that the combination of plans so designated does not satisfy such requirements does not preclude a determination that one or more of such plans, considered separately, satisfies such requirements. A single plan document may be utilized by an employer for two or more separate plans provided that the employer designates the plans that are to be considered separately and the applicable provisions of each separate plan.

(ii) *Other rules.* If the designated combined plan discriminates as to eligibility to participate or benefits, the amount of excess reimbursement will be determined under the rules of section

105(h)(7) and paragraph (e) of this section by taking into account all reimbursements made under the combined plan.

(iii) *H.M.O. participants.* For purposes of section 105(h)(2)(A) and paragraph (c)(2) of this section, a self-insured plan will be deemed to benefit an employee who has enrolled in a health maintenance organization (HMO) that is offered on an optional basis by the employer in lieu of coverage under the self-insured plan if, with respect to that employee, the employer's contributions to the HMO plan equal or exceed those that would be made to the self-insured plan, and if the HMO plan is designated in accordance with subdivision (i) with the self-insured plan as a single plan. For purposes of section 105(h) and this section, except as provided in the preceding sentence, employees covered by, and benefits under, the HMO plan are not treated as part of the self-insured plan.

(d) *Highly compensated individuals defined.* For purposes of section 105(h) and this section, the term "highly compensated individual" means an individual who is—

(1) One of the 5 highest paid officers,

(2) A shareholder who owns (with the application of section 318) more than 10 percent in value of the stock of the employer, or

(3) Among the highest paid 25 percent of all employees (including the 5 highest paid officers, but not including employees excludable under paragraph (c)(2)(iii) of this section who are not participants in any self-insured medical reimbursement plan of the employer, whether or not designated as a single plan under paragraph (c)(4) of this section, or in a health maintenance organization plan).

The status of an employee as an officer or stockholder is determined with respect to a particular benefit on the basis of the employee's officer status or stock ownership at the time during the plan year at which the benefit is provided. In calculating the highest paid 25 percent of all employees, the number of employees included will be rounded to the next highest number. For example, if there are 5 employees, the top two are in the highest paid 25 percent. The level of an employee's compensation is determined on the basis of the employee's compensation for the plan year. For purposes of the preceding sentence, fiscal year plans may determine employee compensation on the basis of the calendar year ending within the plan year.

(e) *Excess reimbursement of highly compensated individual*—(1) *In general.* For purposes of section 105(h) and this section, a reimbursement paid to a highly compensated individual is an excess reimbursement if it is paid pursuant to a plan that fails to satisfy the requirements of paragraph (c)(2) or (c)(3) for the plan year. The amount reimbursed to a highly compensated individual which constitutes an excess reimbursement is not excludable from such individual's gross income under section 105(b).

(2) *Discriminatory benefit.* In the case of a benefit available to highly compensated individuals but not to all other participants (or which otherwise discriminates in favor of highly compensated individuals as opposed to other participants), the amount of excess reimbursement equals the total amount reimbursed to the highly compensated individual with respect to the benefit.

(3) *Discriminatory coverage.* In the case of benefits (other than discriminatory benefits described in subparagraph (2)) paid to a highly compensated individual under a plan which fails to satisfy the requirements of paragraph (c)(2) relating to nondiscrimination in eligibility to participate, the amount of excess reimbursement is determined by multiplying the total amount reimbursed to the individual by a fraction. The numerator of the fraction is the total amount reimbursed during that plan year to all highly compensated individuals. The denominator of the fraction is the total amount reimbursed during that plan year to all participants. In computing the fraction and the total amount reimbursed to the individual, discriminatory benefits described in subparagraph (2) are not taken into account. Accordingly, any amount which is included in income by reason of the benefit's not being available to all other participants will not be taken into account.

(4) *Examples.* The provisions of this paragraph are illustrated by the following examples:

Example (1). Corporation M maintains a self-insured medical reimbursement plan which covers all employees. The plan provides the following maximum limits on the amount of benefits subject to reimbursement: $5,000 for officers and $1,000 for all other participants. During a plan year Employee A, one of the 5 highest paid officers, received reimbursements in the amount of $4,000. Because the amount of benefits provided for highly compensated individuals is not provided for all other participants, the plan benefits are discriminatory. Accordingly, Employee A received an excess reimbursement of $3,000 ($4,000 − $1,000) which constitutes a benefit available to highly compensated individuals, but not to all other participants.

Example (2). Corporation N maintains a self-insured medical reimbursement plan which covers all employees. The plan provides a broad range of medical benefits subject to reimbursement for all participants. However, only the 5 highest paid officers are entitled to dental benefits. During the plan year Employee B, one of the 5 highest paid officers, received dental payments under the plan in the amount of $300. Because dental benefits are provided for highly compensated individuals, and not for all other participants, the plan discriminates as to benefits. Accordingly, Employee B received an excess reimbursement in the amount of $300.

Example (3). Corporation O maintains a self-insured medical reimbursement plan which discriminates as to eligibility by covering only the highest paid 40% of all employees. Benefits subject to reimbursement under the plan are the same for all participants. During a plan year Employee C, a highly compensated individual, received benefits in the amount of $1,000. The amount of excess reimbursement paid Employee C during the plan year will be calculated by multiplying the $1,000 by a fraction determined under subparagraph (3).

Example (4). Corporation P maintains a self-insured medical reimbursement plan for its employees. Benefits subject to reimbursement under the plan are the same for all plan participants. However, the plan fails the eligibility tests of section 105(h)(3)(A) and thereby discriminates as to eligibility. During the 1980 plan year Employee D, a highly compensated individual, was hospitalized for surgery and incurred medical expenses of $4,500 which were reimbursed to D under the plan. During that plan year the Corporation P medical plan paid $50,000 in benefits under the plan, $30,000 of which constituted benefits paid to highly compensated individuals. The amount of excess reimbursement not excludable by D under section 105(b) is $2,700.

$$\left(\$4,500 \times \frac{30,000}{50,000}\right).$$

Example (5). Corporation Q maintains a self-insured medical reimbursement plan for its employees. The plan provides a broad range of medical benefits subject to reimbursement for participants. However, only the five highest paid officers are entitled to dental benefits. In addition, the plan fails the eligibility test of section 105(h)(3)(A) and thereby discriminates as to eligibility. During the calendar 1981 plan year, Employee E, a highly compensated individual, received dental benefits under the plan in the amount of $300, and no other employee received dental benefits. In addition, Employee E was hospitalized for surgery and incurred medical expenses, reimbursement for which was available to all participants, of $4,500 which were reimbursed to E under the plan. Because dental benefits are only provided for highly compensated individuals, Employee E

received an excess reimbursement under paragraph (e)(2) above in the amount of $300. For the 1981 plan year, the Corporation Q medical plan paid $50,300 in total benefits under the plan, $30,300 of which constituted benefits paid to highly compensated individuals. In computing the fraction under paragraph (e)(3), discriminatory benefits described in paragraph (e)(2) are not taken into account. Therefore, the amount of excess reimbursement not excludable to Employee E with respect to the $4,500 of medical expenses incurred is $2,700

$$\left(\$4,500 \times \frac{\$30,000}{\$50,000}\right),$$

and the total amount of excess reimbursements includable in E's income for 1981 is $3,000.

Example (6). (i) Corporation R maintains a calendar year self-insured medical reimbursement plan which covers all employees. The type of benefits subject to reimbursement under the plan include all medical care expenses as defined in section 213(e). The amount of reimbursement available to any employee for any calendar year is limited to 5 percent of the compensation paid to each employee during the calendar year. The amount of compensation and reimbursement paid to Employees A–F for the calendar year is as follows:

Employee	Compensation	Reimbursable amount paid
A	$100,000	$5,000
B	25,000	1,250
C	15,000	750
D	10,000	500
E	10,000	500
F	8,000	400
		8,400

(ii) Because the amount of benefits subject to reimbursement under the plan is in proportion to employee compensation the plan discriminates as to benefits. In addition, Employees A and B are highly compensated individuals. The amount of excess reimbursement paid Employees A and B during the plan year will be determined under paragraph (e)(2). Because benefits in excess of $400 (Employee F's maximum benefit) are provided for highly compensated individuals and not for all other participants, Employees A and B received, respectively, an excess reimbursement of $4,600 and $850.

(f) *Certain controlled groups.* For purposes of applying the provisions of section 105(h) and this section, all employees who are treated as employed by a single employer under section 414 (b) and (c), and the regulations thereunder (relating to special rules for qualified pension, profit-sharing and stock bonus plans), shall be treated as employed by a single employer.

(g) *Exception for medical diagnostic procedures*—(1) *In general.* For purposes of applying section 105(h) and this section, reimbursements paid under a plan for medical diagnostic procedures for an employee, but not a dependent, are not considered to be a part of a plan described in this section. The medical diagnostic procedures include routine medical examinations, blood tests, and X-rays. Such procedures do not include expenses incurred for the treatment, cure or testing of a known illness or disability, or treatment or testing for a physical injury, complaint or specific symptom of a bodily malfunction. For example, a routine dental examination with X-rays is a medical diagnostic procedure, but X-rays and treatment for a specific complaint are not. In addition, such procedures do not include any activity undertaken for exercise, fitness, nutrition, recreation, or the general improvement of health unless they are for medical care as defined in section 213(e). The diagnostic procedures must be performed at a facility which provides no services (directly or indirectly) other than medical, and ancillary, services. For purposes of the preceding sentence, physical proximity between a medical facility and nonmedical facilities will not for that reason alone cause the medical facility not to qualify. For example, an employee's annual physical examination conducted at the employee's personal physician's office is not considered a part of the medical reimbursement plan and therefore is not subject to the nondiscrimination requirements. Accordingly, the amount reimbursed may be excludable from the employee's income if the requirements of section 105(b) are satisfied.

(2) *Transportation, etc. expenses.* Transportation expenses primarily for an allowable diagnostic procedure are included within the exception described in this paragraph, but only to the extent they are ordinary and necessary. Transportation undertaken merely for the general improvement of health, or in connection with a vacation, is not within the scope of this exception, nor are any incidental expenses for food or lodging; therefore, amounts reimbursed for such expenses may be excess reimbursements under paragraph (e).

(h) *Time of inclusion.* Excess reimbursments (determined under paragraph (e)) paid to a highly compensated individual for a plan year will be considered as received in the taxable year of the individual in which (or with which) the plan year ends. The particular plan year to which reimbursements relate shall be determined under the plan provisions. In the absence of plan provisions reimbursements shall be attributed to the plan year in which payment is made. For example, under a calendar year plan an excess reimbursement paid to A in 1981 on account of an expense incurred and subject to reimbursement for the 1980 plan year under the terms of the plan will be considered as received in 1980 by A.

(i) *Self-insured contributory plan.* A medical plan subject to this section may provide for employer and employee contributions. See § 1.105–1(c). The tax treatment of reimbursements attributable to employee contributions is determined under section 104(a)(3). The tax treatment of reimbursements attributable to employer contributions is determined under section 105. The amount of reimbursements which are attributable to contributions of the employer shall be determined in accordance with § 1.105–1(e).

(j) *Effective date.* Section 105(h) and this section are effective for taxable years beginning after December 31, 1979 and for amounts reimbursed after December 31, 1979. In determining plan discrimination and the taxability of excess reimbursements made for a plan year beginning in 1979 and ending in 1980, a plan's eligibility and benefit requirements as well as actual reimbursements made in the plan year during 1979, will not be taken into account. In addition, this section does not apply to expenses which are incurred in 1979 and paid in 1980.

(k) *Special rules*—(1) *Relation to cafeteria plans.* If a self-insured medical reimbursement plan is included in a cafeteria plan as described in section 125, the rules of this section will determine the status of a benefit as a taxable or nontaxable benefit, and the rules of section 125 will determine whether an employee is taxed as though he elected all available taxable benefits (including taxable benefits under a discriminatory medical reimbursement plan). This rule is illustrated by the following example:

Example. Corporation M maintains a cafeteria plan described in section 125. Under the plan an officer of the corporation may elect to receive medical benefits provided by a self-insured medical reimbursement plan which is subject to the rules of this section. However, the self-insured medical reimbursement plan fails the nondiscrimination rules under paragraph (c) of this section. Accordingly, the amount of excess reimbursement is taxable to the officer participating in the medical reimbursement plan pursuant to section 105(h) and this section. Therefore, the self-

insured medical reimbursement plan will be considered a taxable benefit under section 125 and the regulations thereunder.

(2) *Benefit subject to reimbursement.* For purposes of this section, a benefit subject to reimbursement is a benefit described in the plan under which a claim for reimbursement or for a payment directly to the health service provider may be filed by a plan participant. It does not refer to actual claims or benefit reimbursements paid under a plan.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 2. There is added immediately before § 31.3401(b)–1 the following new section § 31.3401(a)(20)–1 to read as set forth below. Section 31.3401(a)(19)–1 is reserved.

§ 31.3401(a)(19)–1 [Reserved]

§ 31.3401(a)(20)–1 Reimbursements under a self-insured medical reimbursement plan.

Amounts reimbursed to or on behalf of an employee after December 31, 1979, as a medical care reimbursement under a self-insured medical reimbursement plan (within the meaning of section 105(h)(6)) do not constitute wages and hence are not subject to withholding even though such reimbursement is includible in the gross income of an employee. For rules with respect to self-insured medical reimbursement plans, see section 105(h) and § 1.105–11 of this Chapter (Income Tax Regulations).

This Treasury decision is issued under the authority contained in section 105(h) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 2855, 68A Stat. 917; 26 U.S.C. 105(h) and 7805).

William E. Williams,
Acting Commissioner of Internal Revenue.
Approved: January 2, 1981.
Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 81-1548 Filed 1-13-81; 11:20 pm]
BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 58–81]

Production or Disclosure of Material or Information; Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice, Office of Professional Responsibility.

ACTION: Final rule.

SUMMARY: Pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2) and (k)(5), on February 5, 1980, the Department of Justice issued in the Notice Section of the **Federal Register** a notice of intent to exempt a new system of records from the access provisions of 5 U.S.C. 552a(c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f) and (g). On the same day the Department issued in the Proposed Rules Section a proposed rule to effect the exemption. The subject system is entitled Office of Professional Responsibility Record Index System (JUSTICE/OPR–001). Exemption was proposed in those cases where a request for access to a complaint file is made prior to administrative resolution of the complaint. The exemption is needed to ensure unhampered investigatory and disciplinary efforts during the complaint and discipline process and to protect the identity of confidential sources.

DATES: The rule will be effective January 15, 1981.

ADDRESS: Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202–633–3452).

SUPPLEMENTARY INFORMATION: The proposed rule published in the **Federal Register** on February 5, 1980, set forth plans to exempt a new system of records from certain access provisions of the Privacy Act. No comments have been received regarding the proposed rule. Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a(j)(2), (k)(1), (k)(2) and (k)(5) and delegated to me by Attorney General Order No. 793–78, the proposed rule is adopted as set forth below.

Dated: January 2, 1981.
William D. Von Stavoren,
Acting Assistant Attorney General for Administration.

Section 16.80 is added to 28 CFR to read as follows:

§ 16.80 Exemption of Office of Professional Responsibility System—limited access.

(a) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f) and (g):

(1) Office of Professional Responsibility Record Index (JUSTICE/OPR–001).

These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of the disclosure accounting would enable the subject of an investigation to gain information concerning the existence, nature and scope of the investigation and seriously hamper law enforcement efforts.

(2) From subsections (c)(4), (d), (e)(4)(G) and (H), (f) and (g) because these provisions concern individual access to records and such access might compromise ongoing investigations, reveal confidential informants and constitute unwarranted invasions of the personal privacy of third persons who provide information in connection with a particular investigation.

(3) From subsections (e)(1) and (5) because the collection of information during an investigation necessarily involves material pertaining to other persons or events which is appropriate in a thorough investigation, even though portions thereof are not ultimately connected to the person or event subject to the final action or recommendation of the Office of Professional Responsibility.

(4) From subsection (e)(2) because collecting the information from the subject would thwart the investigation by placing the subject on notice of the investigation.

(5) From subsections (e)(3) and (e)(8) because disclosure and notice would provide the subject with substantial information which could impede or compromise the investigation. For example, an investigatory subject occupying a supervisory position could, once made aware that a misconduct investigation was ongoing, put undue pressure on subordinates so as to preclude their cooperation with investigators.

[FR Doc. 81-1344 Filed 1-14-81; 8:45 am]
BILLING CODE 4410-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Interim Regulation on Valuation of Plan Benefits; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on Valuation of Plan Benefits contains the interest rates and factors for the period beginning

February 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 *as amended by* the Multiemployer Pension Plan Amendments Act of 1980 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after February 1, 1981, and enables the PBGC to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

EFFECTIVE DATE: February 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974 *as amended by* the Multiemployer Pension Plan Amendment Act of 1980 (the "Act") (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before December 1, 1980. (29 CFR Part 2610 (1979), 44 FR 42180, 44 FR 58908, 45 FR 2026, 45 FR 21228, 45 FR 43164, 45 FR 64907, 45 FR 75658).

On November 14, 1980, the PBGC published the first set of prospective interest rates for plans that terminate on or after December 1, 1980 (45 FR 75209). Those rates are in effect for plans that terminate during December, 1980. Subsequently, the PBGC published rates for plans that terminate on or after January 1, 1981 (45 FR 82172). Those rates will be in effect for plans that terminate on or after January 1, 1981 and before February 1, 1981.

Appendix B is amended by this document to add a set of interest rates and factors for plans that terminate on or after February 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, these rates will be in effect for at least one month. If these new rates are to be changed for the month of March, 1981, PBGC will publish a notice to that effect no later than the 15th of February. If no change is to be made, no notice will be published, and the February, 1981 rates will remain in effect at least through the month of March, 1981.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors added by this publication are applicable to non-multiemployer plans only.

Because of the need to determine and issue new interest rates and factors within a very tight time frame, so that the rates can be as accurate as possible and issued on a prospective basis, the PBGC finds that notice of and public comment on this amendment are impracticable and contrary to the public interest. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after February 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the interim regulation effective less than 30 days after publication.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising the heading of Table XXII and by adding a new Table XXIII to Appendix B, as follows:

Appendix B—Interest Rates and Quantities Used To Value Benefits

* * * * *

XXII. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after January 1, 1981 and before February 1, 1981.*

* * * * *

XXIII. *The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after February 1, 1981.*

I. *Interest rate for valuing immediate annuities.*

An interest rate of 9¾ percent shall be used to value immediate annuities, to compute the quantity "G," for deferred annuities and to value both portions of a cash refund annuity.

II. *Interest rate for valuing death benefits.*

An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity.

III. *Interest rates and quantities used for valuing deferred annuities.*

The following factors shall be used to value deferred annuities:

(1) $k_1 = 1.09$
(2) $k_2 = 1.0775$
(3) $k_3 = 1.04$
(4) $n_1 = 7$
(5) $n_2 = 8$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029, (1974), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, 1299, (1980))

Issued at Washington, D.C., on this 9th day of January 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-1357 Filed 1-14-81; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 79-126]

Procedure for Exemption From the Requirement for Segregated Ballast Tanks, Dedicated Clean Ballast Tanks or a Crude Oil Washing System for Existing Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This document adds to the rules for tank vessels carrying oil in bulk a procedure for exemption from the requirements for segregated ballast tanks (SBT), dedicated clean ballast tanks (CBT) or crude oil washing (COW) systems. This rule implements subsection (7)(N) of section 5 of the Port and Tanker Safety Act of 1978 which allows the exemption if shore-based reception facilities are a preferred method of handling dirty ballast. This

rule recognizes that in certain trades where existing tank vessels have set loading locations, it is as effective to use shore-based reception facilities for the treatment of oil residues as it is to use SBT, CBT or COW.

EFFECTIVE DATE: This amendment is effective on February 17, 1981.

ADDRESSES: Copies of the combined final regulatory evaluation and environmental assessment and of the finding of no significant impact relating to this amendment are available for examination or copying at the Marine Safety Council (G–CMC/24), Room 2148, Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, D.C. 20593. These documents are available between the hours of 7:00 a.m. and 5:00 p.m. Monday through Thursday.

Copies of COMMANDANT INSTRUCTION 16601.3, "Policy and Procedure for Public Consultation in Port and Tanker Safety Act Rulemaking", are available from the Marine Safety Council (G–CMC/24) at the address indicated above.

FOR FURTHER INFORMATION CONTACT: LCDR Alan E. Spackman, Merchant Marine Technical Division (G–MMT–1/13), Room 1308, Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, D.C. 20593 (202–426–4431).

SUPPLEMENTARY INFORMATION: On May 22, 1980 the Coast Guard published a proposal in the **Federal Register** (45 FR 34306) to provide a procedure for the exemption of certain existing U.S. tank vessels from the requirements for segregated ballast tanks, dedicated clean ballast tanks or crude oil washing systems. Notice of availability of the combined draft regulatory evaluation and draft environment assessment was provided at the same time. Interested persons were given an opportunity to submit written comments to the Coast Guard concerning the proposal and the related documents until July 7, 1980. Two comments were received regarding the draft regulatory evaluation and draft environmental assessment. Comments on the proposed regulations were received from a total of 13 commenters. A discussion of the comments received is contained in the following paragraphs.

Drafting Information

The principal persons involved in the drafting of this rule are LCDR Alan E. Spackman, Project Manager, Office of Merchant Marine Safety and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Final regulations implementing portions of the equipment and construction standards contained in subsection 7 of section 5 of the Port and Tanker Safety Act of 1978 (PTSA) (92 Stat. 1480, 1484; 46 U.S.C. 391a) were published in the **Federal Register** of June 30, 1980 (45 FR 43705). These regulations are consistent with the equipment and construction standards developed at the International Conference on Tanker Safety and Pollution Prevention (TSPP) as adopted in the *Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973* (MARPOL Protocol). The proposed rules for exemption were promulgated to implement section 5(7)(N) of the PTSA in a manner that would be consistent with the equipment and construction standards of the MARPOL Protocol. Under Regulation 13C of the MARPOL Protocol exemptions from the equipment and construction standards may be granted only to tank vessels engaged in three types of trade. These vessels are: Those which engage in trades wherein their voyages are wholly between ports or terminals within a flag state (country); those whose trade consists of voyages that are entirely within a "Special Area"; and, those whose voyages are within other limits to be designated by the Inter-Governmental Maritime Consultative Organization (IMCO).

The first of these trades was addressed by the proposed regulations. Resolution 16 to the MARPOL Protocol calls for further study by IMCO with regard to the consequences, including the environmental effects, of extension of the exemptions into the latter two areas. The Marine Environment Protection Committee (MEPC) of IMCO has tentatively scheduled discussion on Regulation 13C and Resolution 16 for its sixteenth session (November 1981). While it may be argued that the exemption provision of the PTSA provides authority for the exemption of the vessels engaged on voyages in these latter two areas (a position not held by the Coast Guard) the Coast Guard feels that it would be inappropriate to undertake unilateral action that would tend to foreclose future options in areas which, when the MARPOL Protocol enters into force, will require further international action.

Two commenters suggested that the exemption be made available to vessels operating through the transshipment facility in Panama arguing that the movement of Alaskan Oil in this trade is considered, for other purposes, domestic trade. While this may be the case, this trade is not limited to voyages wholly between ports or terminals within the United States. As discussed in the previous paragraph, under the provisions of Regulation 13C(1)(b)(ii) and 13C(2)(b) positive action by the governments of the United States and Panama, as well as IMCO, would be required before U.S. vessels that use the Panama transshipment facility could be exempted.

One commenter questioned the applicability of the exemption to a foreign flag vessel, presumably engaged in voyages wholly between U.S. ports. Under Regulation 13C(2)(b) of the MARPOL Protocol, the vessel's flag state issues the exemption. Further, under the Protocol, agreement would have to be reached between the vessel's flag state and the United States before an exemption could be granted to a foreign vessel on voyages between U.S. ports. To date there have been no moves to institute any such agreement.

Subsections (7)(E) and (7)(H) of section 5 of the PTSA require CBT, SBT and COW systems on existing tankers of 20,000 DWT or greater but less than 40,000 DWT, which are 15 years old or older, not later than January 1, 1986. Two commenters suggested that the scope of the exemption be expanded to include these vessels. Since there are no regulations requiring SBT, CBT or COW systems on existing tankers in this size range at this time, there is no need to provide an exemption. One commenter suggested that vessels in this size range be required to use shore-based reception facilities until January 1, 1986. Both suggestions are outside the scope of the proposed rulemaking. Subsections (7)(E) and (7)(H) of section 5 of the PTSA will be the subject of future action by the Coast Guard.

Two commenters questioned the need for cargo oil monitors on vessels operating under the exemption. 33 CFR 157.37(a)(6) which requires that a vessel have in operation an approved automatic oil discharge monitoring and control system is not being enforced by the Coast Guard pending the issuance of final regulations providing specifications for the equipment and compliance dates. A notice of proposed rulemaking proposing the specification was originally published in the **Federal Register** on June 27, 1977 (CGD 76–088b, 42 FR 32684). A supplemental notice of proposed rulemaking is currently being prepared and is expected to be published in the near future. These comments will be included in docket CGD 76–088b for consideration.

Two commenters questioned the need for monitoring and control systems for machinery spaces on exempted vessels.

The regulatory proposal for this equipment is concomitant to the regulatory proposal for cargo oil discharge monitoring and control systems discussed in the previous paragraph. These comments will be included in the docket of that proposal for consideration. The requirement in 33 CFR 157.39(b)(4) for this equipment is not being enforced pending the issuance of final regulations providing the specification for the equipment and compliance dates.

Three commenters suggested that the listing of ports other than the cargo loading ports, as proposed in § 157.302(b)(2), is unnecessary. The Coast Guard agrees and is deleting the requirement and changing §§ 157.302(b) and 157.310(a) accordingly. The intent of the proposal was to ensure that the applicant fully understood that ports of call would be limited to ports or places within the United States, its territories, or its possessions. The standards in §§ 157.300(a) and 157.310 should be sufficient to accomplish this end.

Two commenters suggested that proposed § 157.302(b)(4)(i) could be improved by indicating either the name or the title of that person to contact. The Coast Guard agrees and the change has been made accordingly.

One commenter indicated that proposed § 157.302 should be changed in a manner that would permit loading in ports without reception facilities where ballast was retained on board or where a partial cargo yields a safe operating condition. The effect of the suggested change would be to eliminate the requirement that reception facilities be available at each cargo loading port. Regulation 13C(b)(2) of the MARPOL Protocol was intended to provide the exemption only when the ports or terminals where cargo is loaded are provided with reception facilities. The Coast Guard's intent is to provide exemptions in a manner consistent with the MARPOL Protocol. The suggestion is, therefore, rejected.

The Coast Guard's principal areas of concern with respect to reception facilities to service exempted vessels are that the facility be capable of receiving, storing and processing in an environmentally sound manner the ballast discharges of an exempted vessel and that reception facilities remain available to other users, especially those marine users unable to otherwise dispose of oil or oil residues in accordance with 33 CFR 157.38. Eleven comments were directed to these areas of concern.

One commenter felt that the requirement proposed in § 157.304(b) for facility capacity did not recognize instances where either more or less ballast would have been carried by the vessel. Another felt that the requirement was redundant because of the proposal in § 157.302(b)(4) that the facility owner attest to the capability of his facility to handle the applicant's vessel. The 30% of the deadweight value that was chosen is admittedly a nominal, but reasonable, value that should ensure that a facility will be capable of receiving the ballast discharges of an exempted vessel under normal conditions. Ballast in excess of the facility's storage capabilities will obviously have to be retained on board or, as one commenter suggested, transferred for storage to another vessel. The requirement is not redundant since § 157.302(b)(4) (now designated as § 157.302(b)(3)) concerns the capability of the facility to process, rather than receive and store, the vessel's ballast discharges.

One commenter suggested that proposed § 157.302(b)(5) be changed so that in lieu of receiving a copy of the NPDES permit the Coast Guard would be supplied with a statement that the facility holds such a permit and the number of that permit. Since, once identified, the necessary information from the permit is available to the Coast Guard from other governmental agencies, the Coast Guard is accepting this suggestion and changing the proposal accordingly (now numbered § 157.302(b)(4)). Applicants should be aware that the Coast Guard does intend to ensure that proposed facilities are capable of servicing the applicant's vessel, and that consideration of the application will probably be delayed until the Coast Guard has obtained any necessary information from the NPDES permit.

Two commenters suggested that proposed § 157.304(a) be changed to allow the Coast Guard to accept environmental documents other than NPDES permits. Such a change is only necessary if the exemption is broadened to include ports or places not within the United States, its territories or possessions. As previously discussed this expansion has been rejected.

One commenter suggested that the requirement in proposed § 157.302(b)(4)(ii) for the owner of a facility to verify that the facility can service the applicant's vessel "without adversely affecting the service of the facility of current users" be dropped, arguing that the Act requires only that the facility be readily available to those vessels seeking the exemption. The Coast Guard disagrees. The MARPOL Protocol recognizes the need for reception facilities to be available for vessels which cannot otherwise discharge oily water. Until the development of regulations to assure availability of reception facilities, the Coast Guard does not wish to take any action, such as these exemptions, which would render currently available facilities incapable of meeting the needs of their current users. To ensure that consideration is given to the current facility users, the commenter's suggestion is rejected.

Two commenters suggested that the Coast Guard monitor compliance on the part of the shore-based reception facilities. Compliance on the part of shore-based reception facilities is monitored by the Environmental Protection Agency under the NPDES program.

One commenter suggested that the regulations include the means to be used by the Coast Guard in monitoring the status of the NPDES permits at listed reception facilities. The Coast Guard has concluded that such monitoring would be best accomplished administratively between government agencies and need not be addressed in these regulations.

One commenter suggested that proposed §§ 157.304(b) and 157.310 be modified to include clean ballast as well as segregated ballast. Since Regulation 13C(2)(a) of the MARPOL Protocol specifically calls for clean ballast water to be retained on board for treatment at a reception facility, the suggestion is rejected.

One commenter questioned whether or not the Coast Guard considered the burden the regulations would impose on port owners and operators in providing reception facilities. As discussed in the combined draft regulatory evaluation and draft environmental assessment, the Coast Guard does not anticipate these regulations to impose such a burden. The regulations do not require that new facilities be provided, but, rather, allow an exemption when they are available. Due to the short time period before the vessel requirements come into effect, the Coast Guard does not feel that it is possible to construct new facilities or expand existing facilities specifically to accommodate exempted vessels. The majority of the vessels expected to be granted exemptions are operating in Trans-Alaska Pipeline service where a reception facility is already available and is used for the discharge of oily ballast water. The other vessels that are expected to operate under the exemption are expected to use existing reception facilities which are essentially under the control of the vessel's owner or operator or the terminal handling the

vessel's cargo. Section 157.302(b)(3)(ii) is intended to minimize the impact on any other facility which may be listed.

One commenter questioned whether a VLCC which is lightered could serve as the reception facility for a lightering vessel. This would not be acceptable because the PTSA specifically requires shore-based reception facilities. This is not to say that a second vessel cannot be used as a means of transporting ballast water from an exempted vessel to an acceptable shore-based reception facility.

Four commenters suggested that proposed §§ 157.302(c), 157.302(a), 157.306(a) and 157.310(a), (b) and (c) be changed in various ways to provide additional flexibility to the vessel's trading routes, or allow the vessel to move into or out of exempted trade. Additional commenters suggested that the proposal be changed to allow the Officer in Charge, Marine Inspection (OCMI) to modify the exemption so as to provide more rapid processing. The exemption, as envisioned in the MARPOL Protocol, is to apply to vessels engaged in specific trades where the vessels involved have set loading locations. The exemption is not intended to provide an exempted vessel the same operational flexibility as a non-exempt vessel. One argument set forth by several of the commenters, that the additional flexibility is necessary in order for the vessel to compete, is one of the possible disadvantages which must be considered before making the decision to operate a vessel as an exempted vessel. Presumably an exempted vessel will enjoy a competitive advantage in some trades where adequate cargoes are available because it will not be required to fit CBT, SBT or COW. From a practical standpoint there are a limited number of loading ports in the U.S. servicing vessels of this size. Nothing precludes a vessel operator from making the necessary contacts and listing all the potential loading ports for an individual vessel. The Coast Guard feels that with proper forethought on the part of vessel owners there will be little need for modification of exemptions. Due to the limited number of vessels involved, the Coast Guard feels that the procedure for handling modifications, as proposed, would be more expeditious than handling these modifications by the OCMI. For an extraordinary situation, such as an emergency shipyard entry, the provisions of § 157.310(a) would permit a one-time determination of the acceptability of a non-listed reception facility by the OCMI.

Seven commenters addressed the subject of delay to non-exempt vessels caused by the use of a facility by an exempted vessel. Most indicated that they felt that a delay restriction is a matter that should not be regulated but should be determined by the reception facility operator as a commercial matter. One commenter agreed with the principle that the use of reception facilities by exempted vessels should not unreasonably interfere with their use by non-exempted vessels. One agreed that this was a laudable objective but questioned whether there might be overriding terminal management considerations. One commenter suggested that tank barges could be used to provide temporary storage for discharges from either exempt or non-exempt vessels and thus ameliorate the potential problem. In light of the comments received, the lack of a definite problem, financial considerations which tend to preclude the problem, and the existence of plausible alternatives, such as discharge to tank barges for temporary storage, the Coast Guard will not impose a delay standard at this time. If, in the future, this proves to be a problem, the Coast Guard will pursue remedial administrative or regulatory action.

Two commenters addressed the combined draft regulatory evaluation and draft environmental assessment. One commenter provided general support. The second commenter questioned the Coast Guard's reasoning in choosing to perform an environmental assessment (EA) rather than prepare an Environmental Impact Statement (EIS). The commenter noted that the regulations implementing the TSPP results were considered a major federal action and were accompanied by an EIS, and suggested that since the proposal would provide exemptions to the requirements stemming from TSPP, it too should be considered a major federal action. As was discussed in the draft EA, the Coast Guard could identify no significant impact resulting from the proposed action. Lacking a significant effect the proposed action cannot be considered a major federal action (see 40 CFR 1508.18 and 1508.27). Recognizing the relationship of this rulemaking to the previous rulemaking action and its EIS, this action is assessed by a statement that is "tiered" to the TSPP EIS, in accordance with 40 CFR 1502.20.

In response to additional statements made by one commenter the combined regulatory evaluation and environmental assessment has been modified by including a discussion of the differences between the surveys which were conducted by the Maritime Administration and the Coast Guard to identify potential exempted vessels and by adding an appendix which provides the supporting calculations.

One commenter suggested that consultation provided other federal agencies was not that which is intended under subsection (6) of Section 5 of the PTSA. The Coast Guard has followed its current procedures for consultation in the preparation of this rulemaking. There has been some criticism of these procedures in response to this rulemaking and other rulemaking issued under the PTSA, and the Coast Guard subsequent to this rulemaking has revised those procedures. The new procedures are contained in COMMANDANT INSTRUCTION 16601.3 which can be obtained as indicated under "ADDRESSES".

In consideration of the foregoing, the proposed rules published in the May 22, 1980 issue of the **Federal Register** (45 FR 34306) are hereby adopted with the changes described above and set forth below. The Coast Guard has evaluated this rule under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A combined final regulatory evaluation and environmental assessment has been prepared that contains a finding of no significant impact. This document is available as indicated above in "ADDRESSES".

Accordingly, Subchapter O of Chapter I of Title 33, Code of Federal Regulations is amended as follows: 1. By adding a new Subpart F to read as follows:

Subpart F—Exemptions from § 157.10a

Sec.

157.300 Qualifications for exemptions under this part.
157.302 Applying for an exemption or requesting modification of an exemption.
157.304 Shore-based reception facility: Standards.
157.306 Granting, denying, or modifying an exemption.
157.308 Revocation of exemption: procedure and appeals.
157.310 Exempted vessels: operations.

Authority: 92 Stat. 1483 (Subsection 6 of Sec. 5, Port and Tanker Safety Act of 1978; 46 U.S.C. 391a); 49 CFR 1.46(n)(4).

Subpart F—Exemptions From § 157.102

§ 157.300 Qualifications for exemptions under this part.

(a) Each U.S. tank vessel under § 157.10a of this part may qualify for an exemption from the requirements of § 157.10a of this part if—

(1) The vessel loads and discharges cargo only at ports or places within the

United States, its territories, or its possessions; and

(2) The application for exemption meets § 157.302.

(b) Except where the owner can show good cause, a vessel is not granted an exemption under this subpart if a previous exemption for the vessel has been revoked by the Coast Guard under § 157.308(a)(1) or § 157.308(a)(2).

§ 157.302 Applying for an exemption or requesting modification of an exemption.

(a) Each application for an exemption or modification must be in writing and submitted to the Commandant (G-MMT/13), U.S. Coast Guard, Washington, D.C. 20593.

(b) Each application for exemption must include the following: (1) The name and official number of the vessel for which the exemption is requested.

(2) A list of each port or place where the vessel would load cargo.

(3) The name, address, and telephone number for each shore-based reception facility at each port listed under paragraph (b)(2) of this section where the vessel would discharge its ballast water and cargo residues, including—

(i) The name or title of the person at each facility who should be contacted for information concerning the operation of the reception facility; and

(ii) A statement from the facility owner disclosing whether or not, based on current operating conditions, the facility has the capability of processing the anticipated volume and type of discharges from the vessel without adversely affecting the service of the facility to current users.

(4) The number of the permit under the National Pollutant Discharge Elimination System (NPDES permit) issued to each listed shore-based reception facility.

(5) A list of each type of oil cargo that the vessel would load.

(6) A description of the method by which the vessel would discharge ballast water and cargo residues to each listed shore based reception facility.

(c) Each request for modification to an exemption must include the following:

(1) The name and official number of the vessel for which the modification to the exemption is requested.

(2) The reason for requesting modification of the exemption.

(3) Any additional information which is pertinent to the modification.

§ 157.304 Shore-based reception facility: standards.

No shore-based reception facility may be listed to meet § 157.302(b)(3) unless that reception facility has—

(a) A valid NPDES permit which allows it to process the ballast water and cargo residues of the vessel for which the exemption is being requested; and

(b) The capacity to receive and store a volume of dirty ballast water equivalent to 30 percent of the deadweight, less the segregated ballast volume, of the vessel for which the exemption is being requested.

§ 157.306 Granting, denying, or modifying an exemption.

(a) The Chief, Office of Merchant Marine Safety issues a written decision concerning the grant or denial of each exemption or modification requested under § 157.302.

(b) If the exemption or request for modification is denied, the decision under paragraph (a) of this section includes the reasons for the denial.

(c) Any person directly affected by, and not satisfied with, a decision made under paragraph (a) of this section may appeal that decision, in writing, to the Commandant, U.S. Coast Guard, Washington, D.C., 20593. The appeal may contain any supporting documentation or evidence that the appellant wishes to have considered.

(d) The Commandant, U.S. Coast Guard issues a ruling after reviewing the appeal submitted under paragraph (c) of this section. This ruling is final agency action.

§ 157.308 Revocation of exemption: procedure and appeals.

(a) The Officer in Charge, Marine Inspection may consider the revocation of the exemption granted under this subpart when—

(1) Requested by the vessel's owner;

(2) There is evidence that the vessel's owner, operator, or master has failed to comply with the requirements of this subpart; or

(3) There have been changes to the NPDES permit of a reception facility listed to meet § 157.304(b)(3) that would adversely affect the ability of that facility to process the vessel's discharges.

(b) The Officer in Charge, Marine Inspection, of the zone in which an occurrence under paragraphs (a)(2) or (a)(3) of this section takes place notifies the owner, operator, and master of the exempted vessel of the specific reasons for considering the revocation of the exemption.

(c) Evidence or arguments for the retention of the exemption that are submitted to the Officer in Charge, Marine Inspection within thirty days of receipt of the notice under paragraph (b) of this section will be considered before a ruling is made.

(d) If the owner is not satisfied with the ruling made under this section by the Officer in Charge, Marine Inspection, that ruling may be appealed under the procedure in § 157.06 of this part.

§ 157.310 Exempted vessels: operations.

The owner, operator, and master of each vessel that has been granted an exemption under this subpart must ensure that—

(a) The vessel trades only between ports or places within the United States, its territories or possessions;

(b) The vessel loads cargo only at ports or places listed in the exemption;

(c) Except as allowed under § 157.41 (a) and (b) of this part, any ballast water, except segregated ballast discharged in accordance with § 157.43(b) of this part, and any tank washing or cargo residues are—

(1) Retained on board; or

(2) Transferred to a shore-based reception facility that is listed in the application for exemption, or in the case of an emergency or a shipyard entry, an alternative acceptable to the cognizant Officer in Charge, Marine Inspection;

(d) The vessel loads only those cargoes listed in the exemption; and

(e) The letter under § 157.306 that grants the exemption is on board the vessel; or

(f) The certificate of inspection bearing the following endorsement is on board the vessel.

Exempted under 33 CFR 157.306 from the requirements of 33 CFR 157.10a. This vessel may not discharge cargo in any foreign port, nor may it load cargo in a port other than the following: (a list of ports listed in the application that is accepted by the Coast Guard for the exempted vessel will be inserted here).

(92 Stat. 1483 (46 U.S.C. 391a); 49 CFR 1.46(n)(4))

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

December 23, 1980.

[FR Doc. 81-1518 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Parts 181 and 183

[CGD 79-137]

Outboard Motors; Start-In-Gear Protection Devices

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a rule requiring outboard motors capable of developing a static thrust of 115 pounds or more to be equipped with start-in-gear protection

devices. These devices will prevent a motor from being started when its controls are set to attain or exceed that thrust level. This requirement will reduce accidents that may result when an outboard motor is started in gear, producing a sudden movement of the boat which causes its occupants to either fall inside the boat or be thrown overboard.

EFFECTIVE DATE: This regulation is effective on August 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating, Public, and Consumer Affairs (G-BBT/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593 (202) 426-4027.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking concerning this amendment was published in the Federal Register on March 24, 1980 (45 FR 18987). Interested persons were invited to submit comments on the proposal by July 24, 1980. Nine comments were received. Three favored adoption of the rule as proposed. The remainder suggested modifications that could be made in it, as discussed below.

The National Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of this amendment. The transcript of the meeting of the National Boating Safety Advisory Council at which time this amendment was discussed is available for examination in Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BA/42), U.S. Coast Guard Washington, D.C. 20593.

Drafting Information

The principal persons involved in drafting this rule are Mr. Lars E. Granholm, Project Manager, Office of Boating, Public, and Consumers Affairs and Mr. Coleman Sachs, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Two comments stated that the problem of boat occupants falling overboard could only be fully addressed if this rulemaking were expanded to require the installation of "kill switches" as well as a start-in-gear protection (SIGP) devices. A "kill switch" provides a means for stopping a boat's engine when the operator is thrown overboard or otherwise leaves the controls when the boat is under way. Its function is entirely different from that of a SIGP device, which is only employed to prevent faulty starting procedures. Because of the dissimilarity in the nature and purpose of these two devices, the Coast Guard does not consider it advisable to include them within the same rulemaking action. The Coast Guard is exploring the need for "kill switches" as a separate issue. If this need is demonstrated, these devices may be the subject of a future rulemaking action.

One comment questioned why start-in-gear protection was only being proposed for outboard motors, instead of inboards and outboards alike. Extension of the proposal to cover inboard motors was not considered necessary, as the majority of these motors already are installed with SIGP devices.

One comment objected to the provision that would allow start-in-gear protection to be provided in remote starting controls rather than outboard motors. This was described as a "loophole" that will allow manufacturers to avoid compliance with the regulations. The possibility of an unqualified person installing together an outboard motor and starting controls that both lacked start-in-gear protection was cited as a conceivable consequence. The Coast Guard has not adopted the comment's recommendation that start-in-gear protection be required exclusively within the outboard motor. It would be impractical to impose such a requirement, as all electrical starting components for some outboards are located entirely within the remote starting control unit. The labeling that will be required under the regulations, as well as the obligation they impose on manufacturers, distributors, and dealers to match compatible units, should substantially reduce the possibility of starting controls and outboard motors that lacked start-in-gear protection being installed together.

The final comment recommended that horsepower rather than static thrust be used to identify outboard motors requiring start-in-gear protection, because horsepower is more readily understood by the boating public. The comment also noted that various methods are employed for measuring static thrust, producing inconsistent results. As stated in the notice of proposed rulemaking, static thrust was chosen instead of horsepower because it bears a closer relationship to rapid acceleration, the condition which start-in-gear protection is intended to prevent. Inconsistencies were also detected in the measurement of horsepower owing to variations in measuring techniques. Any difficulty the public may have in understanding the concept of static thrust should have slight consequence, as only manufacturers will be obligated to identify those motors requiring start-in-gear protection.

The Coast Guard is making one change in these final rules resulting from its own review of the proposal. This corrects an incomplete citation to the Code of Federal Regulations in the language proposed for the tags and labels that will be required under the rules.

This amendment has been reviewed and determined to be nonsignificant under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). A final evaluation has been prepared and included in the public docket. This may be obtained from the Marine Safety Council (G-CMC/24), Coast Guard Headquarters, Washington, D.C. 20593 (202) 755-4901.

In consideration of the foregoing, Parts 181 and 183 of Title 33, Code of Federal Regulations are amended as set forth below:

PART 181—MANUFACTURER REQUIREMENTS

1. By adding a new paragraph (c) to § 181.11 in Part 181 to read as follows:

§ 181.11 Exceptions to labeling requirement.

* * * * *

(c) This subpart does not only apply to any outboard motor or starting control to which § 183.710 of this chapter applies.

PART 183—BOATS AND ASSOCIATED EQUIPMENT

2. By adding a new Subpart L to Part 183 to read as follows:

Subpart L—Start-in-Gear Protection

Sec.

183.701 Applicability.
183.705 Definitions.
183.710 Start-in-gear protection required.
183.715 Exception.

Authority: 46 U.S.C. 1454, 49 CFR 1.46(n)(1).

Subpart L—Start-in-Gear Protection

§ 183.701 Applicability.

This subpart applies to outboard motors and starting controls manufactured after August 1, 1982, and to manufacturers, distributors or dealers installing such equipment after that date.

§ 183.705 Definitions.

For the purposes of this subpart—

(a) "Outboard motor" means a self-contained propulsion system of any

horsepower rating designed to be installed on, and removable from the transom of a boat.

(b) "Static thrust" means the forward or backward thrust developed by an outboard motor and associated propulsion unit while stationary.

(c) "Starting control" means the motor throttle, shift and starting control mechanisms located at a position remote from the outboard motor.

(d) "Local starting" means operating a mechanical or electrical starting device built into the outboard motor.

(e) "Distributor" means any person engaged in the sale and distribution of boats or associated equipment for the purpose of resale.

(f) "Dealer" means any person who is engaged in the sale and distribution of boats or associated equipment to purchasers who the seller in good faith believes to be purchasing any such boat or associated equipment for purposes other than resale.

§ 183.710 Start-in-gear protection required.

(a) Any outboard motor which is capable of developing a static thrust of 115 pounds or more at any motor operating speed with any propeller or jet attachment recommended for or shipped with the motor by the manufacturer, must be equipped with a device to prevent the motor being started when controls are set so as to attain that thrust level, as follows: (1) Outboard motors designed for local starting must have a built-in start-in-gear protection device.

(2) Outboard motors designed for remote starting must have either a built-in start-in-gear protection device or be installed with remote starting controls containing this device. An outboard motor designed for remote starting that does not have a built-in start-in-gear protection device must, at the time of sale, have a tag or label attached at the location of the control connection, containing the following information: "Starting controls installed with this motor must comply with USCG requirements for start-in-gear protection in 33 CFR Part 183, Subpart L." The letters and numbers on the tag or label must be at least ⅛ inch high.

(b) Starting controls must have a tag or label with the following information to indicate whether or not they have been equipped with a start-in-gear protection device: "This control will (or will not) provide start-in-gear protection meeting USCG requirements of 33 CFR Part 183, Subpart L." The letters and numbers on the tag or label must be at least ⅛ inch high.

(c) Any manufacturer, distributor or dealer installing an outboard motor displaying the label described in § 183.710(a)(2) above must properly match it with a compatible starting control that contains a start-in-gear protection device.

§ 183.715 Exception.

Outboard motors designed to be equipped for remote starting, but which also have a provision for local starting in emergencies, need not comply with § 183.710 for their local starting system. However, the following information must be displayed on the motor: "Warning—Ensure shift control is in neutral before starting motor". This information must be clearly visible to a person using the emergency starting device.

(46 U.S.C. 1454; 49 CFR 1.46(n)(1))

Dated: January 7, 1981.

H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public, & Consumer Affairs.

[FR Doc. 81-1517 Filed 1-14-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1714-7]

Revision to the State Implementation Plan (SIP) for the State of Rhode Island

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Rhode Island were submitted to EPA on January 8, 1980 by the Director of the Department of Environmental Management. Those revisions included a comprehensive air quality monitoring plan intended to meet the requirements of 40 CFR Part 58.

On June 26, 1980 the Regional Administrator published in the **Federal Register** (45 FR 43231) a Notice of Proposed Rulemaking for this revision to the Rhode Island SIP, to approve the comprehensive air quality monitoring plan. No comments were received during the 30-day comment period. EPA is taking final action approving the revision.

EFFECTIVE DATE: These regulations take effect on or before February 17, 1981.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA, Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) pursuant to the requirements of Sections 110(a)(2)(C), 319, 313, and 127 of the Clean Air Act, EPA promulgated ambient air quality monitoring, data reporting, and surveillance provisions, establishing a new Part 58 in 40 CFR, entitled Ambient Air Quality Surveillance.

Rhode Island has submitted a Comprehensive Air Quality Monitoring Plan designed to meet the requirements of Part 58. EPA has found that the Rhode Island submittal meets the applicable regulations. EPA proposed approval of the Comprehensive Air Quality Monitoring Plan in a notice of proposed rulemaking (45 FR 43231). No comments were received during the 30-day comment period. EPA is now granting final approval of the Rhode Island plan.

After evaluation of the state's submittal, the Administrator has determined that the Rhode Island revision meets the requirements to the Clean Air Act and 40 CFR Part 58. Accordingly, this revision is approved as a revision to the Rhode Island State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP revision is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate ciricuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

(Sec. 110(a), 301, Clean Air Act, as amended, (42 U.S.C. 7401 and 7601).)

Dated: January 6, 1981.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart OO—Rhode Island

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Under § 52.2070, *Identification of Plan*, add paragraph (c)(11) as shown below:

§ 52.2070 Identification of Plan.

* * * * *

(c) * * *

(11) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR Part 58, was submitted by the Rhode Island Department of Environmental Management Director on January 8, 1980.

[FR Doc. 81-1524 Filed 1-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-1-FRL 1726-5]

Vermont Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region I.

ACTION: Approval of State hazardous waste management program.

SUMMARY: The purpose of this Notice is to grant Phase I interim authorization to the State of Vermont for its hazardous waste management program.

In the May 19, 1980, **Federal Register** (45 FR 33063), 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. Included in these regulations, which become effective 6 months after promulgation, were provisions for a transitional stage in which states could be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two phases in which the underlying Federal program will take effect.

On October 10, 1980, the State of Vermont applied to EPA for Phase I interim authorization of its hazardous waste management program. On November 5, 1980, EPA issued in the **Federal Register** (45 FR 73521) a notice of public hearing and public comment period on the State's application. All comments received during this period have been considered and are discussed below.

The State of Vermont is hereby granted interim authorization to operate the RCRA Subtitle C hazardous waste management program in accordance with Section 3006(c) of RCRA and implementing regulations found in 40 CFR 123 Subpart F.

EFFECTIVE DATE: January 8, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara L. Walsh, Waste Management Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (telephone (617) 223-5775).

SUPPLEMENTARY INFORMATION: The State of Vermont submitted a draft application for Phase I interim authorization on August 15, 1980. In the comments to the State on the draft application, EPA identified issues in the Program Description, MOA, Attorney General's Statement, and Authorization Plan which required further clarification or amendment. Although most of these issues were addresed in the final application submitted to EPA on October 10, 1980, the application relied upon proposed regulations for coverage of several important wastes and facility standards. Thus, the application was not determined to be complete until October 31, 1980 when the proposed regulations were adopted. The following issues were not resolved in the complete application but were either later addressed by the State in minor amendments to the application or eliminated after further consideration of additional information:

1. Coverage of waste economic poisons (pesticides);
2. Coverage of State hazardous waste activities;
3. Lack of detailed description of delisting procedures;
4. Lack of detailed description and opportunity for EPA to comment on variances;
5. Lack of specific assurance that the State will continue to share confidential information with EPA;
6. Limits on public participation in enforcement actions;
7. The provision for excessively long prior notice to the State in cases where EPA will issue a notice of violation or compliance order; and
8. Lack of breadth and detail in the Authorization Plan.

The discussion below indicates specifically how each issue was resolved.

1. *Coverage of Waste Economic Poisons.* Because the Vermont Agency of Environmental Conservation (AEC) lacks the authority to regulate waste economic poisons under its hazardous waste program, the Agency demonstrated in the Program Description that only a small amount of the pesticides and herbicides used in Vermont actually become wastes so that the AEC does meet the requirement of 123.128(a) that "the State program must control a universe of wastes generated, transported, treated, stored, and disposed of in the State which is nearly identical to that which would be controlled by the Federal program under 40 CFR Part 261." Furthermore, the State has committed in the Authorization Plan to make those changes in the Department of Agriculture (DOA) statute and regulations needed for final authorization.

In addition, EPA requested further information on the coverage of waste economic poisons in Vermont in the **Federal Register** Notice of Public Hearing, November 5, 1980, and also consulted with Vermont DOA officials, but received no evidence to dispute the figures presented in the Program Description. Those commenting at the Public Hearing on the coverage of waste economic poisons felt that the issue was a minor one and expressed support for the Vermont DOA's current efforts to develop comprehensive regulations for waste economic poisons by Spring, 1981. EPA, therefore, believes that the State program does control a universe of wastes in the State which is nearly identical to that which would be controlled by the Federal program.

2. *Coverage of State Hazardous Waste Activities.* EPA was concerned about the ability of the Vermont AEC to regulate any State hazardous waste activities since the term "State" is not included in the statutory definition of person in 10 VSA 6602(6). In response, the State has provided additional information on State hazardous waste activities in addenda to the Program Description and Attorney General's statement that demonstrate that the only "State" entity to notify of hazardous waste activities was the University of Vermont and that the University is a corporation which is regulated by the Vermont hazardous waste program under the present definition of person. In addition, EPA solicited but did not receive evidence at the public hearing to dispute the notification data. EPA, therefore, believes that the State program does adequately control all State hazardous waste activities.

3. *Delisting Procedures.* The lack of detailed description of the Vermont delisting procedure in the final application caused concern about the substantial equivalence of the State's procedure with the Federal procedure at

40 CFR 260.20 and 40 CFR 260.22. Vermont has satisfied our concern by submitting an addendum to the Program Description of the final application. The addendum describes the delisting procedure in detail and specifically states that the Secretary will use the Federal regulations as guidance in making listing or delisting decisions and that all such procedures are consistent and equivalent with those specified in 40 CFR §§ 260.20 and 261.11. Furthermore, Vermont has added to the MOA "the delisting of any waste or generic class of waste" as an example of a program change that will be considered substantial and will require notification of the Regional Administrator.

4. *Variances.* The lack of detailed description of the variance procedure at 10 VSA 6613 and lack of opportunity for EPA to comment prior to issuance of variances caused EPA to question the continued substantial equivalence of the Vermont program. Vermont responded satisfactorily to our request for additional information by adding a section to the Program Description which further describes the Variance Board procedures including the requirement for a public hearing, emphasizes the statutory constraints on Board decisions, and recounts previous positive experiences with the Board under the Air program. In addition, Vermont has assured EPA in the MOA that it will notify the Regional Administrator prior to the issuance of any variance so that EPA will have the opportunity to review and comment on any variance request.

5. *Sharing Confidential Information.* Although the Vermont Attorney General concluded in the final application that Vermont had shared confidential information with Federal agencies in the past as a matter of custom, and would continue to do so, EPA requested explicit assurance that the custom would continue during interim authorization. Vermont has since amended Part II C 3 of the MOA to give that assurance.

6. *Public Participation in Enforcement Actions.* EPA requested that Vermont amend the MOA to delete several phrases that might limit the opportunity for public participation and secure the agreement of the Attorney General to meet the relevant requirements of 40 CFR 123.128(f)(2)(ii). Vermont has amended Sections II B 2 f 1 and 3 of the MOA to remove the limiting phrases and in addition the Vermont Attorney General has, by letter to EPA Regional Administrator, William R. Adams, Jr., agreed to meet the relevant requirements of 40 CFR 123.128(f)(2)(ii).

7. *Notification Prior to Issuance of NOV's and Compliance Orders.* EPA could not accept the constraints imposed on the Federal enforcement effort by the MOA provision for notification of the State 30 days prior to issuance of an NOV or Compliance Order. In response, Vermont has satisfied EPA's concern by amending the MOA to provide for a 7-day prior notice period.

8. *Authorization Plan.* In our review of Vermont's final application, EPA indicated that the Authorization Plan lacked detail such as specific information about Vermont's legislative procedures and commitment to address several issues affecting the program's equivalency for final authorization. In response to our comment, Vermont has submitted an addendum to the Authorization Plan which provides the additional detail and addresses all of the additions and modifications known to be necessary for the State Program to qualify for final authorization.

In the **Federal Register** notice of November 5, 1980 (45 FR 73521), EPA gave the public until December 10, 1980 to comment on Vermont's application. EPA also held a public hearing in Montpelier, Vermont on December 5, 1980.

EPA received three oral comments at the public hearing from speakers representing Vermont industrial and civic groups. All three commenters spoke in favor of the interim authorization of the Vermont program.

Two of the speakers responded to the two following issues raised by EPA in the **Federal Register** notice: (1) The coverage of waste economic poisons and (2) the coverage of State activities under the definition of person. Neither speaker felt these issues were major deficiencies. Both speakers expressed support of the Vermont Department of Agriculture's current efforts to develop comprehensive regulations for waste economic poisons by Spring, 1981. One speaker also expressed the opinion that the exclusion of the term "State" in the definition of "person" was an oversight in wording which the State is committed to rectify.

EPA also received two written comments. The first written comment received did not express an opinion on the interim authorization of the Vermont program but did express concern that the Vermont Hazardous Waste program's reduction of the small generator exclusion would unfairly regulate many retailers and that there is no list of hazardous wastes that are covered by Vermont regulations.

The coverage of retailers as a class was an issue considered by EPA when the Federal regulations were promulgated on May 19, 1980. As stated in the preamble to those regulations (FR, 5/19/80, p. 33103), commenters on the proposed Federal regulations pointed out that some retailers may generate extremely hazardous wastes and that others, such as large hardware or garden stores, may generate substantial quantities of hazardous waste. Thus, in the final Federal regulations, retailers who generate hazardous waste are subject to the same requirements as any other generator.

Similarly, the Vermont Hazardous Waste program does not exempt retailers who generate hazardous waste from coverage by the regulation. The State program does, however, have a lower small generator limit than the Federal limit of 1000 kg/month for hazardous wastes. The State small generator limit is 100 kg/month. Vermont's lower small generator limit is clearly permitted by Federal regulation (40 CFR 123.121 g) and is consistent with EPA's goal to expand Subtitle C coverage of generators to include hazardous waste generators of over 100 kg/month (FR 5/19/80, p. 33104).

A list of generic wastes that the Vermont Agency of Environmental Conservation has determined to be hazardous can be found in Section 6-602 (2). In addition, the Secretary may, upon petition or his or her own motion, make a determination that a particular waste meets the statutory definition of hazardous waste at 10 VSA Section 6602(4). EPA has determined that the Vermont list of generic wastes is substantially equivalent to the Federal list at 40 CFR Part 261 for those wastes existing in Vermont.

The second written comment received by EPA expressed support of the opinions presented at the public hearing and urged EPA to grant interim authorization to the Vermont Hazardous Waste program.

Dated: January 8, 1981.

William R. Adams, Jr.,

Regional Administrator.

[FR Doc. 81-1454 Filed 1-14-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 1

[FPR Temp. Reg. 57]

Purchases Under the Trade Agreements Act of 1979; Temporary Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes policies and procedures applicable to the procurement of supplies and services which involve offers from foreign business concerns. The regulation is based on the Trade Agreements Act of 1979 and the related Agreement on Government Procurement. The intended effect is to eliminate the discriminations practiced by the United States and foreign Governments in the procurement of products and supplies.

DATE: Effective date: This regulation is effective for all solicitations issued on and after January 1, 1981, as follows:

a. When solicitations involve negotiated procurements, do not reflect the provisions of this regulation, and have not resulted in awards prior to January 21, 1981, the solicitation shall be amended to include the requirements in § 1-6.1611.

b. When solicitations involve formal advertising, do not reflect the provisions of this regulation, and the closing date for the submission of offers is prior to January 21, 1981, awards may be made without regard to this regulation.

c. When solicitations involve formal advertising, do not reflect the provisions of this regulation, and the closing date for the submission of offers is after January 21, 1981, but the solicitation was issued before that date, the solicitation shall be amended to include the requirements in § 1-6.1611.

d. All solicitations issued after January 21, 1981, shall comply fully with the provisions of this regulation.

Expiration date: This regulation will continue in effect until January 1, 1983.

Comment date: Comments due by March 23, 1981. Time did not permit the solicitation of comments prior to the issuance of this regulation. However, comments from interested parties would be welcomed.

ADDRESS: General Services Administration (VR), Washington, DC 20406.

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

SUPPLEMENTARY INFORMATION: The Buy American Act, subject to certain exclusions, has been waived by the President for eligible products originating in designated countries meeting the requirements under section 301(b) of the Trade Agreements Act of 1979. The waiver is effective when the total price paid for a product is equal to or more than the dollar threshold specified by the U.S. Trade Representative (now $196,000). The Buy American Act continues to apply to procurements which are less than the dollar limitation and to countries that are not parties to the Agreement.

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

In 41 CFR Chapter 1, the following temporary regulation is listed in the Appendix at the end of the chapter.

[Federal Procurement Regs.; Temporary Reg. 57]

Purchases Under the Trade Agreements Act of 1979

January 12, 1981.

1. *Purpose.* This FPR temporary regulation implements the provisions of the Trade Agreements Act of 1979 and Executive Order 12260, December 31, 1980.

2. *Effective date.* This regulation is effective for all solicitations issued on and after January 1, 1981, as follows: a. When solicitations involve negotiated procurements, do not reflect the provisions of this regulation, and have not resulted in awards prior to January 21, 1981, the solicitation shall be amended to include the requirements in § 1-6.1611.

b. When solicitations involve formal advertising, do not reflect the provisions of this regulation, and the closing date for the submission of offers is prior to January 21, 1981, awards may be made without regard to this regulation.

c. When solicitations involve formal advertising, do not reflect the provisions of this regulation, and the closing date for the submission of offers is after January 21, 1981, but the solicitation was issued before that date, the solicitation shall be amended to include the requirements in § 1-6.1611.

d. All solicitations issued after January 21, 1981, shall comply fully with the provisions of this regulation.

3. *Expiration date.* This regulation will continue in effect until January 1, 1983.

4. *Background.* a. New Subpart 1-6.16 implements the Agreement on Government Procurement, which is a part of the trade agreements negotiated in the Tokyo Round of the Multilateral Trade Negotiations. The agreements were entered into in Geneva on April 12, 1979, pursuant to section 102 of the Trade Act of 1974. The authority to implement the Agreement is provided by the Trade Agreements Act of 1979 (Pub. L. 96-39, 19 U.S.C. 2511-2518), Executive Order 12260, December 31, 1980 (46 FR 1653, January 6, 1981), and Determinations by the U.S. Trade Representative, December 31, 1980 (46 FR 1657, January 6, 1981).

b. The Agreement requires the administration of certain procurement programs so that eligible products and suppliers of eligible products from designated countries are treated no less favorably than domestic products and suppliers. It also requires that there be no discrimination with respect to eligible products or suppliers from designated countries.

c. The Buy American Act, subject to certain exclusions, has been waived by the President for eligible products originating in designated countries meeting the requirements under section 301(b) of the Act. The waiver is effective when the total price paid for a product is equal to or more than the dollar threshold specified by the U.S. Trade Representative (now $196,000). The dollar limitation may be modified from time to time. The Buy American Act continues to apply to procurements which are less than the dollar limitation and to countries that are not parties to the Agreement.

5. *Explanation of changes.*

a. Section 1-1.1003-7 is amended to add new paragraph (b)(10) as follows:

§ 1-1.1003-7 Preparation and transmittal.

* * * * *

(b) * * *

(10) *Trade Agreements Act of 1979—eligible products.* For the procurement of an eligible product from a designated country when the total estimated price of the product is equal to or more than the specified dollar threshold (see § 1-6.1601(e)), each synopsis sent to the Commerce Business Daily, in addition to other requirements of this § 1-1.1003-7(b), shall indicate: (i) The nature and quantity of the products to be supplied, or envisaged to be purchased in the case of contracts of a recurring nature;

(ii) Whether the purchase is open (competitive) or sole source;

(iii) Any delivery date requirements;

(iv) The address and final date for submitting an application to be invited to offer or for receiving offers;

(v) That offers must be submitted in the English language and in U.S. dollars;

(vi) The address of the activity that will award the contract and any

information necessary for obtaining specifications and other documents;

(vii) Any economic and technical requirements, financial guarantees, and information required from suppliers that is stated in the solicitation; and

(viii) The amount and terms of payment of any sum required in order to obtain the solicitation documentation, if any.

b. Section 1–2.202 is amended to add new paragraph (d) to § 1–2.202–1 and to add a new § 1–2.202–7, as follows:

§ 1–2.202 Miscellaneous rules for solicitation of bids.

§ 1–2.202–1 Bidding time.

* * * * *

(d) *Trade Agreements Act of 1979—eligible products.* When a solicitation involves eligible products under the Trade Agreements Act of 1979, and the total estimated price of a product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), the solicitation shall specify at least a 30-day bidding time from the date of issuance of the solicitation (see § 1–6.1605–1(b)(4)).

* * * * *

§ 1–2.202–7 Trade Agreements Act of 1979—eligible products.

When a solicitation involves eligible products and the total estimated price of a product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), the solicitation shall require that offers be submitted in the English language and in U.S. dollars (see § 1–6.1605–1(b)(6)).

c. Section 1–2.203–4 is amended to designate the existing paragraph as (a) and to add a new paragraph (b) as follows:

§ 1–2.203–4 Synopses of invitations for bids.

(a) * * *

(b) The synopsis of a proposed procurement of an eligible product from designated countries, when the total estimated price of the product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), shall state that offers must be in the English language and in U.S. dollars (see § 1–6.1605–1(b)(6)).

d. Section 1–2.402 is amended to add paragraph (d) as follows:

§ 1–2.402 Opening of bids.

* * * * *

(d)(1) When offers involving eligible products from a designated country are opened, offerors or their representatives or an appropriate and impartial witness not connected with the acquisition shall be present.

(2) The name of the impartial witness, if any, shall appear on the abstract of offers.

e. Section 1–2.408 is amended to redesignate the present text as § 1–2.408–1 and to add a new § 1–2.408–2 as follows:

§ 1–2.408 Information to bidders.

§ 1–2.408–1 Rejection of offers (general).

* * * * *

§ 1–2.408–2 Rejection of offers under the Trade Agreements Act of 1979.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted when an offer involves an eligible product from a designated country, and the total price paid (sum of all contracts for a product under a solicitation) for the product is equal to or more than the specified dollar threshold (see §§ 1–6.1601(e) and 1–6.1608).

(b) Additional information requested by an unsuccessful offeror of an eligible product from a designated country shall be provided by an official above the level of the contracting officer (see § 1–6.1608(b)).

f. Section 1–3.105 is added as follows:

§ 1–3.105 Trade Agreements Act of 1979—eligible products.

§ 1–3.105–1 Time for the submission of offers.

When solicitations involve eligible products under the Trade Agreements Act of 1979 and the total estimated price of a product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), the solicitation shall specify at least 30 days for the submission of offers (see § 1–6.1605–1(b)(4)).

§ 1–3.105–2 English language and U.S. dollars.

When a solicitation involves eligible products and the total estimated price of a product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), the solicition shall require that offers are to be submitted in the English language and in U.S. dollars (see § 1–6.105–1(b)(6)).

§ 1–3.105–3 Opening offers.

(a) When offers involving eligible products from designated countries are opened, offerors or their representatives or an appropriate and impartial witness not connected with the acquisition shall be present. However, there shall be no disclosure of the offers.

(b) The name of the impartial witness, if any, shall appear on the abstract of offers (see §§ 1–2.402 and 1–3.611).

§ 1–3.105–4 Notification of nonacceptance of offer.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted when an offer involves an eligible product from a designated country and the total price paid (sum of all contracts for a product under a solicitation) for the product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)).

(b) Additional information requested by an unsuccessful offeror of an eligible product from a designated country shall be provided by an official above the level of the contracting officer (see § 1–6.1608(b)).

g. Subpart 1–6.16 is added as follows:

Subparts 1–6.11—1–6.15 [Reserved]

Subpart 1–6.16 Purchases under the Trade Agreements Act of 1979.

§ 1–6.1600 Scope.

This subpart implements the Agreement on Government Procurement (hereafter referred to as the Agreement) which is a part of the trade agreements negotiated in the Tokyo Round of the Multilateral Trade Negotiations. The Agreements were entered into in Geneva on April 12, 1979, pursuant to section 102 of the Trade Act of 1974. The authority to implement the Agreement is provided by the Trade Agreements Act of 1979 (Public Law 96–39, 19 U.S.C. 2511–2518) and Executive Order 12260, December 31, 1980, (46 FR 1653, January 6, 1981) and Determinations by the U.S. Trade Representative, December 31, 1980, (46 FR 1657, January 6, 1981).

§ 1–6.1601 Definitions.

The terms used in this subpart have meanings as follows: (a) "Designated country" means a country or instrumentality designated by the President or the U.S. Trade Representative under section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511). Designated countries are listed at § 1–6.1612. Additions will be announced in later FPR changes.

(b) "Eligible product" means, with respect to any designated country, a product of that country which is covered by the Agreement for purposes of acquisition. This includes services (other than transportation) incidental to the supply of products if the value of those incidental services does not exceed the value of the products themselves. It does not include service contracts. For the

United States, all products are eligible, except to the extent that they are excluded by reason of the absence of an agency from the list of agencies in § 1–6.1613.

(c) "Product" means a line item in a solicitation. However, if two or more line items carry identical stock numbers or other identification, this situation shall be deemed to constitute a single line item.

(d) "Rule of Origin" means that an article is a product of a designated country if (1) it is wholly the growth, product, or manufacture of that country, or (2) in the case of an article which consists in whole or in part of materials from another country, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed (see § 1–6.1609).

(e) "Dollar threshold" means $196,000 or such other dollar amount as may be specified by the U.S. Trade Representative, from time to time.

§ 1–6.1602 Policy.

(a) Offers of eligible products from designated countries shall be solicited and evaluated in the same manner as offers of products from the United States. Designated countries are listed in § 1–6.1612.

(b) When the country of origin is not listed in § 1–6.1612, the Buy American Act (see Subpart 1–6.1) and the Balance of Payments Program (see Subpart 1–6.8) are applicable. In addition, those subparts apply if the total price paid for an eligible product is less than the specified dollar threshold (see § 1–6.1601(e)).

(c) The Buy American Act; i.e., the preference for U.S. products in the award of contracts, is, or may be, waived (subject to a number of exclusions; see § 1–6.1603) for purchases specifically covered by the Agreement.

(d) Countries that benefit from open competition for contracts awarded by the Government are required to offer reciprocal competitive opportunities to U.S. products and suppliers. The Agreement prohibits discrimination against U.S. suppliers in procurements by foreign governments. It also requires nondiscrimination and open and transparent application of required procurement procedures.

§ 1–6.1603 Applicability.

(a) The policies in this subpart apply only (1) if the total price paid for an eligible product (not two or more different eligible products) from a designated country is equal to or more than the specified dollar threshold, and (2) to the agencies listed in § 1–6.1613.

(b) If a contracting officer determines that an individual requirement for the acquisition of a product or products of the same type; e.g., an indefinite quantity type contract, may result in payments during the fiscal year which are equal to or more than the specified dollar threshold, the policies in this subpart shall apply.

(c) No acquisition of an eligible product shall be subject of more than one solicitation for the purpose of reducing the value of the resulting offers to amounts less than the specified dollar threshold.

(d) When a solicitation for an eligible product results in two or more contract awards for the product, the provisions of this Subpart 1–6.16 apply if the total amount of the contracts is equal to or more than the specified dollar threshold.

(e) The policies in this subpart do not apply to: (1) Purchases under small business set-aside programs or minority business programs (see § 1–6.1604);

(2) Purchases of arms, ammunititon, or war materials, or purchases indispensible for national security or national defense purposes, subject to policies established by the U.S. Trade Representative;

(3) Construction contracts;

(4) Service contracts (but services other than transportation incidental to the purchase of eligible products are covered by the Agreement, provided that the value of the service is not greater than the value of the product);

(5) Research and development contracts;

(6) Purchases for resale purposes;

(7) Purchases relating to the products of handicapped persons, of philanthropic institutions, or of prison labor;

(8) Leases or rentals of any item;

(9) Purchases for agencies not subject to the Agreement;

(10) Tied-aid procurements under AID foreign assistance programs; or

(11) Purchases by State and local governments, including purchases by State and local authorities with Federal funds.

§ 1–6.1604 Labor surplus area set-asides.

(a) Total labor surplus area set-asides which are not limited to small business shall not be made for procurements covered by this Subpart 1–6.16.

(b) Total or partial set-asides for small and minority businesses, whether or not combined with a labor surplus area set-aside (see section 117(e) of Pub. L. 96–302), are not covered by the Agreement (see § 1–6.1603).

§ 1–6.1605 Procedures for the purchase of eligible products from designated countries.

§ 1–6.1605–1 Solicitation procedures under this subpart.

When the estimated price of an eligible product included in a solicitation is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), the following solicitation procedures are applicable. However, if the offer received for an eligible product which is the basis for the award is less than the dollar threshold, this subpart does not apply (see § 1–6.1603).

(a) *Publicizing proposed purchases.* When the estimated price of an eligible product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)), a notice of proposed purchase shall be published in the Commerce Business Daily, in accordance with the requirements in § 1–1.1003–7(b)(10).

(b) *Solicitation of eligible products from designated countries.* (1) Sources offering eligible products from designated countries shall be included, upon request by these sources, on bidders mailing lists and comparable source lists, in accordance with the procedures in § 1–2.205.

(2) Solicitations for eligible products shall be sent directly to the sources for the products which appear on appropriate bidders mailing lists. When solicitations will be sent outside the United States, international airmail shall be employed (see §§ 1–2.202–1 and 1–2.203–1).

(3) Solicitations involving eligible products shall be made available, on request, to the embassy or other designated place or representative of a designated country.

(4) At least 30 days from the date of a solicitation shall be provided, consistent with the nature of and requirements for supplies or services, for the submission of offers involving eligible products from designated countries (see §§ 1–2.202–1 and 1–3.105–1).

(5) No technical requirements may be imposed solely for the purpose of precluding the acquisition of eligible products from designated countries.

(6) Solicitations shall require that offers involving eligible products from designated countries be submitted in the English language and in U.S. dollars (see §§ 1–2.201(a)(33), 1–2.202–7, and 1–3.105–2).

§ 1–6.1606 Opening of offers.

(a) When offers involving eligible products are opened, offerors or their representatives or an appropriate and impartial witness not connected with

the acquisition shall be present (see §§ 1–2.402 and 1–3.105–3).

(b) The name of the impartial witness, if any, shall appear on the abstract of offers (see §§ 1–2.403 and 1–3.811).

§ 1–6.1607 Evaluation of offers.

Offers of eligible products from designated countries which are equal to or more than the specified dollar threshold (see § 1–6.1601(e)), shall be evaluated without regard to the Buy American Act or Balance of Payments Program, except as provided in § 1–6.1603.

§ 1–6.1608 Information to unsuccessful offerors.

(a) Contracting officers shall notify unsuccessful offerors in writing within seven working days after the award of a contract (or contracts) that their offers were not accepted (see §§ 1–2.408–2(a) and 1–3.105–4(a)) when an offer involves an eligible product from a designated country and the total price paid (sum of all contracts for a product under a solicitation) for the product is equal to or more than the specified dollar threshold (see § 1–6.1601(e)).

(b) Subsequent to the notice, if additional information is requested by an unsuccessful offeror, it shall be provided by an official above the level of the contracting officer (see §§ 1–2.408–2(b) and 1–3.105–4(b)).

§ 1–6.1609 Certificate of eligible product.

(a) Contracting officers shall rely on certificates by the offeror for purposes of satisfying the Rule of Origin. The following certificate shall be inserted in all solicitations for eligible products when the estimated price is equal to or more than the specified dollar threshold (see § 1–6.1603).

Certificate of Eligible Product

(a) The offeror hereby certifies that each eligible product, as provided in 41 CFR 1–6.1601, which is delivered in accordance with any contract resulting from this solicitation is from a country designated by the President or the U.S. Trade Representative pursuant to section 301 of the Trade Agreements Act of 1979.

(b) Offerors are encouraged to obtain advance decisions from the Commissioner of Customs regarding the origin of eligible products as provided in 19 CFR Part 177. Decisions rendered by the Commissioner should accompany the offer.

(b) The reliance of the contracting officer on the certification for award purposes shall not be affected by a failure of an offeror to obtain an advance decision and to furnish a copy of the decision with its offer.

(c) Any question regarding the validity of a certification which the Contracting Officer receives from another offeror shall be referred to the Commissioner of Customs for consideration by the offeror whose certification is challenged. It shall not be treated as a basis for holding up an award. However, failure of a challenged offeror to refer the matter to the Commissioner of Customs, upon the request of the Contracting Officer, will result in rejection of the offer.

(d) If a certification subsequently is determined by the Commissioner of Customs to be invalid, the imposition of penalties as authorized by law shall be considered, e.g., criminal penalty for false representation under 18 U.S.C. 1001.

§ 1–6.1610 Reporting requirements.

The reporting requirements of the Trade Agreements Act of 1979 will be satisfied by Individual Agency Procurement Action Reports.

§ 1–6.1611 Buy American Act clause.

When an eligible product is involved, the clause prescribed by § 1–6.104–5 and by Standard Forms 32 and 147 shall be amended by adding an addendum to the solicitation which provides for the incorporation of a parenthetical phrase following the title of the clause as follows:

(This Buy American Act clause is not applicable to contracts involving eligible products from designated countries when the award price for the product is $(*insert prescribed amount*) or more)

§ 1–6.1612 Designated countries.

Austria; Bangladesh; Belgium; Benin; Bhutan; Botswana; Burundi; Canada; Cape Verde; Central African Republic; Chad; Comoros; Denmark; Federal Republic of Germany; Finland; France; Gambia; Guinea; Haiti; Hong Kong; Ireland; Italy; Japan; Lesotho; Luxembourg; Malawi; Maldives; Mali; Nepal; Netherlands; Niger; Norway; Rwanda; Singapore; Somalia; Sweden; Switzerland; Western Samoa; Sudan; Tanzania U.R.; Uganda; United Kingdom; Upper Volta; Yemen AR.

§ 1–6.1613 Agencies covered by the Agreement.

ACTION
Administrative Conference of the United States
American Battle Monuments Commission
Board for International Broadcasting
Civil Aeronautics Board
Commission on Civil Rights
Commodity Futures Trading Commission
Community Services Administration
Consumer Product Safety Commission
Departments of—Agriculture;[1] Commerce; Defense;[2] Education; Health and Human Services; Housing and Urban Development; Interior;[3] Justice; Labor; State; Treasury.
Environmental Protection Agency
Equal Employment Opportunity Commission
Executive Office of the President
Export-Import Bank of the United States
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Trade Commission
General Services Administration[4]
Inter-State Commerce Commission
Merit Systems Protection Board
National Aeronautics and Space Administration
National Credit Union Administration
National Labor Relations Board
National Mediation Board
National Science Foundation
National Transportation Safety Board
Nuclear Regulatory Commission
Office of Personnel Management
Overseas Private Investment Corporation
Panama Canal Commission
Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Smithsonian Institution
United States Arms Control and Disarmament Agency
United States International Communication Agency
United States International Development Cooperation Agency
United States International Trade Commission
Veterans Administration

§ 1–6.1614 Ineligibility to participate in U.S. procurement.

No purchase which is equal to or more than the specified dollar threshold may be made by an agency listed in § 1–6.1613 of an eligible product subject to the Agreement from countries listed in this § 1–6.1614. However, this limitation may be waived in the national interest in accordance with policies established by the U.S. Trade Representative.

Greece

6. *Agency action.* Pending the issuance of a permanent amendment to the Federal Procurement Regulations, agencies shall follow the policies and procedures in this temporary regulation.

7. *Submission of comments.* Time did not permit the solicitation of comments prior to the issuance of this regulation. However, comments from interested

[1] The Agreement on Government Procurement does not apply to the procurement of agricultural products made in furtherance of agricultural support programs or human feeding programs.

[2] Excludes Corps of Engineers.

[3] Excludes the Bureau of Reclamation.

[4] Excludes purchases by the National Tool Center, and the Region 9 Office (San Francisco, California).

parties would be welcomed. ADDRESS: General Services Administration (VR), Washington, DC 20406.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-1547 Filed 1-14-81; 8:45 am]

BILLING CODE 6820-61-M

Public Buildings Service

41 CFR Part 101-20

[FPMR Amdt. D-77]

Rules and Regulations Governing Public Buildings and Grounds

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation revises the GSA rules and regulations governing public buildings and grounds. It encourages the public to exercise its right to use these buildings and grounds but ensures GSA of its responsibility to safely and efficiently operate and maintain the public buildings and grounds under its charge and control.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Vincent L. Crivella, Legal Counsel, Public Buildings Division, Office of General Counsel (202 566-0495).

SUPPLEMENTARY INFORMATION:

(a) Background

The Public Buildings Cooperative Use Act of 1976 (Pub. L. 94-541), among other things, encourages the use of auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings by persons, firms, or organizations engaged in cultural, educational, or recreational activities that will not disrupt the operation of the buildings. GSA recognizes that once these areas had been designated by the Congress as public fora, consideration must be given to the constitutional guarantees of freedom of speech, free exercise of religion, and the right to peaceable assembly. GSA may not prohibit persons, firms, or organizations from occasionally using these areas of public buildings solely on the basis of the content of the activity.

These regulations have been established to promote the occasional use of public buildings under the charge and control of GSA for cultural, educational, and recreational activities, as well as activities protected by the First Amendment. GSA has determined that this regulation will not impose unnecessary burdens on the economy or on individuals, and therefore, is not significant for the purposes of Executive Order 12044.

(b) Comments Received

On February 15, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 10379) concerning the procedures to be followed in permitting the occasional use of public buildings and grounds under the charge and control of GSA. Interested parties were given an opportunity to submit comments on or before April 15, 1980. All comments were considered. GSA received eight comments on the proposed rule. Comments were received from Government agencies who occupy GSA-controlled buildings, religious organizations, and organizations concerned about the preservation of civil liberties. Organizations representing artists who desire to display art in public buildings also submitted comments. Many of these comments focused on significant constitutional issues relevant to the GSA proposal. The comments received have been helpful and the legal issues raised by the comments have prompted further revisions to the proposal. In the final rule GSA has endeavored to be attentive to the First Amendment rights of individuals who desire to use areas of public buildings as a forum for the expression of ideas, advocacy of causes, and solicitation of funds, as well as responsive to GSA's duties to safely and efficiently maintain and operate these public buildings.

(c) Specific Comments

The following is a categorized summary of the major issues which were commented on and the actions taken:

Permitted activities. Two commenters criticized the regulations because they did not describe all of the activities which will be allowed in the public areas of public buildings. The Public Buildings Cooperative Use Act of 1976 (Cooperative Use Act) specifically permits the use of public areas of public buildings for cultural, educational, and recreational activities. "Cultural," "educational," and "recreational" activities are defined in the Cooperative Use Act and those definitions have been incorporated into these regulations in § 101-20.701 (h), (i), and (j).

GSA recognizes that persons or organizations engaging in activities constitutionally protected by the First Amendment must be afforded access to public areas of public buildings. However, GSA does not believe that it is necessary, or possible, to list in these regulations all activities protected by the First Amendment. Modifications have been made to the proposed regulations which should lend greater specificity to this area. For example, § 101-20.702 has been revised to require persons or organizations desiring to use a public area of a public building or its grounds for the purpose of soliciting funds to submit one of the three statements listed in § 101-20.702(c), (1), (2), or (3). Through this revision GSA intends to clarify that it will permit solicitation by all those persons and organizations to which the statements in § 101-20.702(c) would refer, if the proposed solicitation would otherwise be in accord with the provisions of Subpart 101-20.7. That is, with the exception of those types of solicitation proscribed by § 101-20.308, solicitation of funds is an activity permitted in accordance with the provisions of Subpart 101-20.7. Examples of permissible forms of solicitation would be the solicitation of funds for religious purposes and the solicitation of funds for tax-exempt organizations. Distribution of literature is another example of an activity clearly stated to be permissible in public areas of public buildings. § 101-20.309 provides for this activity. GSA does not intend the above-mentioned examples to be a limitation on the extent of activities permitted in public areas of public buildings.

Public areas. One commenter criticized the definition of the term "public area" as being overly vague. The commenter suggested that GSA specify in the regulations which areas were to be available for public use and how many permits would be allowed for each area. GSA is aware that other agencies have issued regulations which list the specific areas available and the maximum number of permits for those areas. However, there exists a practical difference between other agencies' regulations and GSA's. Other agencies' regulations usually apply to only a small number of facilities. For example, the Federal Aviation Administration has recently issued regulations (45 FR 35314, May 27, 1980) which apply to only two facilities, Washington National Airport and Dulles Airport. GSA's regulations, however, would apply to thousands of public buildings under the charge and control of GSA. Because of the lack of similarity of most of the buildings with regard to their construction, design, and physical layout, it would not be possible to issue regulations listing the specific areas of each public building available for use. Nor would it be possible to specify the maximum number of permits which could be issued for these areas. GSA believes that the definition of the

term "public area" set forth in these regulations specifies, to the extent practicable, those areas of public buildings available for use. It is not intended that the examples listed in §101–20.701(b) (that is, lobbies, courtyards, meeting rooms, and auditoriums) be a limitation on the areas in a specific building that are available for use under these regulations. The fact that the Cooperative Use Act lists lobbies, courtyards, meeting rooms, and auditoriums as available for use is evidence that these areas are appropriate places for the exercise of certain First Amendment expressions. Whether areas other than lobbies, courtyards, meeting rooms, and auditoriums are "public areas" depends upon the purpose or use of the area. An area that is open to members of the public to visit or transact Government business does not necessarily convert that area into a "public area" for purposes of this regulation. However, if such an area has been made available to members of the public for expression of their First Amendment rights, whatever form that may take, then the area would be a "public area."

Permit system. Several commenters criticized the provision which required that an application for a permit be submitted at least 30 days but no more than 90 days in advance of the proposed use as being too restrictive. GSA agrees. The final regulations will require that a decision on the issuance of a permit be made promptly and not later than 10 days of receipt of a completed application. Three commenters criticized the requirement in §101–20.702(a) that applicants for a permit provide information regarding their identity. The commenters asserted that applicants desiring to distribute literature have a right to anonymity that would be violated by §101–20.702(a). The commenters cite the case of Talley vs. California, 362 U.S. 60 (1960) in support of their argument. GSA respectfully disagrees. The regulations in the Talley vs. California case are distinguishable from the present regulations. In that legal case persons seeking to distribute literature (leaflettors) were required to place their name, address, and the organization they represented on the literature itself. By complying with this requirement, the leaflettor's identity was known to the person receiving the literature. It was feared that revealing the leaflettor's identity to the person receiving the literature might deter peaceable discussion of public matters of importance and therefore have a chilling effect on the leaflettor's First Amendment right to distribute this literature. Under GSA's regulations, a leaflettor is not required to place his or her name, address, and the organization represented on the literature. The identity of the leaflettor would not be known to the person receiving this literature and there would be no deterrent to the peaceable discussion between the parties of public matters of importance.

Restrictions on behavior. Several commenters also criticized the requirement contained in §101–20.707(a)(5) that all permittees wear identification badges while conducting the activities. The commenters expressed the same above-mentioned concern; i.e., the leaflettors' right to anonymity would be violated. GSA agrees in part. The regulations have been modified to require that only those permittees engaging in the solicitation of funds not prohibited by §101–20.308 would be required to wear an identification badge.

Several commenters also criticized the requirement contained in §101–20.707(a)(6) that donations be accepted only at solicitation booths. This requirement has been deleted from the final regulations. All comments have been considered. Modifications have been made to the proposed regulations as set forth below.

Accordingly GSA amends 41 CFR Part 101–20 as follows:

Subpart 101–20.3—Conduct on Federal Property

1. Section 101–20.302 is revised to read as follows:

§ 101–20.302 Admission to property.

Property shall be closed to the public during other than normal working hours. The closing of property will not apply to that space in those instances where the Government has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by Subpart 101–20.7. During normal working hours, property shall be closed to the public only when situations require this action to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Occupant Emergency Program after consultation with the buildings manager and the ranking representative of the Federal Protective Service Division responsible for protection of the facility or the area. This requirement does not preempt the authority of the Regional Director, Federal Protective Service Division, or any other authorized GSA official to effect a security alert of a facility in accordance with GSA Order, Physical Security of Buildings Alert Guidelines (PBS 5930.16), dated February 20, 1976. This action shall be coordinated with the designated official. The designated official is defined in § 101–20.504–3(f) as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials. When property, or a portion thereof, is closed to the public, admission to this property, or a portion, will be restricted to authorized persons who shall register upon entry to the property and shall, when requested display Government or other identifying credentials to the Federal Protective Officers or other authorized individuals when entering, leaving, or while on the property. Failure to comply with any of the above applicable provisions is a violation of these regulations.

2. Section 101–20.303 is revised to read as follows:

§ 101–20.303 Preservation of property.

The improper disposal of rubbish on property; the willful destruction of or damage to property; the theft of property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from or at a building or the climbing upon statues, fountains, or any part of the building, is prohibited.

3. Section 101–20.307 is revised to read as follows:

§ 101–20.307 Alcoholic beverages and narcotics.

Operation of a motor vehicle while on the property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering upon the property, or while on the property, under the influence of or using or possessing any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. This prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. Entering upon the property, or being on the property, under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on property is prohibited except, upon occasions and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing. The head of the responsible agency or his or her designee shall provide a copy of all exemptions granted to the buildings

manager who shall inform the Federal Protective Officer, or other authorized officials, responsible for the security of the property.

4. Section 101–20.308 is revised to read as follows:

§ 101–20.308 Soliciting, vending, and debt collection.

Soliciting alms, commercial or political soliciting, and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts on GSA-controlled property is prohibited. This rule does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service," issued by the U.S. Office of Personnel Management under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (b) concessions or personal notices posted by employees on authorized bulletin boards; (c) solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95–454); and (d) lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 [40 U.S.C. 490(a)(16)]. Public areas of GSA-controlled property may be used for other activities permitted in accordance with Subpart 101–20.7.

5. Section 101–20.309 is revised to read as follows:

§ 101–20.309 Distribution of handbills.

Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property is prohibited, except as authorized in § 101–20.308 or when these displays are conducted as part of authorized Government activities. Distribution of materials, such as pamphlets, handbills, or flyers, is prohibited, except in the public areas of the property as defined in § 101–20.701(b), unless conducted as part of authorized Government activities. Any person or organization proposing to distribute materials in a public area under this section shall first obtain a permit from the buildings manager under Subpart 101–20.7 and shall conduct distribution in accordance with the provisions of Subpart 101–20.7. Failure to comply with those provisions is a violation of these regulations.

6. The captions in Subpart 101–20.7, the table of contents and two new sections are added. Thus Subpart 101–20.7 is revised as follows.

Subpart 101–20.7—Occasional Use of Public Areas in Public Buildings

Sec.

101–20.700 Scope of subpart.
101–20.701 Definitions.
101–20.702 Permits.
101–20.703 Disapproval of application or cancellation of permit.
101–20.704 Appeals from disapproval of application or cancellation of permit.
101–20.705 Schedule of use.
101–20.706 Services and costs.
101–20.707 Restrictions on behavior.
101–20.708 Posting of notices and information bulletins.
101–20.709 Nonaffiliation with the Government.

Subpart 101–20.7—Occasional Use of Public Areas in Public Buildings

§ 101–20.700 Scope of subpart.

The Public Buildings Cooperative Use Act of 1976 (Pub. L. 94–541), among other things, encourages the occasional use of public areas of public buildings and grounds for cultural, educational, and recreational activities. The purpose of these regulations is to create rules and procedures to be followed in permitting the occasional use of public buildings and grounds for these and other activities authorized by this subpart.

§ 101–20.701 Definitions.

(a) "Public building" shall mean any building and its grounds, or part thereof, under the charge and control of the General Services Administration.

(b) "Public area" shall mean any area of a public building or its grounds ordinarily open to members of the public, such as lobbies, courtyards, auditoriums, meeting rooms, and any other area not specifically leased by any lessee of the public building.

(c) "Buildings manager" shall mean the employee of GSA designated to supervise the implementation of the occasional use provision of the Public Buildings Cooperative Use Act within a particular public building and its grounds.

(d) "Regional officer" shall mean the regional director of the Buildings Management Division of GSA designated to supervise the implementation of the occasional use provision of the Public Buildings Cooperative Use Act within those regions that GSA may from time-to-time create.

(e) "Applicant" shall mean any person or organization who applies for a permit to use a public area within a public building or its grounds.

(f) "Permittee" shall mean any person or organization who has been granted a permit to use a public area within a public building or its grounds.

(g) "Recognized labor organization" shall mean a labor organization recognized under Title VII of the Civil Service Reform Act of 1978 (Pub. L. 95–454) governing labor management relations.

(h) "Cultural activities" shall mean activities, including but not limited to films, dramatics, dances, and musical presentations, and fine are exhibits, whether or not these activities are intended to make a profit.

(i) "Educational activities" shall mean activities, including but not limited to the operation of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(j) "Recreational activities" shall mean activities, including but not limited to the operation of gymnasiums and related facilities.

(k) "Commercial activities" shall mean activities undertaken for the primary purpose of obtaining a profit for the benefit of an individual or organization organized for profit, as opposed to activities whose purpose is the expression of ideas or advocacy of causes, whether of a religious, artistic, political, charitable, educational, or cultural nature, where the commercial aspects involved are incidental to the purpose of the activity.

§ 101–20.702 Permits.

(a) Application. Any person or organization desiring to use a public area of a public building or its grounds shall first obtain a permit from the buildings manager. To obtain this permit, a copy, sample, or description of any material or item proposed for distribution or display and a written statement shall be submitted setting forth the following:

(1) The full name, mailing address, and telephone number of the applicant;

(2) The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the proposed activity;

(3) The full name, mailing address, and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activity;

(4) A description of the proposed activity;

(5) The proposed dates and hours during which the activity is to be carried out; and

(6) The approximate number of persons to be engaged in this activity, if known.

(b) Applicants authority. If the applicant claims to represent an organization, a letter or other documentation is required showing that

the applicant has authority to represent that organization.

(c) Applications for permit to solicit contributions. Any person or organization desiring to use a public area of a public building or its grounds for purposes of soliciting funds not prohibited by § 101–20.308 shall, in addition to the above requirements, submit a statement signed by the applicant that the:

(1) Applicant represents and will be soliciting funds for the sole benefit of a religion or religious group;

(2) Applicant's organization has received an official Internal Revenue Service (IRS) ruling or letter of determination stating that the organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. 501 (c)(3), (c)(4), or (c)(5); or

(3) Applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. 501 (c)(3), (c)(4), or (c)(5), and that the IRS has not yet issued a final administrative ruling or determination of this status.

(d) Failure to complete application. Failure to submit the information required by paragraphs (a), (b), and (c), of this section shall result in denial of a permit.

(e) Filing. Applications shall be filed during regular working hours in the buildings manager's office or such other place as he or she may designate. Applications may be submitted by mail or in person.

(f) Permit issuance. A single permit shall be issued within 10 days following receipt of the completed application by the buildings manager.

(1) Each permit shall authorize the permittee to conduct the activity for the period of time requested; provided that a permit shall not be issued for a period of time in excess of 30 calendar days, unless specifically approved by the regional officer. After the expiration of the permit, a new permit may be issued to the former permit holder upon submission of a new application. In such a case, applicants may be permitted to incorporate by reference any required information or documentation filed with a previous application.

(2) If permits are requested for the same public area for the same time period, the buildings manager will issue permits on a first-come-first-served basis.

§ 101–20.703 Disapproval of application or cancellation of permit.

(a) Grounds for disapproval or cancellation. The buildings manager shall disapprove any application or cancel an issued permit for use of a public area if the proposed use:

(1) Is a commercial activity as defined in § 101–20.701(k);

(2) Obstructs the free ingress and egress of the users of the public area;

(3) Damages the public building or any property within the public building;

(4) Disrupts the official business of the agency or agencies occupying the public buildings;

(5) Interferes with a tenant's quiet enjoyment of their leasehold;

(6) Interferes with a previously approved use of the public area by another member, or members, of the public;

(7) Is obscene within the meaning of obscenity in 18 U.S.C. 1461–65;

(8) Pertains to any judicial proceeding then pending in the public building and this use is intended to influence or impede the judicial proceeding;

(9) Is in violation of the prohibition against political solicitations in 18 U.S.C. 603; or

(10) Is being conducted with a permit issued in response to an intentionally false or incomplete application.

(b) Notice of disapproval of application or cancellation of permit. Upon disappproving an application or canceling an issued permit for any of the above reasons, the buildings manager shall:

(1) Notify promptly the applicant or permittee in writing of disapproval or cancellation and the reasons for this action; and

(2) Inform the applicant of his or her right to appeal the disapproval or cancellation to the regional officer under § 101–20.704.

§ 101–20.704. Appeals from disapproval of application or cancellation of permit.

(a) Time for appeal. Within 5 calendar days of notification of the buildings manager's decision to disapprove any application or cancel an issued permit under § 101–20.703, the applicant or permittee may appeal the buildings manager's determination to the regional officer by notifying the regional officer, in writing, that he or she desires to appeal.

(b) Record. Although a trial-type hearing or presentation is not required, the applicant or permittee and the buildings manager shall have the opportunity to orally state the reasons that the application or cancellation should or should not be approved. Written materials and documents may also be submitted. The regional officer shall affirm or reverse the buildings manager's determination based on this information.

(c) Time for review. The regional officer shall affirm or reverse the buildings manager's determination within 10 days of the date on which the regional officer received the applicant or permittee's notification of his or her desire to appeal. If the regional officer does not rule within this period, the application will be considered to be approved or the permit validly issued.

(d) Notification. Upon reaching a decision on an appeal taken under § 101–20.704, the regional office shall promptly notify the applicant or permittee and the buildings manager of the decision and the reasons therefore.

§ 101–20.705 Schedule of use.

(a) Schedule. Nothing in these regulations shall prevent the buildings manager from:

(1) Reserving certain times of the year for use of public areas of the public buildings for official Government business;

(2) Setting aside certain days or time for maintenance, construction, or repair; or

(3) Preempting an approved use of a public area for official Government business.

(b) Time. Public areas made available may be used during or after the regular working hours of Federal agencies, provided this afterhour use will not interfere with the conduct of Government business. When public areas are used by permittees under Subpart 101–20.7 after normal working hours, all adjacent areas not approved for afterhours usage shall be locked, identified by signs, or physically barricaded, as appropriate, to restrict the participants' movements to only that space or areas(s) approved for usage.

§ 101–20.706 Services and costs.

(a) Costs. The space to be provided under these regulations is furnished free of charge. Services normally provided at the building in question, such as security, cleaning, heating, ventilating, and air-conditioning, shall also be provided free of charge by GSA. The applicant shall be requested to reimburse GSA for services over and above those normally provided. If the applicant desires to provide services, such as security and cleaning, this request must be approved by the regional officer. The Regional Administrator may provide the services free of charge if the cost is insignificant and if it is in the public's interest.

(b) Alteration of public area. Generally, there shall be no alteration to public areas used under these regulations by persons, firms, or organizations, unless it is determined by the Regional Administrator that changes should be made in a public building to encourage and aid in the proposed use.

The permittee must make adequate provisions for the:

(1) Protection of the safety of an user of the public area; and

(2) Prevention of injury or damage to the public building.

(c) Program requirements. The furnishing of any item necessary for the proposed activity, such as tickets, audiovisual equipment, etc., shall be the responsibility of the permittee.

§ 101-20.707 Restrictions on behavior.

(a) General. The permittee shall be subject to the rules and regulations governing public buildings and grounds in Subpart 101-20.3. In addition, a permittee shall:

(1) Not misrepresent his or her identity to the public;

(2) Not distribute any item for which the prior approval of the buildings manager or his or her representative has not been obtained, under § 101-20.702(d) of these regulations;

(3) Not leave leaflets or other material unattended at any place on GSA-controlled property;

(4) Not conduct any activities in a misleading or fraudulent manner;

(5) Not discriminate on the basis of race, creed, color, sex, or national origin, in conducting the permitted activities; and

(6) Not engage in activities that would interfere with the preference afforded the blind licensees under the Randolph-Sheppard Act (20 U.S.C. 107).

(b) Identification badges. Permittees engaging in the solicitation of funds not prohibited by § 101-20.308 shall wear an identification badge at all times on GSA-controlled property containing the following:

(1) Name;

(2) Address;

(3) Telephone number; and

(4) Name of group or organization.

§ 101-20.708 Posting of notices and information bulletins.

Only the following types of notices or information bulletins may be posted on bulletin boards in nonpublic areas of the public building:

(a) Official business notices of the occupant agency;

(b) Request for funds for welfare, health, and other purposes, approved by the head of the occupant agency;

(c) Notices to Federal employees by concessionaries and agency employees of groups or organizations recognized by the occupant agency;

(d) Personal notices of agency employees, such as the sale of an employee's home, requests for carpool participation, etc.; and

(e) Recognized labor organization notices and issuances on space provided by the agency under agreement between the agency and the recognized labor organization.

§ 101-20.709 Nonaffiliation with the Government.

The General Services Administration reserves the right to advise the public through signs or announcements of the presence of any permittees and of their nonaffiliation with the Federal Government.

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

Dated: December 5, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 81-1339 Filed 1-14-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 95

Time Limits for States To File Claims

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule with a comment period.

SUMMARY: HHS will pay a State the Federal share of a State expenditure, under a State plan approved under any of several titles of the Social Security Act, only if the State files a claim with HHS for that expenditure within 2 years (15 months in some cases) after the calendar quarter in which the State made the expenditure. This rule implements section 306 of the "Adoption Assistance and Child Welfare Act of 1980."

EFFECTIVE DATE: January 1, 1981.

COMMENT DATE: Your comments will be considered if we receive them no later than March 16, 1981.

ADDRESSES: Send your written comments to the Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive can be seen at the Washington Inquiries Section, Office of Governmental Affairs, Social Security Administration, Department of Health and Human Services, Room 1212, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: For financial assistance programs under Titles I, IV-A, X, XIV and XVI (AABD): Kent Dickson—(202) 245-2056. For child support enforcement programs under Title IV-D: Pera P. Daniels—(301) 443-2910. For child welfare services programs under title IV-B and foster care and adoption assistance programs under Title IV-E: Jim Rich—(202) 755-7583. For social services programs under Titles I, IV-A, X, XIV, XVI (AABD) and XX: Bettye Mobley—(202) 472-3075. For medical assistance programs under Title XIX: Miles McDermatt—(301) 594-5726. For general legal questions: Richard K. Wulff—(202) 245-6733.

SUPPLEMENTARY INFORMATION:

Regulatory Procedural Requirements

We have determined that under E.O. 12044 these regulations are significant but no Regulatory Analysis is required.

We are publishing them as a final rule without prior Notice of Proposed Rulemaking (NPRM) and opportunity for public comment because they are necessary to implement section 306 of Pub. L. 96-272, which imposes a deadline of December 31, 1980 for States to file certain claims. Public Law 96-272 was enacted June 17, 1980, leaving insufficient time for us to publish an NPRM, allow time for public comment, consider the comments, and publish final regulations before January 1, 1981. Therefore, we find that notice and comment on these regulations before they take effect would be impracticable and contrary to the public interest.

Nonetheless, we wish to have the advantage of the information and opinions we may receive through public comments, and we will consider any comments we receive by the stated date. After we consider any comments we receive, we will make changes in these regulations as we deem appropriate.

We also find good cause for issuing these regulations with an effective date less than 30 days after issuance, because the statutory effective date is January 1, 1981.

Because this regulation applies only to States and imposes no conditions and requirements on small entities, the Secretary certifies that the regulation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354.

Statutory Basis

Section 306 of Pub. L. 96-272, the "Adoption Assistance and Child Welfare Act of 1980," adds a new section 1132 to the Social Security Act (the Act). Its intent is to enable HHS to know the total amounts of its obligations for each fiscal year within a reasonable time after the end of the year. The provision prohibits HHS from paying Federal financial participation (FFP) for a State expenditure made after September 30, 1979, under a State plan approved under certain titles of the Act,

unless the State files a claim with HHS for that expenditure within 2 years after the calendar quarter in which the State made the expenditure. For State expenditures made before October 1, 1979, section 306(b) of Pub. L. 96-272 requires the State to file the claim before January 1, 1981. However, in accordance with the provisions of the attached regulations, we are waiving the January 1, 1981 filing date and extending it to May 15, 1981, without States having to request a waiver. We find good cause for this waiver because States will need additional time to comply with these regulations.

The law applies these time limits to State expenditures under State plans approved under the following titles of the Act: I, IV, V, X, XIV, XVI, XIX and XX. The law also applies these time limits to State expenditures under any other provision of the Act which may be enacted in the future that provides, on an entitlement basis, for FFP in expenditures made under State plans or programs.

The law provides four exceptions to the time limits: (1) Adjustments to prior year costs;

(2) Audit exceptions;

(3) Court-ordered retroactive payments; and

(4) Any claim for which the Secretary decides there was good cause for the State's not filing it within the time limit. Lateness of a claim attributable to a State's neglect or administrative inadequacies is not considered good cause. When the Secretary decides there was good cause for not filing within the time limit, the time for filing will be extended only for the time period the State reasonably needs.

Programs Not Affected by the Regulations

The list of titles contained in section 306 of Pub. L. 96-272 includes Titles V and XVI. However, not all of the programs funded under these titles are affected by the requirements of section 306.

Title XVI "Supplemental Security Income for the Aged, Blind and Disabled" (SSI) is a Federal income maintenance program and does not have a State plan requirement. Consequently, the SSI program is not affected by section 306 or the regulations contained herein. Title XVI (AABD), however, is covered by the statutory provision and our regulations.

The Supplemental Security Income/Disability Children's Program and Vocational Rehabilitation Program established under SSI does contain a State plan requirement as does the Title V "Maternal and Child Health and Crippled Children's Services" program. However, these programs are formula grant programs that operate in the following manner. Once the State plan is approved, funds are made available to States in advance of expenditures on the basis of a predetermined formula. Claims are not made against the Federal program for reimbursement of expenditures. Consequently, we do not believe that the provisions of section 306 have an impact on these programs and we have not included them in our regulations.

The programs funded under Title IV are covered by section 306, i.e., Titles IV-A, IV-B, IV-C, IV-D and IV-E. These regulations apply to all except the Title IV-C program. The Work Incentive (WIN) program established under section 402(a)(19)(G) and Title IV-C of the Act involves coordination between this Department and the Department of Labor. We have decided to prepare a separate regulation under section 306 for the WIN program to allow full consideration by both Departments.

Administrative Interpretations and Rules

These regulations contain the following provisions—

(1) "Claim" is a request for FFP in the manner and format required by our program regulations, and instructions or directives issued thereunder;

(2) "Adjustment to prior year costs" is an adjustment in the amount of a particular cost item that was previously claimed under an interim rate concept and for which it is later determined that the cost is greater or less than that originally claimed;

(3) "Audit exception" is a proposed adjustment by the responsible Federal agency to any expenditure claimed by a State by virtue of an audit;

(4) "Court-ordered retroactive payment" is either a retroactive payment a State makes to an assistance recipient or other individual, under a Federal or State court order, or a retroactive payment we make to a State under a Federal court order. While we will accept claims based on Court-ordered retroactive payments as timely, we do not necessarily agree to be bound by a State or Federal decision when we were not a party to the action.

An "adjustment to prior year's costs" is limited to claims for services or medical assistance based on interim rates that subsequently are determined to be higher or lower than originally claimed. It has been our experience that in these areas subsequent adjustments are unforeseen and unavoidable. Consequently, we believe they should not be subject to the time limits. We believe that a broader exception would render the statutory provision a nullity. However, we would welcome comments based upon the actual experience of the commenters as to the desirability of expanding this exception.

"Good cause" for late filing in these regulations is lateness due to circumstances beyond the control of the State. We specifically exclude from these circumstances, neglect or administrative inadequacies of the State legislature, as well as by offices of the State's executive branch and local agencies as appropriate. We have included examples of "good cause" i.e., acts of God or documented action or inaction of the Federal government. We believe that these examples constitute valid instances of "good cause" for a late claim that are beyond the State's control, but we recognize that there may be other situations that are equally valid. The regulation is sufficiently flexible to accommodate these situations. Nonetheless, we would welcome comments on the desirability of expanding examples based upon the actual experience of the commenters.

The State programs under the affected titles of the Act are administered at the Federal level by four different agencies of HHS: the Health Care Financing Administration, the Office of Child Support Enforcement, the Office of Human Development Services, and the Social Security Administration. A State that wants to request waiver of the time limit for "good cause" ordinarily should file its request with the appropriate HHS agency. When a request affects the programs of more than one of these agencies, the submission should be sent to the Director, Division of Cost Allocation in the appropriate HHS Regional Office. The decision whether to grant or deny the waiver request will be made by the Secretary.

Part 95 of Subtitle A of 45 CFR is amended as follows:

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

Authority: Sec. 452(a), 83 Stat. 2351, 42 U.S.C. 652(a); sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 7(b), 68 Stat. 658, 29 U.S.C. 37(b); sec. 139, 84 Stat. 1323, 42 U.S.C. 2577b; sec. 144, 81 Stat. 529, 42 U.S.C. 2678; sec. 1132, 94 Stat. 530, 42 U.S.C. 1320b-2; sec. 306(b), 94 Stat. 530, 42 U.S.C. 1320b-2 note.

2. A new Subpart A is added to read as follows:

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

Subpart A—Time Limits for States To File Claims

Sec.

95.1 Scope.
95.4 Definitions.
95.7 Time limit for claiming payment for expenditures made after September 30, 1979.
95.10 Time limit for claiming payment for expenditures made before October 1, 1979.
95.13 In which quarter we consider an expenditure made.
95.19 Exceptions to time limits.
95.22 Meaning of good cause.
95.25 When to request a waiver for good cause.
95.28 What a waiver request for good cause must include.
95.31 Where to send a waiver request for good cause.
95.34 The decision to waive the time limit for good cause.

* * * * *

Subpart A—Time Limits for States To File Claims

§ 95.1 Scope.

(a) This subpart establishes a two year time limit (15 months in some cases) for a State to claim Federal financial participation in expenditures under State plans approved under the following titles of the Social Security Act:

Title I—Grants to States for Old-Age Assistance and Medical Assistance for the Aged.

Title IV-A—Grants to States for Aid and Services to Needy Families with Dependent Children (except for Section 402(a)(19)(G) of the Act).

Title IV-B—Child Welfare Services.

Title IV-D—Child Support and Establishment of Paternity.

Title IV-E—Foster Care and Adoption Assistance.

Title X—Grants to States for Aid to the Blind.

Title XIV—Grants to States for Aid to the Permanently and Totally Disabled.

Title XVI—Grants to States for Aid to the Aged, Blind, or Disabled (AABD), or for Such Aid and Medical Assistance for the Aged.

Title XIX—Grants to States for Medical Assistance Programs.

Title XX—Grants to States for Services.

(b) This subpart also applies to claims for Federal financial participation by any State which are based on any provision of the Act that is enacted after issuance of these regulations and that provides, on an entitlement basis, for Federal financial participation in expenditures made under State plans or programs.

(c) This subpart explains under what conditions the Secretary may decide to extend the time limit for filing claims when a State believes it has good cause for not meeting the time limit.

§ 95.4 Definitions.

In this subpart—

Adjustment to prior year costs means an adjustment in the amount of a particular cost item that was previously claimed under an interim rate concept and for which it is later determined that the cost is greater or less than that originally claimed.

Audit exception means a proposed adjustment by the responsible Federal agency to any expenditure claimed by a State by virtue of an audit.

Claim means a request for Federal financial participation in the manner and format required by our program regulations, and instructions or directives issued thereunder.

Court-ordered retroactive payment means either a retroactive payment the State makes to an assistance recipient or an individual, under a Federal or State court order or a retroactive payment we make to a State under a Federal court order. Although we may accept these claims as timely, this provision does not mean that we necessarily agree to be bound by a State or Federal decision when we were not a party to the action.

Federal financial participation means the Federal government's share of an expenditure made by a State agency under any of the programs listed in § 95.1.

State agency for the purposes of expenditures for financial assistance under title IV-A and for support enforcement services under title IV-D means any agency or organization of the State or local government which is authorized to incur matchable expenses; for purposes of expenditures under title XIX, means any agency of the State, including the State Medicaid agency, its fiscal agents, a State health agency, or any other State or local organization which incurs matchable expenses; for purposes of expenditures under all other titles, see the definitions in the appropriate program's regulations.

State means the 50 States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa and the Trust Territories of the Pacific.

The Act means the Social Security Act, as amended.

We, our, and *us* refer to HHS's Health Care Financing Administration, Office of Child Support Enforcement, Office of Human Development Services, or the Social Security Administration, depending on the program involved.

§ 95.7 Time limit for claiming payment for expenditures made after September 30, 1979.

Under the programs listed in § 95.1, we will pay a State for a State agency expenditure made after September 30, 1979, only if the State files a claim with us for that expenditure within 2 years after the calendar quarter in which the State agency made the expenditure. Section 95.19 lists the exceptions to this rule.

§ 95.10 Time limit for claiming payment for expenditures made before October 1, 1979.

Under the programs listed in § 95.1, we will pay a State for a State agency expenditure made before October 1, 1979, only if the State filed or files a claim with us for that expenditure before January 1, 1981. Section 95.19 lists the exceptions to this rule.

§ 95.13 In which quarter we consider an expenditure made.

In this subpart—

(a) We consider a State agency's expenditure for assistance payments under title I, IV-A, IV-E, X, XIV, or XVI (AABD) to have been made in the quarter in which a payment was made to the assistance recipient, his or her protective payee, or a vendor payee, even if the payment was for a month in a previous quarter.

(b) We consider a State agency's expenditure for services under title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI (AABD) or XIX to have been made in the quarter in which any State agency made a payment to the service provider.

(c) For purposes of title XX, the date of expenditure is governed by 45 CFR § 1396.52(d).

(d) We consider a State agency's expenditure for administration or training under title I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI (AABD), or XIX to have been made in the quarter payment was made by a State agency to a private agency or individual; or in the quarter to which the costs were allocated in accordance with the regulations for each program. We consider a State agency's expenditure under these titles for non-cash expenditures such as depreciation to have been made in the quarter the expenditure was recorded in the accounting records of any State agency in accordance with generally accepted accounting principles.

§ 95.19 Exceptions to time limits.

The time limits in §§ 95.7 and 95.10 do not apply to any of the following—

(a) Any claim for an adjustment to prior year costs.

(b) Any claim resulting from an audit exception.

(c) Any claim resulting from a court-ordered retroactive payment.

(d) Any claim for which the Secretary decides there was good cause for the State's not filing it within the time limit.

§ 95.22 Meaning of good cause.

(a) Good cause for the late filing of a claim is lateness due to circumstances beyond the State's control.

(b) Examples of circumstances beyond the State's control include:

(1) Acts of God;

(2) Documented action or inaction of the Federal government.

(c) Circumstances beyond the State's control do not include neglect or administrative inadequacy on the part of the State, State agencies, the State legislature or any of their offices, officers, or employees.

§ 95.25 When to request a waiver for good cause.

The State should request a waiver in writing as soon as the State recognizes that it will be unable to submit a claim within the appropriate time limit.

§ 95.28 What a waiver request for a good cause must include.

The State's request for waiver must include a specific explanation, justification or documentation of why the claim is or will be late. This request must establish that the lateness in filing the claim is for good cause as defined in § 95.22 and not due to neglect or administrative inadequacy. If the claim has not been filed, the State must also tell us when the claim will be filed.

§ 95.31 Where to send a waiver request for good cause.

(a) A request which affects the program(s) of only one HHS agency (the Health Care Financing Administration, or the Office of Child Support Enforcement, or the Office of Human Development Services, or the Social Security Administration) and does not affect the programs of any other agency or Federal Department should be sent to the appropriate HHS agency.

(b) A request which affects programs of more than one HHS agency or Federal Department should be sent to the Director, Division of Cost Allocation in the appropriate HHS Regional Office.

§ 95.34 The decision to waive the time limit for good cause.

The Secretary will make a decision after reviewing the State's request for waiver. If the Secretary decides that good cause exists, the State will be notified of the extended due date. If the Secretary decides that good cause does not exist or that the request for waiver does not provide enough information to make a decision, the State will be so advised.

(Catalog of Federal Domestic Assistance Program Nos. 13.642, Social Services for Low Income and Public Assistance Recipients; 13.644, Social Services Training Grants—Title XX; 13.645, Child Welfare Services—State Grants; 13.679, Child Support Enforcement; 13.714, Medical Assistance Program; 13.775, State Medicaid Fraud Control Units; 13.777, State Health Care Providers Survey Certification; 13.808, Assistance Payments—Maintenance Assistance (State Aid); and 13.810, Assistance Payments—State and Local Training)

Dated: January 2, 1981.

Joan Z. Bernstein,

General Counsel.

Approved: January 9, 1981.

Patricia Roberts Harris,

Secretary of Health and Human Services.

[FR Doc. 81-1543 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-67; RM-3297]

Radio Broadcast Services; FM Broadcast Station Anchorage, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action substitutes Channel 281 for Channel 280A at Anchorage, Alaska, in response to a request from Sourdough Broadcasters, Inc., licensee of Station KKLV (Channel 280A). The license was also modified to specify Channel 281.

EFFECTIVE DATE: February 16, 1981

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 17, 1980.

Released: December 29, 1980.

In the Matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Anchorage, Alaska).

By the Chief, Broadcast Bureau:

1. The Commission has before it the *Notice of Proposed Rulemaking* 45 FR 13145, published February 28, 1980, inviting comments on a proposal to substitute Class C FM Channel 281 for FM Channel 280A at Anchorage, Alaska. The *Notice* was issued in response to a petition submitted by Sourdough Broadcasters, Inc. ("petitioner"), licensee of FM Station KKLV, Anchorage, Alaska, which requested the substitution described above so that it could upgrade its broadcast facilities. Petitioner filed supporting comments in which it reiterated its intention to use the channel, if assigned.

2. Anchorage (population 124,542) [1] is located on the southern coast of Alaska, approximately 480 kilometers (300 miles) from the Canadian border. It is presently served by six full-time AM stations and 5 commercial FM stations (three Class C and two Class A) and one noncommercial station.

3. Channel 281 can be assigned to Anchorage in conformity with the minimum distance separation requirements. Preclusion would occur on Channels 280A, 281, 282, 283, and 284. Palmer (population 1,140) and Valdez (population 1,005), Alaska are the two communities of population greater than 1,000 without local aural service that would be precluded from use of the aforementioned channels. However, petitioner has shown that alternative channels are available for assignment to these communities.[2] Petitioner indicated that in upgrading its present Class A station to a Class C, it would better serve Anchorage and the surrounding areas. It points to the fact that prior to 1965 the City of Anchorage comprised 14 square miles. After that period, the City of Anchorage merged with the Greater Anchorage Area Borough into a 160-square mile entity known simply as Anchorage.

4. Since the change in the assignment could enable petitioner to provide service to a substantially larger area and it has been shown that there are alternate channels available for assignment to precluded communities without local aural service, we believe the public interest would be served by the proposal.

5. The *Notice* stated that, if no other party expressed an interest in the proposed assignment of Channel 281 to Anchorage, the license of Station KKLV could be modified to the Class C channel.[3] No other party has done so, thus the license of Station KKLV has been modified herein.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of

[1] Population figures are taken from the 1970 U.S. Census.

[2] Petitioner indicated that Channel 285A is available for assignment to Palmer and Channel 296A is available at Valdez.

[3] *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

the Commission's Rules, it is ordered, That effective February 16, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with respect to the following community:

City	Channel No.
Anchorage, Alaska	263, 267, 271, 281, 288A

7. It is further ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Sourdough Broadcasters, Inc. for Station KKLV, Anchorage, Alaska, is modified, effective February 16, 1981, to specify operation on Channel 281 instead of Channel 280A. The licensee shall inform the Commission in writing no later than February 16, 1981, of its acceptance of this modification. Station KKLV may continue to operate on Channel 280A for one year from the effective date of this action or until it is ready to operate on Channel 281, or the Commission sooner directs, subject to the following conditions.

(a) At least 30 days before commencing operation on Channel 281, the licensee of Station KKLV shall submit to the Commission the technical information normally requested of an applicant for Channel 281.

(b) At least 10 days prior to commencing operation on Channel 281, the licensee of Station KKLV shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station KKLV shall not commence operation on Channel 281 without prior Commission authorizations.

8. It is further ordered, That this proceeding is terminated.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1560 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-142; RM-3446]

FM Broadcast Station in Elkins, West Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: This action assigns a first commercial FM channel to Elkins, West Virginia, in response to a petition filed by Garry L. Bowers, Eleanor I. Freed, and Richard H. McGraw, a joint venture.

EFFECTIVE DATE: March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

SUPPLMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: December 31, 1980.

Released: January 12, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations. (Elkins, West Virginia)

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 25414, published April 15, 1980, in response to a petition filed by Garry L. Bowers, Eleanor I. Freed and Richard H. McGraw, a joint venture ("petitioner"), proposing the assignment of FM Channel 237A to Elkins, West Virginia. Supporting comments were filed by petitioner in which it incorporated by reference the information in its petition and reaffirmed its intention to apply for the channel if assigned, and to build a station if licensed. Comments in support of the *Notice* were also filed by Marja Broadcasting Corp., licensee of fulltime AM Station WDNE in Elkins.[1] The National Radio Astronomy Observatory and Naval Research Laboratory filed comments stating all prospective applicants for the channel should be aware of the requirements of § 73.1030 of the Commission's Rules, which require notification of the proposed facilities in the "quite zone."

2. Elkins (pop. 8,287),[2] in Randolph County (pop. 24, 596), is located approximately 168 kilometers (105 miles) northeast of Charleston, West Virginia. It is served locally by fulltime AM Station WDNE and noncommercial educational FM Station WCDE, Channel 212.

3. Petitioner states that Elkins, the county seat of Randolph County, is a growing community with much of the economy based on coal, lumber, health services, and government. Petitioner has submitted persuasive information with respect to Elkins and its need for a first commercial FM assignment.

4. We have given careful consideration to the proposal and believe that Channel 237A should be assigned to Elkins, West Virginia. Interest has been shown for its use and the assignment would provide the community with its first commercial FM assignment.

5. Because the assignment is located in a radio "quite zone," all applicants for Channel 237A in Elkins should be aware of the Commission's notice requirements as set forth in § 73.1030 of the Commission's Rules.

6. Canadian concurrence in the assignment has been obtained.

7. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. In view of the foregoing, IT IS ORDERED, That effective March 2, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Elkins, West Virginia	237A

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1490 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Marja also indicates that Elkins can support additional assignments and states that it is filing a petition for rule making to assign FM Channel 244A to Elkins, which has since been accepted as RM-3716. Marja requests that we consolidate these two proceedings. Because we see no need to postpone the instant assignment which can be granted regardless of the merits of a second assignment for Elkins, Marja's request is denied.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-132; RM-3437]

FM Broadcast Station in Memphis, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: Action taken herein assigns a Class A FM channel to Memphis, Missouri, in response to a petition filed by Samuel Berkowitz. The assigned channel could provide Memphis with its first local aural broadcast service.

EFFECTIVE DATE: March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT:
Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Report and Order; Proceeding Terminated

Adopted: December 30, 1980.
Released: January 12, 1981.
By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Memphis, Missouri):

1. The Commission has before it a *Notice of Proposed Rule Making*, 45 FR 24214, published April 9, 1980, proposing the assignment of Channel 244A to Memphis, Missouri, as its first FM assignment. The *Notice* was issued in response to a petition filed by Samuel Berkowitz ("petitioner"). Supporting comments were filed by the petitioner in which he reaffirmed his intent to apply for the channel, if assigned.

2. Memphis (pop. 2,081),[1] seat of Scotland County (pop. 5,499), is located approximately 109 kilometers (68 miles) northwest of Hannibal, Missouri. It has no local aural broadcast service.

3. As stated in the *Notice*, Memphis and the surrounding area is primarily dependent on agriculture. Petitioner submitted sufficient data to demonstrate the need for an FM assignment, noting that the only local news medium is a weekly newspaper. He stated that he will apply for a license on the channel if assigned.

4. The Commission believes that the public interest would be served by assigning Channel 244A to Memphis, since it would provide the community with an opportunity for its first local broadcast service.

5. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective March 2, 1981, the FM Table of Assignments § 73.202(b) of the Commission's Rules) IS AMENDED with regard to the community listed below:

City	Channel No.
Memphis, Missouri	244A

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

[1] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1485 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 845

Accident/Incident Hearings and Reports

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This amendment to the Board's existing procedural rules applicable to accident hearings and reports serves to allow an oral presentation to be made to the Board, upon a showing by the petitioner of the need therefor, as a supplement to the submission of a written request for reconsideration or modification of the Board's accident report. The amendment incorporates into the rules a procedure which, to date, has been utilized on an *ad hoc* basis.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT:
John M. Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594 (202-472-6033).

SUPPLEMENTARY INFORMATION: Since its inception in 1967, the Safety Board has received a relatively small number of requests, from parties to an investigation or hearing, to make on oral presentation to the Board as a supplement to a written request for reconsideration or modification. With a single exception, these requests have been denied, primarily on the basis of a lack of showing of the need for an oral presentation.

The Board desires to add to § 845.41 of its Rules of Practice, which governs requests for reconsideration and modification, a subsection providing that, while oral presentation is not normally permitted, it may be allowed where a party or person can demonstrate, to the Board's satisfaction, the need for an oral presentation as a supplement to a written request for reconsideration or modification. The addition of this provision does not signal a change in the Board's substantive policy, but rather is a recognition of the fact that parties who participate, or persons who have a direct interest, in the Board's investigations and hearings should have an equal awareness of the Board's posture toward a procedure which, to date, has been treated on an *ad hoc* basis rather than by regulation.

Since this is an amendment to the Board's procedural rules that expands the opportunity for public participation in one phase of the Board's functions and does not impose a burden on any segment of the public, the Board finds that notice and public procedure are unnecessary and that the amendment may become effective January 15, 1981.

Accordingly, Part 845 of Title 49, Chapter VIII of the Code of Federal Regulations is amended by adding a new § 845.41(c) to read as follows:

§ 845.41 Requests for reconsideration or modification.

* * * * *

(c) Oral presentation before the Board normally will not be held in proceedings under this part. However, the Board may permit oral presentation where a party or person makes an affirmative showing that the written request for reconsideration or modification is insufficient as a means of presenting that party's or person's position to the Board. Where oral presentation is allowed, the Board will specify the issues to be addressed and all parties to the investigation or hearing will be given notice and the opportunity to participate.

(49 U.S.C. 1903(b))

Signed at Washington, D.C. on January 12, 1981.

James B. King,

Chairman.

[FR Doc. 81-1519 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-58-M

INTERSTATE COMMERCE COMMISSION

49 CFR 1011

[Ex Parte No. MC-142 (Sub-No. 1)]

Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: On January 8, 1981, the Interstate Commerce Commission voted to establish a Special Restriction Removal Employee Board. This Board has been delegated the functions set forth in new 49 CFR 1011.6(1), which is adopted in this decision and notice. Under the delegated authority, the Board will decide applications seeking to remove operating restrictions or to broaden unduly narrow authority in

outstanding certificates or permits, filed under the new procedures adopted by the Commission in this proceeding on December 24, 1980, published at 45 FR 86747, December 31, 1980, and codified at 49 CFR part 1137. The following employees have been designated to serve as members of the new Board for terms of six months each: Howell I. Sporn, Chairman, Jane Alspaugh, and Mark S. Shaffer.

EFFECTIVE DATE: January 8, 1981.

Comments: Since this is a final action taken to revise internal organization matters, provisions for formal comments are unnecessary under 5 U.S.C. 553(b)(A).

FOR FURTHER INFORMATION CONTACT: Ombudsman's Office, (202) 275–7440 or Edward E. Guthrie, (202) 275–7691.

Summary

We are adopting the procedural rule set forth in the appendix.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: January 8, 1981.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

49 CFR 1011 is amended by adding 49 CFR 1011.6(l) as follows:

§ 1011.6 Employee boards.

* * * * *

(l) *Restriction Removal Board.* Determination of applications filed under Part 1137 to remove operating restrictions or to broaden under narrow authorizations in outstanding certificates or permits.

[FR Doc. 81-1523 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1370, Amdt. 1]

Car Service; Burlington Northern Inc., Authorized To Operate Over Tracks of Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Service Order No. 1370.

SUMMARY: Service Order No. 1370 authorized Burlington Northern Inc., to operate over tracks of Union Pacific Railroad Company at Zillah, Washington. With the enactment of the Staggers Rail Act of 1980, this amendment establishes an expiration date to provide conformity with current Commission policy.

EFFECTIVE: 12:01 a.m., January 15, 1981, and continuing in effect until 11:59 p.m., July 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided: January 9, 1981.

Upon further consideration of Service Order No. 1370, (44 F.R. 20438), and good cause appearing therefor:

It is ordered, § 1033.1370 Service Order No. 1370 Burlington Northern Inc. authorized to operate over tracks of Union Pacific Railroad Company is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., January 15, 1981.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment 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 amendment 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 John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1520 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1368, Amdt. 1]

Car Service; Indiana Eastern Railroad and Transportation, Inc. d.b.a. the Hoosier Connection Authorized To Operate Over Tracks Leased From the Penn Central Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to service order No. 1368.

SUMMARY: Service Order No. 1368 authorized the Indiana Eastern Railroad and Transportation, Inc., to operate over tracks leased from the Penn Central Corporation between Emporia and Carthage, Indiana, and between Shirley and Wilkinson, Indiana. With the enactment of the Staggers Rail Act of 1980, this amendment establishes an expiration to provide conformity with current Commission policy.

EFFECTIVE DATE: 12:01 a.m., January 15, 1981, and continuing in effect until 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided: January 9, 1981.

Upon further consideration of Service Order No. 1368, (44 FR 18228), and good cause appearing therefor:

It is ordered, § *1033.1368 Service Order No. 1368* (Indiana Eastern Railroad and Transportation, Inc. d.b.a. the Hoosier Connection authorized to operate over tracks leased from the Penn Central Corporation) is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., January 15, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment shall be served upon the Associaton 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 amendment 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 John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1521 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1374, Amdt. 2]

Car Service; Auto-Train Corporation, Debtor (Murray Drabkin, Trustee), Authorized To Transport Automobiles Between Alexandria (Lorton), Virginia, and Sanford, Florida

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 2 to service order No. 1374.

SUMMARY: Service Order No. 1374 authorized Auto-Train Corporation to transport automobiles between Alexandria (Lorton), Virginia, and Sanford, Florida. This amendment establishes an expiration date for the order, pursuant to the enactment of the Staggers Rail Act of 1980, and current Commission policy.

EFFECTIVE: 12:01 a.m., January 15, 1981, and continuing in effect until 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided: January 9, 1981.

Upon further consideration of Service Order No. 1374 (44 FR 23086 and 29078), and good cause appearing therefor:

It is ordered, § *1033.1374 Service Order No. 1374 (Auto-Train Corporation authorized to transport automobiles between Alexandria (Lorton), Virginia, and Sanford, Florida)* is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., January 15, 1981.

This action is taken under authority of 49 U.S.C. 10304–10305 and 11121–11126.

This amendment 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 amendment 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 John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1522 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

Correction

In FR Doc. 81–685 appearing at page 2302 in the issue for Thursday, January 8, 1981, make the following correction:

On page 2303, in the third column, in paragraph d. which amends § 296.8(c)(1), in the first line, of the amendatory language, the word "property" should have read "properly".

BILLING CODE 1505-01-M

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50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Emergency amendment to the regulations.

SUMMARY: Regulations governing the surf clam and ocean quahog fisheries in the Atlantic Ocean fishery conservation zone are amended by emergency action taken under the authority of Section 305(e)(2) of the Fishery Conservation and Management Act of 1976 (FCMA). This action, while effective, constitutes an amendment to the fishery management plan (FMP) for the surf clam and ocean quahog fisheries. The amendment constitutes a change in the criteria which must be present before a surf clam vessel operator may claim a make-up period for fishing time lost to bad weather. The change would allow the operator to claim a make-up period based on his own evaluation of weather and sea conditions. This would replace the present procedure which allows make-ups only when small craft warnings are posted in the vessel's fishing area.

EFFECTIVE DATE: These emergency regulations take effect January 18, 1981. They will continue in effect for 45 days, until March 4, unless terminated earlier. They may be continued for an additional 45 day period.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930, (617) 281–3600.

SUPPLEMENTARY INFORMATION: When the FMP was amended in late 1979 (44 FR 68872), effective January 1, 1980, a provision was added allowing a make-up period for fishing time lost to inclement weather during the four winter months December through March. That make-up period was to be granted only if small craft warnings were posted in one of the two ports which were associated with the major surf clam fishing areas. Implementation experience during January, February, and March of 1980 indicated that the use of small craft warnings was not a realistic or reliable indicator of the weather and sea conditions which permit or prohibit fishing for surf clams during the winter months. Although the small craft warning requirement was incorporated to provide an index of weather severity and to prevent misuse of the make-up provisions, it is clear that continued use of the small craft test could place unreasonable demands upon fishermen, the National Weather Service, the Coast Guard, and the National Marine Fisheries Service and could result in jeopardy to fishermen. Determination of the severity and suitability of weather and sea conditions for fishing operations during those months when a make-up period can be claimed should be left to the individual vessel operator.

The FMP regulates the surf clam fishery primarily through restrictions on effort. In practice, fishermen select in advance those days of the week during which they will conduct fishing operations for surf clams. During periods of bad weather many vessels lose significant amounts of fishing time if their selection of fishing periods coincides with unfit weather conditions.

Fishing for surf clams is generally not possible while small craft warnings are posted. However, it is also not possible on many occasions when the weather is bad, but not severe enough to meet the requirements for the posting of small craft warnings.

Small craft warnings are posted for, and reflect, coastal weather conditions. Surf clam vessels, which work offshore, may encounter severe weather on the fishing grounds even though small craft warnings are not posted. On many occasions in 1980 when the make-up provision was in effect, vessels were unable to fish and also unable to claim a

make-up period because small craft warnings were not in effect.

Throughout most of 1980, the national economy has had a serious depressing effect on the market for many fishery products, including those derived from surf clams. Many vessel operators have large mortgages which float several points above the prime interest rate, which now stands at 21 percent. Since the market for clams is depressed, vessels are not able to pass increased costs, such as mortgage payments and fuel, along to their customers. The result is severe pressure on the operator to take every possible fishing opportunity, in some cases regardless of hazard.

Three surf clam vessels have been lost at sea in the last three months. Unless vessel operators are allowed more latitude to work around bad weather, the pressure to meet financial obligations will likely lead to errors or bad judgment, which could result in additional loss of vessels. This change in the criterion for claiming make-up periods provides fishermen more direct control over their fishing strategies and will allow them to fish more safely and efficiently while at sea.

Section 305(e)(2) of the FCMA permits the Secretary, upon finding that an emergency exists involving any fishery resource, to promulgate emergency regulations to amend any regulations which implement an existing fishery management plan. Such regulations remain in force up to 45 days and, while effective, constitute amendments to the plan. They may be repromulgated for an additional 45 day period.

The Assistant Administrator for Fisheries, acting on behalf of the Secretary of Commerce, has determined that an emergency exists with respect to the surf clam fishery. This emergency warrants an immediate change in the regulation to allow a make-up period to be claimed when, in the opinion of the operator, weather or sea conditions would prevent effective fishing or endanger the vessel or crew.

While in effect, this amendment to the regulations amends Section XIII–4 of the FMP. Paragraph 5 of that section would be revised to eliminate the requirement that small craft warnings be posted as a criterion for claiming a make-up fishing period.

Executive Order 12044 and National Environmental Policy Act

The Assistant Administrator for Fisheries, NOAA, has determined that this revision of a regulation does not constitute a significant action under Executive Order 12044 and, therefore, a regulatory analysis will not be prepared. The Assistant Administrator has determined that this amendment does not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969, as amended, since it is within the scope of another action for which an Environmental Impact Statement was previously prepared and does not significantly change the context or intensity of the impacts. Therefore, according to NOAA Directive 02–10, an Environmental Impact Statement will not be prepared.

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

Signed at Washington, D.C. this 8th day of January, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 652 is amended by emergency regulations as follows:

In § 652.22, paragraph (a)(7) is revised and redesignated to read as follows:

§ 652.22 Effort restrictions.

(a) * * *

(7) During the months of December, January, February, and March, fishermen may claim a make-up period if, in the opinion of the vessel operator, weather or sea conditions would prevent effective fishing or endanger the vessel or crew.

(i) To claim the make-up period, the vessel owner or operator must contact the NMFS *before* the scheduled authorized fishing period starts. The Regional Director will notify each vessel owner or operator in writing as to the procedure to follow in contacting NMFS.

(ii) The make-up period shall be equal in length to the scheduled authorized fishing period, and shall begin 24 hours after the scheduled beginning of said period, except that if the make-up period could not then be completed before the end of the fishing week on Thursday at 5:00 p.m., then the make-up period shall begin 96 hours after the beginning of the scheduled authorized fishing period.

(iii) Before using this make-up provision, each vessel owner must notify the Regional Director, in writing, of the port from which the vessel fishes. If that port changes, the vessel owner shall promptly notify the Regional Director of the change, in writing.

(iv) Any vessel which uses a make-up period without claiming it under this procedure, or which fishes during a scheduled authorized fishing period for which it has claimed a make-up period, shall be liable to forfeit its use of the make-up provision in the future; the vessel and its owner or operator also may be subject to other penalties as prescribed in § 652.9 of these regulations.

* * * * *

[FR Doc. 81-1356 Filed 1-14-81 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 10
Thursday, January 15, 1981

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 411

[Amdt No. 1]

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Grape Crop Insurance Regulations to include additional grape counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Grape Crop Insurance Regulations in accordnace with the provisions of 7 CFR 411.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which grape crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which grape crop insurance may be offered. This proposed rule is intended to update the list of those countries as contained in 7 CFR Part 411, Appendix B.

It has been determined that this action to amend the list of counties where grape crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Grape Crop Insurance Regulations (7 CFR Part 411) as Amendement No. 1.

Appendix B

Counties Designated for Grape Crop Insurance—7 CFR Part 411

In accordance with the provisions of 7 CFR 411.1, the following counties are designated for grape crop insurance:

California

Fresno	Merced
Kern	San Joaquin
Kings	Stanislaus
Madera	Tulare

New York

Chautauqua	Seneca
Niagara	Steuben
Ontario	Yates
Schulyer	

Ohio

Ashtabula

Pennsylvania

Erie

Washington

Benton	Yakima
Franklin	

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Approved by:

Everett S. Sharp,
Acting Manager.

[FR Doc. 81-1231 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 420

[Amdt. No. 2]

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Grain Sorghum Crop Insurance Regulations to include additional counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing

this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Grain Sorghum Crop Insurance Regulations in accordance with the provisions of 7 CFR § 420.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which grain sorghum crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which grain sorghum crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 420, Appendix B.

It has been determined that this action to amend the list of counties where grain sorghum crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Grain Sroghum Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75370–75371).

Appendix B

Counties Designated for Grain Sorghum Crop Insurance—7 CFR Part 420

In accordance with the provisions of 7 CFR 420.1, the following counties have been designated for grain sorghum crop insurance:

Alabama

Autauga
Baldwin
Coffee
Dale
Geneva
Henry
Houston
Lowndes
Perry
Pike

Arizona

Cochise
Graham
Maricopa
Pima
Pinal
Yuma

Arkansas

Clay
Conway
Faulkner
Greene
Independence
Lafayette
Lawrence
Lincoln
Little River
Miller
Randolph
White

California

Butte
Colusa
Fresno
Glenn
Imperial
Kern
Kings
Madera
Merced
Sacramento
San Joaquin
Solano
Stanislaus
Sutter
Tulare
Yolo
Yuba

Colorado

Baca
Bent
Crowley
Kiowa
Kit Carson
Otero
Prowers
Pueblo
Yuma

Georgia

Calhoun
Decatur
Early
Miller
Randolph
Seminole
Worth

Illinois

Franklin
Johnson
Massac
Pulaski
Union

Kansas

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Cherokee
Cheyenne
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Lane
Leavenworth
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Morton
Nemaha
Neosho
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

Kentucky

Ballard
Butler
Carlisle
McCracken

Louisiana

Richland

Mississippi

Noxubee

Missouri

Atchison
Audrain
Barton
Bates
Benton
Bollinger
Butler
Carroll
Cass
Cooper
Dade
Franklin
Henry
Jasper
Johnson
Moniteau
Monroe
New Madrid
Osage
Pettis
Platte
Ripley
St. Clair
Scott
Stoddard
Vernon
Warren

Nebraska

Adams
Antelope
Boone
Boyd
Buffalo
Butler
Cass
Clay
Colfax
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Gosper
Greeley
Hall
Hamilton
Harlan
Hitchock
Jefferson
Johnson
Kearney
Knox
Lancaster
Madison
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Platte
Polk
Red Willow
Richardson
Saline
Saunders
Seward
Thayer
Thurston
Valley
Webster
York

New Mexico

Curry
Lea
Luna
Quay
Roosevelt
Union

North Carolina

Alamance
Cabarrus
Cleveland
Davidson
Granville
Guilford
Halifax
Pasquotank
Randolph
Stanly
Union
Warren

Oklahoma

Beaver
Beckham
Caddo
Cimarron
Comanche
Cotton
Craig
Delaware
Grady
Grant
Harmon
Hughes
Jackson
Kay
McCurtain
Mayes
Muskogee
Nowata
Ottawa
Texas
Wagoner
Washita

South Carolina

Anderson
Newberry
Spartanburg
York

South Dakota

Aurora
Bennett
Bon Homme
Buffalo
Butte
Charles Mix
Davidson
Douglas
Gregory
Hanson
Hughes
Hutchinson
Hyde
Lyman
McCook
Mellette
Minnehaha
Sanborn
Stanley
Sully
Todd
Tripp

Tennessee

Henry
Maury
Obion

Texas

Andrews
Armstrong
Atascosa
Austin
Bailey
Baylor
Bee
Bell
Bexar
Borden
Bosque
Brazoria
Brazos
Briscoe
Brown
Burleson
Caldwell
Calhoun
Callahan
Cameron
Carson
Castro
Cochran
Coleman
Collin
Collingsworth
Colorado
Concho
Cooke
Coryell
Cottle
Crosby
Dallam
Dallas
Deaf Smith
Delta
Denton
De Witt
Dickens
Donley
Duval
Ellis
Erath
Falls
Fannin
Fayette
Fisher
Floyd
Fort Bend
Frio
Gaines
Glasscock
Gray
Grayson
Guadalupe
Hale
Hamilton
Hansford
Hartley
Haskell
Hidalgo
Hill
Hockley
Howard
Hunt
Hutchinson
Jackson
Jim Wells
Jones
Johnson
Karnes
Kaufman
Kent
Kleberg
Knox
Lamar
Lamb
Lavaca
Lee
Limestone
Live Oak
Lubbock
Lynn
McCulloch
McLennan
Martin
Matagorda
Medina
Milam
Mitchell
Moore
Motley
Navarro
Nolan
Nueces
Ochiltree
Okdham
Parmer
Randall
Reagan
Red River
Refugio
Robertson
Runnels
San Patricio
Scurry
Sherman
Starr
Swisher
Tarrant
Taylor
Terry
Throckmorton
Tom Green
Travis
Uvalde
Victoria
Wharton
Wheeler
Wichita
Willacy
Williamson
Wilson
Yoakum
Zavala

Virginia

Amelia
Pittsylvania

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A-95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1232 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 422

[Amdt. No. 1]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Potato Crop Insurance Regulations to include additional potato counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No 12044 (March 23, 1978), and has been classified as "not signficant."

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Potato Crop Insurance Regulations in accordance with the provisions of 7 CFR 422.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which potato crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which potato crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 422, Appendix B.

It has been determined that this action to amend the list of counties where potato crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulatjons under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Potato Crop Insurance Regulations (7 CFR Part 422) as Amendment No. 1.

Appendix "B"

Counties Designated for Potato Crop Insurance—7 CFR Part 422

In accordance with the provisions of 7 CFR 422.1, the following counties are designated for potato crop insurance:

Idaho

Canyon

North Dakota

Grand Forks

Walsh

Washington

Grant

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1234 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 423

[Amdt. No. 1]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Flax Crop Insurance Regulations to include additional flax counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Flax Crop Insurance Regulations in accordance with the provisions of 7 CFR 423.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which flax crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which flax crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 423, Appendix B.

It has been determined that this action to amend the list of counties where flax crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Flax Crop Insurance Regulations (7 CFR Part 423) as Amendment No. 1.

Appendix B

Counties Designated for Flax Crop Insurance—7 CFR 423

In accordance with the provisions of 7 CFR 423.1, the following counties are designated for flax crop insurance:

Minnesota

Becker	Clearwater
Big Stone	Grant
Chippewa	Kittson
Clay	Lac qui Parle
Lake of the Woods	Pipestone
Lincoln	Polk
Lyon	Pope
Mahnomen	Red Lake
Marshall	Redwood
Murray	Roseau
Nobles	Stevens
Norman	Swift
Otter Tail	Traverse
Pennington	Wilkin
	Yellow Medicine

North Dakota

Barnes	Mountrail
Benson	Nelson
Bottineau	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Grand Forks	Sheridan
Griggs	Steele
Kidder	Stutsman
La Moure	Towner
Logan	Traill
McHenry	Walsh
McIntosh	Ward
McLean	Wells

South Dakota

Brookings	Hamlin
Brown	Kingsbury
Campbell	Lake
Clark	McPherson
Codington	Marshall
Corson	Miner
Day	Moody
Deuel	Roberts
Edmunds	Sully
Grant	Walworth

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 81-1237 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 428

[Amdt No. 2]

Sunflower Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Sunflower Crop Insurance Regulations to include additional sunflower counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Sunflower Crop Insurance Regulations in accordance with the provisions of 7 CFR 428.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which sunflower crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which sunflower crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 428, Appendix B.

It has been determined that this action to amend the list of counties where sunflower crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes (1) to revise and reissue Appendix B to the Sunflower Crop Insurance Regulations (7 CFR Part 428) as Amendment No. 2, and (2) to supersede Amendment No. 1 to the Sunflower Crop Insurance Regulations appearing in the **Federal Register** on December 20, 1979 (44 FR 75373–75374).

Appendix B

Counties Designated for Sunflower Crop Insurance—7 CFR Part 428

In accordance with the provisions of 7 CFR 428.1, the following counties have been designated for sunflower crop insurance:

Minnesota

Chippewa	Lyon
Clearwater	Pope
Douglas	Roseau
Lac Qui Parle	Stevens
Lake of the Woods	Swift
Lincoln	Yellow Medicine

North Dakota

Adams	McHenry
Benson	McIntosh
Burke	McLean
Burleigh	Mountrail
Cavalier	Pierce
Divide	Ramsey
Dunn	Renville
Emmons	Rolette
Grant	Sheridan
Hettinger	Towner
Kidder	Ward
	Williams

South Dakota

Brookings	Faulk
Brown	Grant
Clark	Marshall
Codington	Spink
Corson	Sully
Deuel	Walworth
Edmunds	

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 7, 1981.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80-1235 Filed 1-14-81; 8:45 pm]

BILLING CODE 3410-08-M

7 CFR Part 438

[Amdt. No. 1]

Tomato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation is updating Appendix B to the Tomato Crop Insurance Regulations to include additional tomato counties approved by its Board of Directors. The purpose of this amendment is to notify producers in these additional counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted by not later than March 16, 1981, to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified as "not significant."

Under the authority contained in the Federal Crop Insurance Act, as

amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tomato Crop Insurance Regulations in accordance with the provisions of 7 CFR 438.1, which states that before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which tomato crop insurance will be offered.

On September 26, 1980, the Board of Directors of the Federal Crop Insurance Corporation approved additional counties in which tomato crop insurance may be offered. This proposed rule is intended to update the list of those counties as contained in 7 CFR Part 438, Appendix B.

It has been determined that this action to amend the list of counties where tomato crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955, and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to revise and reissue Appendix B to the Tomato Crop Insurance Regulations (7 CFR Part 438) as Amendment No. 1.

Appendix B—Counties Designated for Canning and Processing Tomato Crop Insurance—7 CFR Part 438

In accordance with the provisions of 7 CFR 438.1, the following counties are designated for canning and processing tomato crop insurance:

California

Colusa
Fresno
Merced
Monterey
Sacramento
San Benito
San Joaquin
Solano
Sutter
Yolo

Ohio

Drake
Fulton
Henry
Lucas
Ottawa
Putnam
Sandusky
Wood

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Note.—This action will not have a significant impact specifically on area or community development; therefore, review as required by OMB Circular A-95 is inapplicable.

Done in Washington, D.C., on December 17, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

Dated: January 7, 1981.

[FR Doc. 81-1239 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 991

Hops of Domestic Production; Proposed Salable Quantity and Allotment Percentage for the 1981-82 Marketing year

AGENCY: Agriculatural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would establish the quantity of hops that may be freely marketed from the 1981 crop. The action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

DATE: Comments due January 26, 1981

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053. The Final Impact Statement describing the options considered developing this proposal and the impact of implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has not been classified "significant". The proposal is being published with less than a 60-day comment period because handlers and growers will soon be making preparations for handling and growing 1981 crop hops. Therefore, they must know soon as possible what salable quantity and allotment precentage will be effective for the 1981-82 marketing year so they can plan their operations accordingly.

The proposed quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Hop Administrative Committee.

The proposed salable quantity for the ensuring marketing year is based upon a recommendation of the Committee, and the following estimates for the marketing year beginning August 1, 1981.

(1) Total domestic consumption of 47,500,000 pounds of hops;

(2) minus imports of 16,500,000 pounds of hops to result in domestic consumption of U.S. hops of 31,000,000 pounds;

(3) plus total exports of 41,000,000 pounds of hops to equal 72,000,000 pounds total usage of U.S. hops;

(4) plus 1,500,000 pounds to adjust for weight loss of hops processed into pellets and extract;

(5) plus 3,000,000 pounds as an inventory adjustment; and

(6) plus an adjustment of 1,779,375 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Under the proposal, the salable quantity for the 1981-82 marketing year would be 78,279,375 pounds.

The proposed salable precentage of 130 percent is computed by subtracting from this salable quantity 1,228,535 pounds for additional allotment bases for hops of the Fuggle variety pursuant to § 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds the total of all other allotment bases.

The proposal is as follows:

§991.219 Allotment precentage and salable quantity for hops during the marketing year beginning August 1, 1981.

The allotment percentage during the marketing year beginning August 1, 1981, shall be 130 percent, and the salable quantity shall be 78,279,375 pounds.

Dated: January 12, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-1530 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Operational Data Gathering

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking; response to comments.

SUMMARY: After reviewing comments concerning amendments to NRC regulations that would require power reactor licensees to submit data to the Nuclear Plant Reliability Data System (NPRDS), the NRC has decided to defer rulemaking that would make NPRDS mandatory in its present form. The NRC plans instead to develop a single reporting system by combining and restructuring the NPRDS and the NRC's own reporting system, the Licensee Event Reports (LERs). The new reporting system will be called the "Integrated Operational Experience Reporting (IOER) System." The NRC is seeking general comments on an IOER system concept at this time. The NRC will request more detailed comments on the forthcoming proposed rule when details of the system are developed.

DATES: Comments received after March 2, 1981, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before March 2, 1981.

ADDRESS: General comments may be sent to: Eric W. Weiss, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Eric W. Weiss (301) 443–5913.

SUPPLEMENTARY INFORMATION: The present Nuclear Reliability Data System (NPRDS) is a voluntary program for the reporting of reliability data that was described in the Advance Notice of Proposed Rulemaking (ANPRM) published on January 30, 1980 (45 FR 6793). That ANPRM also described the historical background for the proposal to make the NPRDS a mandatory system. The ANPRM invited public comments on 21 specific features being considered for a proposed rule.

To date, 44 public comment letters have been received in response to the ANPRM. A detailed analysis of the comments is available for inspection and copying at the NRC Public Document Room 1717 H Street NW., Washington, D.C. The predominant theme in the comments was an overwhelming opposition to making participation in NPRDS mandatory.

After considering the comments received and all the technical issues involved, the NRC finds that the NPRDS as now implemented does not fulfill NRC objectives because of a number of fundamental deficiencies:

1. Although the reportable scope as defined relies on the use of existing accepted industry generated classes of equipment, utilities have interpreted these classes differently when determining specifically which components should be included in the NPRDS. For example, the number of components reported by various plants varies from 1500 components per plant to almost 5000 components per plant.

2. The procedures manual for NPRDS is not sufficiently detailed or specific enough to ensure consistent reporting of engineering data and failures.

3. The scope of NPRDS does not include all components of interest (e.g., ASME Safety Class 3 components, balance-of-plant system, vessel internals, and certain sizes of pipes and valves).

4. Data on successes are not adequately reported. Consequently, failure rates are difficult to determine accurately.

5. Participation is low and, thus, data are sparse.

6. A large percentage of the data reported to NPRDS duplicates that reported to the LER [1] system.

7. There is no consistency in equipment and system identification from plant to plant as reported to NPRDS. Consequently, data are difficult to correlate accurately.

8. Data on test/maintenance unavailability are not adequately reported.

The NRC staff, on the other hand, has identified a strong need for probabilistic and detailed engineering data similar to that reported to NPRDS. The staff need for probabilistic and detailed engineering data is associated with the following types of activities:

1. Performing probabilistic risk assessment calculations of accident probabilities and public risks.

2. Revising component test intervals and allowed downtimes.

3. Quantifying the impacts of human errors.

4. Identifying trends and patterns in operating experience.

5. Obtaining detailed component engineering information.

6. Relating current incidents to previous failures.

7. Determining where identical components are installed.

8. Relating current failures to previous testing.

9. Issuing Abnormal Occurrence Reports.

10. Issuing Operating Experience Journal of "Power Reactor Events."

Licensee Event Report System (LER)

There were approximately 3,100 LERs submitted in calendar year 1979 and the number is expected to steadily increase as new plants begin operation.

Review of these LERs indicates a number of deficiencies and shortcomings such as:

1. Component and system codings are inconsistent and nonuniform.

2. Only a single failure can be included in the coded fields despite the fact that a single event may include more than one component failure.

3. The format of the LER form is oriented toward computerized data processing of a single component failure rather than toward a technical, engineering analysis of the event.

4. The scope does not include all systems important to safety, for example, failures of so called "nonsafety" systems (e.g., most control air systems) that challenge safety systems are not included. As a result, events of interest are escaping the system.

5. The scope covers components only while in technical specification (i.e., normal) service, and defects found during nontechnical specification inspections or during shutdowns are not reported. For example, no LER is required for failure of a low-pressure coolant injection pump while transferring water from the torus to the radwaste system, or failure of a charging pump being used to hydrostatically test a pipe weld repair.

6. Many events that are not individually significant are reported. Although these events may be important because of their frequency of occurrence or because they indicate trends and patterns, they tend to distract from the few significant events that require detailed engineering analysis or indepth study. For example, a high percentage of LERs tend to be concerned with instruments out of calibration.

Consequently, the staff has recognized that major revision of the LER system is also warranted.

Integrated Operational Experience Reporting (IOER) System

In order to obtain the necessary improvements in the LER and NPRDS

[1] Described in NRC Regulatory Guide 1.16, Reporting of Operating Information—Appendix A Technical Specifications and NUREG–0161, Instructions for preparing Licensee Event Reports, available from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The LER system was developed to provide a centralized source of information concerning incidents occurring at nuclear power plants. These incidents, termed Reportable Occurrences, must be reported to the NRC as required by technical specifications accompanying a station license. For additional pertinent information, see a recent report from the Advisory Committee on Reactor Safeguards to the Commission, "Review of Licensee Event Reports (1976–1978)," NUREG–0572, September 1979.

reporting programs, the staff has developed conceptually a revised reporting program. The Integrated Operational Experience Reporting (IOER) System would:

1. Reduce LER reporting by eliminating the requirement for LER reports for most component failures or malfunctions covered by the NPRDS. The NRC would require LERs only for those component failures or malfunctions that are of major safety significance. However, the technical content of each report would be substantially improved by requesting a technically detailed and comprehensive report suitable for engineering review. Thus, the LER system, which was not designed to produce reliability data, would no longer attempt to provide a basis for equipment reliability studies; the NPRDS, which is designed to produce such reliability data, would perform this service.

2. Require the reporting of less significant component failures or minor incident events by means of a type computer-oriented form. The reportable scope, however, would be extended to include all systems and components that are important to safety including selected support and service systems and components. The reporting form would be simplified for ease of data entry by nonengineering personnel and would allow failure rates to be determined to support NRC and industry statistical/probabilistic studies.

Thus, for significant events, an LER and associated component failure reports would be submitted. For less significant incidents and failures, only a component failure report may be necessary. The clear intent is to eliminate duplication between the two systems. We expect that there would be no significant increase in the resources needed to implement this system over that needed to properly implement the present LER and NPRD systems. Further, we believe that the implementation of the revised LER system is a natural function and is easily within the capability of the site engineering groups established to review operating experience. Thus, no changes appear necessary in organization for each plant site to implement the revised system, and there should be no significant needs for training.

The revised reporting requirement would be implemented through rule-making to assure uniform requirements, efficient utilization of staff resources, and adequate review and comment. The regulation would contain the principles or criteria licensees would use in deciding whether an LER or a failure report is required. Additional details on acceptable methods of implementation wuld be presented in a revised Regulatory Guide covering LER's and the NPRDS-type failure reports.

In developing the integrated reporting system, the deficiencies outlined for the NPRD and the LER systems would be specifically addressed. For example:

1. In order to assure consistent identification of components and systems, the Regulatory Guide to be developed will incorporate a suitable labeling system, such as the Unique Identification (UNID) system developed by TVA for nuclear plant components and systems.

2. NPRDS-type reports would be required for failures of all equipment important to safety (electrical, cooling water, control air, etc.). The format will emphasize rapid and simplified data entry and computerized data processing. Information on success rates will be required to permit the determination of appropriate and accurate failure rates.

3. An engineering data file, similar to that now included in NPRDS, will be continued. These files contain information on each component in the reportable scope, including manufacturer, model number, and critical operating and dimensional parameters. The LER and NPRDS reports will be linked by reference to the engineering file for involved components.

Schedule

The NRC plans to develop the details of the proposed Integrated Operational Experience Reporting (IOER) System, publish the details as a proposed rule, and invite comments on that proposed rule. The NRC estimates that the proposed rule will be available for public comment in July 1981.

Dated at Washington, D.C. this 7th day of January, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-1413 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-49-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of time for comments on NPRM.

SUMMARY: A Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** (45 FR 74496) on November 10, 1980, proposing a new Airworthiness Directive (AD) which would require periodic ultrasonic inspection, and repair as necessary of Boeing Model 727 cold bonded upper body skin tear straps. The FAA has determined that the comment period for the NPRM should be extended from the original January 1, 1981 deadline to March 1, 1981, to allow commenters time to complete their responses.

DATES: The new deadline for comments is March 1, 1981.

ADDRESSES: Send comments on the proposed rule in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-49-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Airframe Branch, ANW-120S, Seattle Aircraft Certification Area Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration issued A Notice of Proposed Rulemaking (45 FR 74496) on November 10, 1980, proposing a new Airworthiness Directive which would require periodic ultrasonic inspection, and repair as necessary, of Boeing Model 727 cold bonded upper body skin tear straps. These straps perform a structural failsafe function in the 727 cabin pressure vessel.

Boeing and the Air Transport Association of America believe that the safety of the cabin pressure vessel can be assured by other, less financially burdesome, methods than those proposed to be made mandatory in the NPRM. Boeing has argued that Service Bulletin 727-53-82, on which the proposed AD is based, should be reassessed in the light of the ten years of service experience which have elapsed since it was originally published. Boeing is currently making such a reassessment as a comment to the NPRM. Boeing has solicited service experience data from domestic and foreign 727 operators, and is evaluating possible additional tests to verify the capability of a partially disbonded tear strap. The additional time is requested to complete this effort.

The FAA recognizes a need for better guidelines for proper maintenance of 727 tear straps and considers reassessment

of Boeing Service Bulleting 727–53–82 appropriate. Since an emergency situation does not exist, the FAA considers the additional time requested to be justified.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Avation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 80–NW–49–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Extension of Comment Period

Accordingly, the deadline for comments on the NPRM Docket No. 80–NW–49–AD is hereby extended to March 1, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

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

Issued in Seattle, Washington, on January 2, 1981.

E. O'Connor,

Acting Director, Northwest Region.

[FR Doc. 81-1243 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-54]

Proposed Designation of Control Zone, Bartow, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Bartow, Florida, Control Zone and lower the base of controlled airspace in the vicinity of the Bartow Municipal Airport from 700 feet AGL to the surface.

DATE: Comments must be received on or before: February 23, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before February 23, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Bartow, Florida, Control Zone. The existing nonfederal airport traffic control tower on the Bartow Municipal Airport meets the requirements for establishment of a part-time control zone with irregular hours of operation. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain Instrument Flight Rule (IFR) operations near the airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (45 FR 356), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Bartow, Florida

" * * Within a five-mile radius of Bartow Municipal Airport (Lat 27°56'36" N., Long. 81°47'03" W.); within a 1.5 miles each side of the Lakeland VORTAC 103° radial, extending from the five-mile radius zone to eight miles east of the VORTAC; excluding the area within a one-mile radius of Cypress Gardens Airport (Lat. 27°57'35" N., Long. 81°42'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continously published in the Airport/Facility Directory."

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

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

Issued in East Point, Georgia, on December 31, 1980.

Benny C. Frazier,

Acting Director, Southern Region.

[FR Doc. 81-1241 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 771 0047]

Owens-Corning Fiberglas Corporation; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Toledo manufacturer of glass fiber products, including glass fiber-based asphalt roofing products, to divest to a Commission-approved buyer within 24 months from the effective date of the order, the four specified asphalt roofing plants acquired from the Lloyd A. Fry Roofing Company in 1977. Further, should the company decide to sell the Trumbull asphalt refinery located adjacent to each divested plant, during

the ten-year period following the divestiture, it would be required, in certain circumstances, to give the owner of the roofing plant the right of first refusal to purchase. Additionally, the firm would be barred for ten years, from acquiring without prior Commission approval, any interest in an asphalt roofing plant located in the "Western Market."

DATE: Comments must be received on or before March 16, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following proposed consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of Owens-Corning Fiberglas Corporation, a corporation.

The Federal Trade Commission (the "Commission") having initiated an investigation of the acquisition of certain assets of Lloyd A. Fry Roofing Company ("Fry") by Owens-Corning Fiberglas Corporation ("OCF") and it now appearing that OCF, as proposed respondent, is willing to enter into an Agreement containing an Order in settlement of that investigation,

It is hereby agreed by and between OCF, by its duly authorized officer and attorney, and counsel for the Commission that:

1. OCF is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware with its principal offices at Fiberglas Tower, Toledo, Ohio 43659.

2. OCF admits all of the jurisdictional facts set forth in the Proposed Complaint attached hereto.

3. OCF waives:

(a) any further procedural steps;

(b) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) all rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement.

4. This Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it, together with the Proposed Complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify OCF, in which event it will take such action as it may consider appropriate, or issue and serve its complaint and decision pursuant to this Agreement in disposition of the proceeding.

5. This Agreement is for settlement purposes only, and does not constitute an admission by OCF that the law has been violated as alleged in the Proposed Complaint attached hereto.

6. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules of Practice, the Commission may, without further notice to OCF (1) issue its complaint corresponding in form and substance with the Proposed Complaint attached hereto and its decision containing the following Order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to OCF's address as stated in this Agreement shall constitute service. OCF waives any right it may have to any other manner of service. The Proposed Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

7. OCF has read the Proposed Complaint and Order contemplated hereby, and understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. OCF further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

For the purpose of this Order the following definitions shall apply:

1. "OCF" means Owens-Corning Fiberglas Corporation, a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware with its principal offices at Fiberglas Tower, Toledo, Ohio 43659, and its successors and assigns.

2. "Fry" means Lloyd A. Fry Roofing Company, certain assets of which (as well as certain assets of Trumbull Asphalt Company of Delaware and Summit Wholesale Supply Company) were acquired by OCF pursuant to an agreement dated April 20, 1977.

3. "Plant" means all properties and assets acquired and received from Fry, consisting of all real and personal property described in Paragraphs 4.8 and 4.9 of the Sale of Assets Agreement dated April 20, 1977, among OCF, Fry, Trumbull Asphalt Company of Delaware and Summit Wholesale Supply Company and in Exhibits F-H to such agreement, together with all additions and improvements thereto, that are located at:

(a) Compton, California;

(b) Portland, Oregon;

(c) San Leandro, California; and

(d) Woods Cross, Utah;

provided, however, that the term "Plant" does not include those assets or properties disposed of by OCF in the ordinary course of the business of operating or renovating such facilities for the manufacture of asphalt roofing products; and *provided further,* that the term "Plant" does not include such properties or assets as would otherwise be deemed part of the Plant where the Eligible Person acquiring the Plant elects, in its sole discretion, but subject to the approval of the Commission, not to acquire those properties or assets; and *provided further,* that the term "Plant" shall include only the land, properties and assets so acquired and received from Fry as are approximately indicated as within the areas bounded by solid red lines on the attached maps.

4. "Person" means any individual, corporation, partnership, joint venture, trust, unincorporated association, or other business or legal entity.

5. "Asphalt Facility" means a plant operated by OCF's Trumbull Asphalt Division, which produces *inter alia* oxidized roofing asphalt.

6. "Asphalt Roofing Plant" means a plant primarily engaged in the manufacture of "asphalt roofing

products" as such products are defined in Paragraphs I(1)(a)–(d) of the Proposed Complaint attached hereto.

7. "Eligible Person" means any Person approved by the Commission. No Person shall be considered for status as an Eligible Person unless the Commission is satisfied that the Person has the capacity and intention to operate the Plant(s) to be acquired as a facility or facilities for the manufacture of asphalt roofing products.

8. "Divest" means any act by which OCF sells, transfers, conveys or relinquishes ownership, possessory interest and control of the Plants.

I.

It is ordered that within twenty-four (24) months of the effective date of this Order OCF shall Divest the Plants subject to the terms of this Order. The Plants may be Divested either separately or in any combination.

II.

It is further ordered that the divestitures of the Plants shall be made only to one or more Eligible Persons and that OCF shall submit the proposed divestitures to the Commission for its prior approval.

III.

It is further ordered that pending the divestitures required by this Order, OCF shall not cause, and shall use its best efforts to prevent, the deterioration of the Plants in a manner that impairs the marketability of any such Plants, normal wear and tear excluded. OCF may, but shall not be required to, make capital expenditures for the improvement of the Plants. Nothing in this Order shall prevent OCF from operating or furloughing employees at the Plants in a manner consistent with normal business practice, comparable to the manner in which it operates or furloughs at its other Asphalt Roofing Plants, pending the divestitures required by this Order.

IV.

It is further ordered that if, at any time during the ten (10) years following the divestiture of each Plant, OCF desires to sell the Asphalt Facility located adjacent to such Plant to a third-party not owned directly or indirectly more than 5% by OCF, then OCF shall, after reaching agreement with such third-party as to the price, terms and conditions to be included in the contract of sale between such third-party and OCF but prior to executing such contract of sale, first offer to sell such Asphalt Facility to whichever Person then owns such Plant for the same price, and upon the same terms and conditions, as are shown in such proposed contract of sale with such third-party; *provided further*, that for the purposes of this Paragraph "OCF" shall include any subsidiary in which the voting stock is more than 50 percent owned directly or indirectly by OCF.

V.

It is further ordered that for a period of ten (10) years from the date of this Order, OCF shall not directly or indirectly acquire, through purchase, lease or such other transaction as would confer ownership, possessory interest or control of, any Asphalt Roofing Plant located in the states of California, Oregon, Washington, Arizona, Nevada, Utah or Idaho, without the prior approval of the Commission.

VI.

It is further ordered that OCF shall within ninety (90) days from the effective date of this Order and every ninety (90) days thereafter until the divestitures required by this Order are completed submit in writing to the Commission a verified report setting forth in detail the manner and form in which OCF intends to comply, is complying, and has complied with the terms of this Order and such additional information relating thereto as the Commission may from time to time reasonably require.

VII.

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

VIII.

It is further ordered that OCF shall, upon written request of the Secretary of the Commission or the Director of the Bureau of Competition of the Commission made to OCF at its principal office for the purpose of securing compliance with this Order, and for no other purpose, permit duly authorized representatives of the Commission or the Director of the Bureau of Competition, subject to any legally recognized privilege:

(1) reasonable access during the office hours of OCF, which may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in OCF's possession or control which relate materially and substantially to any matter contained in this Order; and

(2) an opportunity, subject to the reasonable convenience of OCF, to interview officers or employees of OCF, who may have counsel present, regarding such matters. The foregoing provision shall not be interpreted to provide any access for the Commission to records relating to any of the business activities of OCF other than the Plants and Asphalt Facilities subject to this Order. Access hereunder to Asphalt compliance with the requirements of Paragraph IV of this Order.

IX.

Nothing in this Order shall be deemed or construed to affect any statutory rights to confidential treatment of documents or information provided to the Commission by OCF, as such rights are accorded by the Federal Trade Commission Improvement Act of 1980 or other statute.

Analysis of Proposed Consent Order To Aid Public Comment.

The Federal Trade Commission has accepted subject to final approval an Agreement Containing Consent Order ("Agreement") from Owens-Corning Fiberglas Corporation ("OCF"). The Agreement has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make the proposed Order contained in the Agreement final.

The proposed Complaint in this matter alleges that OCF's 1977 acquisition of certain assets of Lloyd A. Fry Roofing Company ("Fry") violates Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act because the effect of the acquisition may be substantially to lessen competition in the sale of asphalt roofing products in the states of California, Oregon, Washington, Arizona, Nevada, Utah, and Idaho (the "Western Market").

In order to remedy the competitive harm caused by the acquisition, the proposed Order contained in the Agreement provides that:

(1) OCF is required to divest all four of the Fry asphalt roofing plants located in the Western Market *i.e.*, the plants located at Compton, California; San Leandro, California; Portland, Oregon; and Woods Cross, Utah. The plants may be divested either separately or in any combination to a person or persons

approved by the Commission within 24 months of the effective date of the Order. The terms of the acquisition agreement(s) between OCF and the acquiring person or persons are subject to the prior approval of the Commission;

(2) OCF is required to give the owner of each plant the right of first refusal to purchase the Trumbull asphalt refinery located adjacent thereto in OCF decides to sell the refinery at any time during the ten years following the divestiture of the roofing plant; and

(3) OCF is prohibited for a period of ten years from the effective date of the Order from acquiring any interest in an asphalt roofing plant located in the Western Market without the prior approval of the Commission.

The purpose of this analysis is to facilitate public comment of the proposed Order, and is not intended to constitute an official interpretation of the Agreement and proposed Order or to modify their terms in any way.

Carol M. Thomas,

Secretary.

[FR Doc. 81-1540 Filed 1-14-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 450

Advertising for Over-the-Counter Drugs; Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Scheduling of oral presentation before commission.

SUMMARY: Pursuant to § 1.13(i) of its rules of practice, the Federal Trade Commission is reviewing the rulemaking record in the Proposed Trade Regulation Rule on Advertising for Over-the-Counter Drugs to determine what form of rule, if any, it should promulgate. As part of this review process, the Commission will allow certain parties who have previously participated in the proceeding to make oral presentations at an open meeting of the Commission on January 28, 1981, at 10:00 a.m. in Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. These presentations will be confined to information already in the rulemaking record.

DATE: Oral Presentations will begin at 10:00 a.m. on January 28, 1981.

ADDRESS: The presentations will take place at an open Commission meeting in Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Melvin H. Orlans, (202) 724-1511, Deputy Assistant Director for Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580, or Joel N. Brewer, (202) 724-1530, Attorney, Division of Food and Drug Advertising, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Invitations to participate in this oral presentation have been extended to the following participants in this rulemaking: the Proprietary Association; The American Association of Advertising Agencies; Consumer Affairs Committee, Americans for Democratic Action; and California Citizen Action Group. The Commission is offering these parties the opportunity to make oral presentations as to various issues in the rulemaking because it believes that, based on their previous participation and the variety of their interests, they may assist the Commission in its deliberations. Each of the invitees has been notified of the time (thirty minutes) being allowed for the presentation, and that the Commission may utilize any or all of this time for questioning. Each of them has also been provided with copies of the staff's Summary of Post Record Comments on the proposed Trade Regulation Rule on Advertising for Over-the-Counter Drugs, and the Final Recommendations on the Proposed Trade Regulation Rule on Advertising for Over-the-Counter Drugs to the Commission by the staff, the Director of the Bureau of Consumer Protection and the Bureau of Economics. These documents have been placed on the rulemaking record (No. 215-51). Copies are available on request from the Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

Approved: January 6, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-1562 Filed 1-14-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Disability Claimants; Medical Examination Travel Expenses

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposal to issue regulations.

SUMMARY: The Social Security Administration plans to publish regulations that will implement section 310 of Public Law 96-265. This section covers the payment of certain travel expenses to claimants who attend medical examinations requuested by the Secretary in connection with disability determinations under titles II and XVI of the Social Security Act and to claimants, their representatives, and witnesses who attend reconsideration interviews and proceedings before administrative law judges. Section 310 was effective June 9, 1980, the date of enactment of Public Law 96-265.

The new regulations will describe the policies and procedures applicable to paying certain travel expenses including limitations on the use of first-class air travel. The regulations will contain substantially the same provisions as existing Federal Travel Regulations.

The Department of Health and Human Services has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald T. Sayers, 6401 Security Boulevard, Baltimore, Maryland 21235. Telephone (301) 594-4290.

Dated: December 22, 1980.

Approved:

William J. Driver,

Commissioner, Social Security Administration.

[FR Doc. 81-1545 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 17

[SD-166]

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

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: Under the Foreign Service Act of 1980, which enters into effect February 15, 1981, significant new benefits are provided for spouses and former spouses of participants in the Foreign Service Retirement and Disability System, which includes Foreign Service employees (and some former employees), of the Department of State, United States International Communications Agency, Agency for International Development, Foreign Commercial Service of the Department of Commerce and Foreign Agricultural Service of the Department of Agriculture. The proposed regulations

set forth below, which are excerpts from the comprehensive retirement regulations for the Foreign Service under the 1980 Act, describe those benefits and how they will be administered and are considered to be of interest to a larger group than the employees themselves, unlike the comprehensive regulations as a whole.

Because of the February 15 effective date, the period for public comment is limited to 30 days from the date of publication in the **Federal Register.**

DATE: To be considered, comments must be received on or before February 17, 1981.

ADDRESS: Send written comments to: Gertrude Wieckoski, Room 1251, Chief, Retirement Division, Bureau of Personnel, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Gertrude Wieckoski, (202) 632–9315.

SUPPLEMENTARY INFORMATION: Chapter 8 of Title I of the Foreign Service Act of 1980 (Pub. L. 96–465, 94 Stat. 2102) provides for a pro rata division of retirement and survivor benefits between a participant in the Foreign Service Retirement and Disability system and his/her former spouse; provides for court modification of any pro rata division; mandates a joint election by the participant and his/her spouse or former spouse for any waiver of the latter's survivor benefits; permits an individual who, prior to February 15, 1961, had a former spouse to elect to provide a survivor benefit for that person; and permits the participant and spouse or former spouse to enter into a spousal agreement with respect to their annuity rights.

Accordingly, it is hereby proposed, pursuant to the authority of sections 206 and 801 of the Foreign Service Act of 1980 (94 Stat. 2079 and 2102) and section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) to revise 22 CFR Part 17 to read as follows:

Dated: January 8, 1981.

For the Secretary of State,

Ben H. Read,

Under Secretary of State for Management.

PART 17—BENEFITS FOR SPOUSES OR FORMER SPOUSES OF PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec.

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

§ 17.1 Authorities.

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

§ 17.2 Definitions.

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

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

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

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

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

(1) An adopted child;

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

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

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

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

agreement incident to any court decree of divorce or annulment.

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

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

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

(k) "Former spouse"[1] means a former wife or husband of a participant or former participant who was married to such participant for not less than ten years during periods of service by that participant which are creditable under section 816 of the Act provided the participant was making contributions to the Fund under section 805 of the Act during some portion of such service. For this purpose, a former spouse shall not be considered as married to a participant for periods assumed to be creditable under section 808 of the Act in the case of a disability annuity or section 809 of the Act in the case of a death in service. A former spouse will be considered married to a participant for any extra period of creditable service provided under section 817 of the Act for service at an unhealthful post during which the former spouse resided with the participant. See § 17.5–3 for procedures to determine this extra period of marriage.

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

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

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

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

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

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

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

(o) "Participant" means a person as described in § 17.3.

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

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

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

(s) "Pro Rata Share" means, in the case of any former spouse of any participant or former participant, a percentage which is equal to the percentage that (1) the number of years and months during which the former spouse was married to the participant during the creditable service of that participant is of (2) the total number of years and months of such creditable service. When making this calculation, item (1) is adjusted in accordance with paragraph (k) of this section and item (2) is adjusted in accordance with § 17.4. In the total period, 30 days constitutes a month and any period of less than 30 days is not counted.

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

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

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

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

§ 17.3 Participants.

The following persons are participants in the System:

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

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

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

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

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

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

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

(b) The entire period of Government service for which a principal received a refund of retirement contributions which he/she has not repaid unless the former spouse received under § 17.13 a portion of the (lump-sum) refund or unless a spousal agreement or court order provided that no portion of the refund be paid fo the former spouse; and

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

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

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

§ 17.5 Required notifications to Department respecting spouses and former spouses.

§ 17.5-1 Notification from participant or annuitant.

If a participant or former participant becomes divorced on or after February 15, 1981, he/she shall notify the Department (PER/ER/RET) of the divorce on or prior to its effective date. The notice shall include the effective date of the divorce, the full name, mailing address, and date of birth of the former spouse and the date of the member's marriage to that person, and enclose a certified copy of the divorce decree. If there is a court order or spousal agreement concerning payment or nonpayment of Foreign Service benefits to the former spouse, the original or a certified copy of the order or agreement shall also be forwarded to PER/ER/RET. In the absence of a court order or spousal agreement providing otherwise, the Department will pay a pro rata share of the member's benefits to the former spouse. Upon receipt of notice of a divorce, a court order, or spousal agreement, the Department will proceed as indicated in § 17.6 or § 17.7. Delinquent notice to the Department of the divorce of an annuitant will result in retroactive payments to any qualified former spouse to the extent that the retroactive payments can be deducted from future annuity payments to the principal as stated in § 17.6-4.

§ 17.5-2 Notification to Department from former spouses.

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

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

(b) Any change in address; and

(c) Any remarriage.

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

§ 17.5-3 Resident of spouse during service at unhealthful post.

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

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

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

§ 17.6 Court orders and divorce decrees.

§ 17.6-1 Orders by a court.

(a) A court may—

(1) Fix the amount of any pension to a former spouse under § 17.9, or order that none be paid;

(2) Fix the amount of any regular survivor annuity to a former spouse under paragraphs (a) and (b) of § 17.11, or order that none be paid;

(3) Order provision of an additional survivor annuity for a spouse or former spouse under § 17.10-5;

(4) Fix the amount of any benefit under § 17.10-6 based on recall service payable to a former spouse to whom the annuitant was married during any portion of the recall service, or order that none be paid;

(5) Fix the amount of any lump-sum payable to a former spouse under § 17.13 or order that none be paid;

(6) Order, to the extent consistent with any obligation stated in § 17.8 between a participant and a former spouse, and pursuant to any court decree of divorce, legal separation or annulment or any court ordered or approved property settlement agreement incident to any court decree of divorce, legal separation, or annulment, that any payment from the Fund which would otherwise be made to a former participant based on his/her service shall be paid (in whole or in part) by the Secretary of State to a previous spouse or child of such participant. No apportionment under this paragraph may be made of a payment authorized to be paid to a survivor of a participant or annuitant.

(b) An order by a court that does not meet the definition of "court" in § 17.2(f) is not valid for purposes of this section even though a divorce decree issued by such court may be a basis for pro rata share payments to a former spouse as described in these regulations.

§ 17.6-2 Qualifying court order.

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

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

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

(3) Expressly provide that payments be made to the beneficiary by the Secretary of State as distinguished from a principal. If an order is ambigious in this respect, it will be considered a qualifying order if the principal does not object during the 30-day notice period provided under § 17.6-6;

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

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

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

(b) No apportionment of annuity to a beneficiary under § 17.6–1(a) (1) or (6) shall exceed the net annuity of the principal. The net annuity is computed by excluding from the gross annuity the amounts which are:

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

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

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

(4) Owed due to overpayment of annuity;

(5) Properly withheld for Federal income tax purposes, if amounts withheld are now greater than they would be if the individual claimed all dependents to which he/she was entitled.

§ 17.6–3 Application for payment.

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

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

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

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

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

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

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

(1) The condition has not occured;

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

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

§ 17.6–4 Date of court orders.

(a) A court order directing or barring payment of a pension to a former spouse under § 17.9 may not be given effect by the Department if it is issued more than 12 months after the divorce becomes final. A court order adjusting the amount of a regular or additional survivor annuity to a former spouse under §§ 17.11–2 or 17.10–5 may not be given effect by the Department if it is issued after the death of the principal.

(b) A court order issued within 12 months after a divorce becomes final directing payment of a pension to a former spouse in an amount other than provided in § 17.9 may be made retroactively effective to the first of the month in which the divorce becomes final if so specified by the court. In such event, the Department will adjust any future payments that may become due to an annuitant and a former spouse by increasing one and correspondingly reducing the other in order to give effect to the order of the court. However, if future payments to one party are not due, as for example if a court orders that no payments be made to a former spouse, or that 100 percent of an annuity be paid as pension to a former spouse, the Department will not give retroactive effect to a court order by collecting overpayments from one party in order to pay them to the other party and will not make overpayments from the Fund.

(c) A court order under this chapter involving any payment other than a pension to a former spouse under § 17.9 may not given retroactive effect and shall not be effective until it is determined to be a qualifying order under § 17.6–5.

§ 17.6–5 Preliminary review.

(a) Upon receipt of an application for payment under § 17.6–3, PER/ER/RET will determine whether—

(1) The application is complete;

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

(3) The court order is a qualifying order. If the application is completed, the beneficiary is eligible and the court order appears on its face to be a qualifying order, PER/ER/RET will provide the notification required by § 17.6–6, otherwise, it will notify the applicant of any deficiency or requirement for additional information, and if the order is determined to be non-qualifying, the basis for such determination.

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

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

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

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

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

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

(3) A pro rata share payment is or may become due the former spouse. If it determines that a pro rata share payment is due, it will provide the notification required by § 17.6–6, otherwise, unless action is being taken pursuant to a related court order, it will notify both parties to the divorce the reason a pro rata share payment is not payable.

§ 17.6–6 Notification.

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

(2) a final decree of divorce which it deems valid together with a request for a pro rata share payment—PER/ER/RET will send a copy of the document to the principal and a notice stating: (1) that PER/ER/RET deems the order qualified or the divorce decree valid, (2) that payments will be made from the principal's account to the benficiary and the effective date of such payments, (3) the effect of such payments on the principal's retirement benefit, (4) in the case of any court order with retroactive or immediate effect, and in the case of pro rata share payments, the amounts will be withheld from future payments to the principal but will not be paid to the beneficiary for 30 days from the notice date in order to give the principal an opportunity to contest the court order or the validity of the divorce.

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

(b) *Notification to a former spouse.* When PER/ER/RET receives from a principal—(1) a court order which it deems qualified that requires or forbids payment to a former spouse; or (2) a final decree of divorce which it deems valid without an accompanying court order—PER/ER/RET will send a copy of the document to the former spouse and a

notice stating: (1) that PER/ER/RET deems the court order qualified or the divorce decree valid, (2) that PER/ER/RET intends to honor the court decree or to make pro rata share payments because of the divorce, (3) the effective date, exact amount, and method of calculation of any payments to the former spouse.

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

§ 17.6–7 Decision.

(a) When a response has not been received by PER/ER/RET from a principal within the 30-day period under § 17.6–6a, payment will be made in accordance with the notification. When a response is received, the Chief, PER/ER/RET will consider the response. If it is shown that a court order is not qualifying or that a divorce is not valid under terms of the Act and these regulations, payment proposed in the notification will not be made. In such a case, PER/ER/RET will advise both parties of the basis for its decision and the alternative action, if any, that it proposes to take.

(b) If a principal responding to a notification under § 17.6–6a objects to the payment or other action proposed by the Department in the notification based on the validity of the court order or divorce decree, and the record contains support for the objection, PER/ER/RET will grant the principal 30 days to initiate legal action to determine the validity of the objection, will continue to delay payment to the former spouse or other beneficiary during this period, and will notify the beneficiary of this action. If evidence is submitted that legal action has been started within the 30-day period, the amount of any proposed payment to a former spouse or other beneficiary will continue to be withheld from any payments due the principal, but no payment will be made to the former spouse or other beneficiary until a judicial decision is rendered or agreement reached between the parties.

§ 17.6–8 Allotment to beneficiary.

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

§ 17.6–9 Limitations.

(a) Retirement benefits are subject to apportionment by court order under § 17.6–1(6) only while the principal is living. Payment of apportioned amounts will be made only to a previous spouse and/or the children of the principal. Such payments will not be made to any of the following:

(1) Heirs or legatees of the previous spouse;

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

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

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

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

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

§ 17.6–10 Liability.

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

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

(c) A previous spouse or other beneficiary may request that an amount be withheld from the retirement benefits of a principal or survivor of a principal which is less than the amount stipulated in a court order, or otherwise scheduled to be paid to the beneficiary under this chapter. This lower amount will be deemed a complete fulfillment of the obligation of the Department for the period in which the request is in effect. See § 17.14.

§ 17.7 Spousal agreements.

§ 17.7–1 Purpose.

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

§ 17.7–2 Agreement with spouse.

(a) A spousal agreement between a participant and a spouse may waive or fix the level of a regular survivor annuity under § 17.11–3. If an agreement is filed, it will assure the spouse that the agreed-upon level of survivor annuity will be paid, irrespective of a future divorce provided the survivor meets the definition of "former spouse" in § 17.2(k). If an agreement is not filed, the participant's annuity will be reduced under § 17.10–2 to provide the maximum regular survivor annuity for the spouse, but in the event of a future divorce if the spouse meets the definition of "former spouse," that person will be entitled only to a pro rata share of the survivor annuity. An agreement under this paragraph may be filed with PER/ER/RET at any time prior to retirement (commencement of the principal's annuity).

(b) A spousal agreement between an annuitant and a spouse filed with PER/ER/RET before commencement of a supplemental annuity for recall service may waive a supplemental survivor annuity that would otherwise be provided for a spouse under § 17.10–6.

(c) A spousal agreement between a participant or former participant and a spouse may be filed with PER/ER/RET at any time in accordance with § 17.10–5 and provide for an additional survivor annuity for the spouse.

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

§ 17.7–3 Agreement with former spouse.

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

(1) A pension under §17.9;

(2) A regular survivor annuity under §17.11–2;

(3) A supplemental survivor annuity under §17.10–6;

(4) A lump sum payment for regular or recall service under §17.13.

A spousal agreement shall also be used by a participant or former participant who has a former spouse on February 15, 1981, to elect a regular survivor annuity for such former spouse in accordance with §17.11–2(e). An agreement to establish or increase any benefit for a former spouse entered into while the principal is married to someone else, must be signed and agreed to by both the spouse and the former spouse. An agreement affecting

pension benefits may be filed at any time and will govern payments made after its acceptance by PER/ER/RET. An agreement affecting a regular survivor annuity must be filed before the end of the 12-month period after the divorce involving that former spouse or at the time of retirement, whichever occurs first, except as authorized in §17.11–2(b) for persons retired on February 15, 1981, or in §17.11–2(e) with respect to persons who were former spouses on February 15, 1981. This filing requirement stated in the Act makes it impossible to adjust, other than by court order, a regular survivor annuity for a former spouse when the divorce occurs after a retirement which occurs on or after February 15, 1981. The survivor annuity for the former spouse in such case is fixed by any spousal agreement entered into prior to the divorce, by §17.11–2 or by court order. An agreement affecting supplemental survivor benefits or lump-sum payments must be filed before the supplemental annuity of the principal begins or lump-sum payment is made.

(b) A spousal agreement between a participant or former participant and a former spouse may be filed with PER/ER/RET at any time in accordance with §17.10–5 to provide an additional survivor annuity for the former spouse.

§17.7–4 Form of agreement.

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

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

§17.7–5 Limitations.

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

(b) A spousal agreement must be filed with the Department, Attention PER/ER/RET, and accepted by that office as in conformance with the Act and these regulations prior to the time on the validity of any proposed agreement and on proper format.

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

(d) Paragraphs (b), (c) and (d) of §17.6–9 and §17.6–10 apply to spousal agreements and payments made pursuant to spousal agreements to the same extent that they apply to court orders and court ordered payments.

§17.7–6 Duration and precedence of spousal agreements.

(a) A spousal agreement may be revised or voided by agreement of the parties (by filing a new agreement under this section) at any time prior to the last day for filing an agreement determined in accordance with §17.7–2 or §17.7–3, except spousal agreements for additional survivor annuities are irrevocable. After the last day for filing a particular agreement, such agreement is irrevocable.

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

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

§ 17.8 Obligations of members.

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

(a) A pension to a former spouse pursuant to § 17.9;

(b) A court ordered apportionment of annuity to a previous spouse or child under § 17.6–1(6) (the benefit to a child referred to here is paid during the annuitant's lifetime as distinguished from the automatic survivorship annuity to a child described in § 17.11–7);

(c) A regular survivor annuity to a former spouse who has not remarried prior to age 60, and to a spouse to whom married when annuity commences, pursuant to § 17.10–2;

(d) An additional survivor annuity for a spouse or former spouse under § 17.10–5 when elected by the participant or ordered by a court;

(e) Lump-sum payments to a former spouse pursuant to § 17.13;

(f) Benefits ordered by a court under § 17.6 or specified in a spousal agreement under § 17.7.

§ 17.9 Pension benefits for former spouses

§ 17.9–1 Entitlement.

(a) Unless otherwise expressly provided by a spousal agreement under § 17.7 or a court order under § 17.6, a person who, on or after February 15, 1981, becomes a former spouse of a participant or former participant and who has not remarried prior to becoming 60 years of age, becomes entitled to a monthly pension benefit effective on a date determined under § 17.9–2 in an amount determined under § 17.9–3.

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

(c) A pension benefit under this section is treated the same as a survivor annuity for purposes of § 17.11–5(b): a former spouse who elects to receive a pension under this section must waive simultaneous receipt of any survivor annuity.

§ 17.9–2 Commencement and termination.

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

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

(2) The date the disability annuity begins; or

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

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

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

(2) The date the annuity of the former participant terminates unless the termination results from recall, reappointment or reinstatement in the Foreign Service or reemployment in Government service.

§ 17.9–3 Computation and payment of pension to former spouse.

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

(b) No spousal agreement or court order may provide for a pension or any combination of pensions to former spouses of any one principal which exceeds the net annuity of the principal as defined in § 17.6–2(b).

(c) A pension to a former spouse not fixed by a spousal agreement or court order shall equal the former spouse's pro rata share of 50 percent of the annuity to which the principal is entitled on the date the divorce becomes final, or, if not then entitled to an annuity, 50 percent of the annuity to which the principal first becomes entitled following that date.

(d) The Department will initiate payment of a pension to a former spouse after complying with the notification and other procedures described in § 17.6.

(e) If a pension can not be paid because a former spouse is missing, the principal may file an affidavit with PER/ER/RET that he/she does not know the whereabouts of the former spouse. In such an event, the principal and the Department will follow the procedures in § 17.11–4 in an effort to locate the former spouse. The annuity of the principal will be reduced by the amount of the pension to the former spouse even though the latter is not being paid. If the former spouse has not been located during the 12-month period following the date the principal files an affidavit under this section, the annuity of the principal will be recomputed effective from its commencing date (or on the date following the last month a pension payment was made to the former spouse) and paid without reduction of the amount of pension to the former spouse. If the former spouse subsequently is located, pension payments to him/her will be initiated at that time at the rate that would have been payable had they been paid continuously from the original effective date. The Department shall not be liable to make any pension payments to the former spouse for the missing period if the procedures under this section were faithfully complied with nor will the Department be responsible for recovering any payments made to the principal for the benefit of the former spouse.

§ 17.9–4 Effect on annuitant.

Any pension payable to a former spouse under this section or pursuant to any spousal agreement or court order shall be deducted from the annuity of the principal. (See § 17.6–4 concerning retroactive adjustments.) if the annuity of such a principal in any month is discontinued or reduced so that the net amount payable is less than the pension to the former spouse or spouses of the principal because of recall, reappointment or reinstatment in the Foreign Service or reemployment in the Government service, the principal's salary, rather than annuity, shall be reduced by the amount of the pension payment(s). Such salary reductions shall be deposited in the Treasury to the credit of the Fund. If a pension to a former spouse is discontinued for any reason except a suspension pending a determination of entitlement, the annuity of the principal shall be recomputed effective as of the date of discontinuance of the pension, and paid as if the pension to the former spouse had never been deducted.

§ 17.10 Types of annuities to members.

§ 17.10–1 Full annuity.

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

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

§ 17.10–2 Reduced annuity with regular survivor annuity to spouse or former spouse.

(a) At commencement of annuity, a participant or former participant may provide a regular survivor annuity for any eligible former spouse and, within the limits of paragraph b, a regular survivor annuity to any spouse to whom he/she is then married as described in §§ 17.11–2 and 17.11–3, respectively. A regular survivor annuity for a spouse or former spouse equals 55 percent of the portion of the retiree's annuity (up to the full amount) designated as the base for the survivor annuity. To provide the survivor annuity, the participant must accept a reduction in his/her full annuity equal to 2 1/2 percent of the first $3,600 of the designated base, plus 10 percent of the balance of the base. If a regular survivor annuity is being provided for both a spouse and a former spouse, the bases for each are added and the calculation made as in the following example:

Participant's full annuity as computed in § 17.10–1: $14,000.

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

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

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

Combined base: $14,000.

Participant's full annuity reduced as follows:

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

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

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

Participant's reduced annuity: $12,870.

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

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

Case II (Participant married at retirement with no former spouse. All calculations made without reference to cost-of-living increases described in section 17.11–5d.)

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

Participant's full annuity reduced as follows:

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

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

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

Participant's reduced annuity: $13,010.

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

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

If the former spouse qualifies for a pension as described in section 17.9 based on a pro rata share of 75 percent, the pension would equal 50 percent of the participant's reduced annuity times 75 percent (50% × $13,220 × 75%): 4,957.50.

The participant's reduced annuity would then be further reduced by this pension ($13,220–$4,957.50) to provide an annuity to the former participant of $8,262.50.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The maximum regular survivor annuity or combination of regular survivor annuities that may be provided under this section is limited to 55% of the principal's full annuity computed at retirement. If an annuitant is recalled to active duty in the Foreign Service, he/she may provide additional regular survivor annuities under § 17.10–6. The maximum regular survivor annuity or combination of regular survivor annuities that an annuitant who was married at retirement may elect or provide, pursuant to a court order or otherwise, after retirement in the event of his/her divorce or remarriage, is limited to the amount provided at the time of initial retirement or reversion to retired status following recall service.

§ 17.10–3 Marriage after retirement.

If an annuitant who was unmarried at the time of retirement, marries, he/she may within one year after such marriage irrevocably elect to receive a reduced annuity and to provide, subject to any obligation to provide a survivor annuity for a former spouse, a survivor annuity for the new spouse. If such an election is made, the principal's annuity shall be reduced in accordance with § 17.10–2 effective on the first day of the first month which begins at least one year after the date of the marriage. The reduction is computed on the commencing rate of the principal's annuity.

§ 17.10–4 Death or divorce of a spouse and remarriage after retirement.

(a) If the marriage of an annuitant who received a reduced annuity at retirement under § 17.10–2 to provide a survivor annuity for a spouse is dissolved by divorce or by death of the spouse, the retiree's annuity shall be recomputed, if necessary, as of the first of the month following the death or divorce. If the marriage was dissolved by death, the annuity shall be recomputed and paid at it's full amount. If the marriage is dissolved by divorce, procedures in § 17.11–2(b) shall be followed.

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

§ 17.10–5 Reduced annuity with additional survivor annuity to spouse or former spouse.

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

(b) *Limitation on amount.* Neither the total amount of additional survivor annuity or annuities under this section provided by any participant or former participant nor any combination of regular or additional survivor annuities for any one surviving spouse or or former spouse of a principal may exceed 55 percent of the principal's full annuity counting any supplemental annuity or recomputation of annuity because of recall service. An additional survivor annuity provided by any principal shall be further limited to the amount that can be provided by a monthly payment which is not greater than the principal's net annuity described in §§ 17.6–2(b). The amount of any additional survivor annuity provided by the spousal agreement effective prior to the principal's retirement, shall be reduced as necessary by PER/ER/RET after the principal's retirement to comply with this limitation. Any amount paid by a participant for the portion of additional survivor annuity cancelled pursuant to this paragraph shall be treated as an additional lump sum payment under paragraph (e) and used to increase the amount of the additional annuity. A participant who separates from the Service without entitlement to any annuity is not entitled to provide an additional survivor annuity. Payments in such a case would be discontinued as described in paragraph (e) of this section.

(c) *Procedures to grant additional survivor annuity.* A participant or former participant who has fully committed his/her maximum regular survivor annuity who wishes to provide, or who is ordered by a court to provide an additional survivor annuity under this section, shall do so by filing a spousal agreement with PER/ER/RET on a form acceptable to PER/ER/RET. Such an agreement will be irrevocable when accepted by PER/ER/RET unless the beneficiary of the additional survivor annuity is subsequently made a beneficiary of a regular survivor annuity in equal amount. Within the limitations specified in paragraph (b) of this section, an individual may be made the beneficiary of both a regular and an additional survivor annuity. A spousal agreement granting an additional survivor annuity to a spouse will remain valid in the event the marriage is dissolved and the spouse qualifies as a former spouse under the definition § 17.2(k).

(d) *Eligibility for additional survivor annuity.* A spouse or former spouse must meet the same criteria (§ 17.2(v) and 17.2(k)) to be eligible for an additional survivor annuity as a spouse or former spouse must meet to be eligible for a regular survivor annuity. Payment of a special survivor annuity will commence on the day after the participant dies and shall terminate on the last day of the month before death or remarriage before attaining age 60. If it is discontinued because of remarriage, it will not be resumed.

(e) *Payment for additional survivor annuity.* (1) Payment *for* an additional survivor annuity will commence on the first of the month following the effective date of a spousal agreement provising the additional survivor annuity. The effective date will be the date of acceptance of the spousal agreement by PER/ER-RET (upon a finding that the agreement conforms to the law and regulations) or such later date as may be specified in the agreement. No payment will be made to a beneficiary under the agreement if the principal dies before its effective date. Accordingly, in order to give protection to a beneficiary during active service, the agreement must be made effective, and payment commenced, during active service. Payment will be made by a participant or annuitant by deduction from salary or annuity. Payment will be made by a

former participant while awaiting commencement of a deferred annuity by direct payment to the Department, Office of Financial Operations (M/COMP/FO). Payments not received by the due date may, at the option of M/COMP/FO and with notice to the principal and the beneficiary be collected from the principal's lump-sum account. Amounts so collected must be repaid by the principal with interest compounded at 10 percent annually to prevent exhaustion of the lump-sum account. If the lump-sum account does become exhausted, any rights to the lump-sum payment under § 17.13 and survivorship rights under this paragraph will expire on that date. If the principal dies with an amount owing, it shall be collected by set off from the survivor annuity or lump-sum account.

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

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

Age of principal and beneficiary on effective date of spousal agreement	Minimum monthly payment required to provide an additional survivor annuity of $100 per month.	
	Without COLA	With COLA
40	$7.48	$12.34
50	14.18	22.01
60	23.55	33.90
70	35.57	47.12

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

§ 17.10–6 Benefits for recall service.

(a) *Annuity of recalled participant.* Any participant who is recalled to the Service under section 308 of the Act, shall, while serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund under section 805(a) of the Act. If a share of the annuity is being paid as a pension to a former spouse under § 17.9, that share shall be deducted from the salary of the recalled annuitant during the period of the recall service. Upon reversion of the annuitant to retired status, any pension payable to a former spouse that was being deducted from the salary of the principal shall be adjusted by any cost-of-living increases that occured under section 826 of the Act during the period of the recall and shall again be deducted from the annuity of the principal which shall be determined as follows:

(1) If the recall service lasts less than one year, a refund of retirement contributions made during the recall period wil be refunded under § 17.13 and the former annuity will be resumed at the previous rate adjusted by any cost-of-living increases that became effective during recall service.

(2) If the recall service lasts between one and five years, the annuitant will be entitled to elect benefits under paragraph (a)(1) of this section or receive both the former annuity adjusted by cost-of-living increases and a supplemental annuity computed under § 17.10 on the basis of service credit and average salary earned during the recall period, irrespective of the number of years of service credit previously earned.

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

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

(5) An annuitant entitled to a supplemental annuity under paragraph (a)(3) of this section or a recomputated annuity under paragraph (a)(4) of this section is obligated, in the absence of a court order or spousal agreement to the contrary, to have those annuities reduced to provide the benefits described in § 17.8 to any spouse, or former spouse to whom married during any portion of the recall service. An annuitant must accept a reduction of 10 percent of his/her supplemental annuity in order to provide a supplemental survivor annuity to a spouse of former spouse. The maximum supplemental survivor annuity equals 55 percent of the supplemental annuity. If, upon reversion to retired status, an annuitant has a former spouse entitled to a pro rata share or some other share of the supplemental survivor annuity, but no spouse, the appropriate share of the supplemental annuity shall be reduced by 10 percent to provide such former spouse a share of the maximum supplemental survivor annuity.

(b) *Survivor benefit for death during recall service.* (1) If an annuitant entitled to a reduced annuity under § 17.10–2 dies in service after being recalled and is survived by a spouse or former spouse entitled to a survivor annuity based on the service of such annuitant, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the annuity of the deceased had been resumed in accordance with paragraph a. If such death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse or surviving former spouse who was married to the participant at any time during a period of recall service shall be entitled to elect, in addition to any other benefits and in lieu of a refund of retirement contributions made during the recall service, a supplemental

survivor annuity computed and paid under § 17.10–6a(5) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his/her annuity determined anew, a surviving spouse or such a surviving former spouse may elect, in lieu of any other survivor benefit under § 17.11, to have the rights of the annuitant redetermined and to receive a survivor annuity computed under §§17.11–2 or 17.11–3 on the basis of the total service of the annuitant. In the event such an annuitant is survived both by a spouse and such a former spouse, the former spouse will be entitled to a pro rata share of any refund or supplemental survivor benefit under this section computed on the basis of total service during the recall period and months of marriage during such period. If the surviving spouse and surviving former spouse elect different benefits under this paragraph, the former spouse will receive the pro rata share of the benefit he/she elects and the spouse will receive the reciprocal share of the benefit he/she elects.

(2) In the event an annuitant dies during recall service and is survived by a former spouse to whom not married during any period of the recall service, such former spouse will not be entitled to any benefits based on the recall service. If, however, such spouse is entitled to a survivor annuity under § 17.11–2, it shall be adjusted from its commencing date by all cost-of-living adjustments that have occurred under section 826 of the Act since the principal's initial retirement.

§ 17.11 Survivor benefits.

§ 17.11–1 Kinds of Survivor benefits.

If a participant or former participant dies in active service or after retirement, regular survivor annuities are payable under terms of this section to an eligible surviving spouse, former spouse or child. Also, if all rights to annuity and survivor annuity terminate prior to exhaustion of the participant's lump-sum credit, a lump-sum payment is made pursuant to § 17.13. In addition to the above, an additional survivor annuity, and a supplemental survivor annuity may be payable to an eligible survivor under §§ 17.10–5 and 17.10–6, respectively. If any participant or former participant makes an election, files a spousal agreement or becomes subject to a court order to provide a regular survivor annuity for a spouse or former spouse and does not subsequently become entitled to leave a survivor annuity under these regulations (because of separation from the Service and withdrawal of contributions, death after separation but before commencement of a deferred annuity, or for any other reason), none will be paid and such election, spousal agreement or court order to provide such survivor annuity will have no force or effect.

§ 17.11–2 Regular survivor annuity for a former spouse.

(a) *Divorce prior to retirement.* If a participant or former participant is divorced prior to commencement of annuity, any former spouse shall be entitled to a pro rata share of such a principal's maximum regular survivor annuity (based on service performed prior to the first date the principal becomes eligible for an annuity following the divorce) unless a different amount is elected in a spousal agreement filed with PER/ER/RET within 12 months after the divorce becomes final or at the time of the retirement, whichever occurs first, or unless a different amount is specified by a court prior to the death of the principal. The principal's annuity shall be reduced at the commencing date under § 17.10–2 in order to provide the survivor annuity committed to the former spouse.

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

(c) *Death or remarriage of former spouse and transfer of survivor benefit to a spouse.* Remarriage below age 60 or death of a former spouse while a principal is alive will disqualify the former spouse for benefits under this section. In the event of such a remarriage or death of a former spouse, the portion of a principal's survivor annuity committed to that person will become available for transfer to any spouse. If such a remarriage or death of the former spouse occurs after the principal's annuity commences, any reduction in the principal's annuity for that former spouse will be discontinued effective at the beginning of the first month following the remarriage or death unless the annuitant elects to provide or to increase a survivor benefit for a spouse. Such an election may be made within one year after the annuitant receives notice of the remarriage or death of his/her former spouse. The Department (PER/ER/RET) and the annuitant shall each notify the other promptly whenever either receives independent notice of such a remarriage or death. If an election to transfer survivor benefits to a spouse is not made by the annuitant, his/her annuity will be recomputed and paid as if there had been no reduction for the discontinued survivor benefit. If an annuity is so recomputed and an election is subsequently made to designate as beneficiary a spouse to whom married for at least one year at the time the election is made, the principal's annuity shall be restored retroactively to its former, lower rate and then adjusted by cost-of-living increases that have occured since the date of the first recomputation. If an election is made for a spouse when the marriage has not yet lasted a year, the procedures in § 17.10–4 shall be followed.

(d) *Amount of survivor annuity.* The amount of a regular survivor annuity is determined under § 17.11–3(c).

(e) *Special rules for election of survivor annuity for a person who is a former spouse on February 15, 1981.* (1) Any participant, or former participant eligible for a deferred annuity which has not yet commenced, who, on February 15, 1981 has a former spouse, may at any time prior to commencement of annuity, elect, with the consent of any spouse to whom married at the time of the election, to receive a reduced annuity and provide a regular survivor annuity for such former spouse. Such survivor annuity shall be limited by § 17.10–2(b). An election under this paragraph for a former spouse will reduce the amount of any regular survivor annuity that may subsequently be provided for any spouse or other former spouse.

(2) Any former participant in receipt of an annuity who has a former spouse on February 15, 1981 and who has not committed his/her entire annuity as a base for a regular survivor annuity for a

spouse or any other former spouse, may, prior to March 31, 1982, designate any portion of the uncommitted base as the base for a regular survivor annuity for such former spouse.

(3) The annuity of a former participant making an election under this paragraph shall be reduced under § 17.10–2(a) effective February 15, 1981, or from its commencing date if later.

(4) An election under this paragraph shall be made by filing a spousal agreement with PER/ER/RET under § 17.7. A spousal agreement to provide a regular survivor annuity under this paragraph for a former spouse may be revoked or amended after its acceptance by PER/ER/RET as in accordance with the Act and these regulations, only by agreement of the parties up to the last day allowed by this paragraph for filing such an agreement. Thereafter, it is irrevocable. If a participant dies in service after having filed a valid election under this section, a survivor annuity will be paid to an eligible former suriving spouse in accordance with the terms of the election.

17.11–3 Regular survivor annuity for a spouse.

(a) In the absence of a joint election or a spousal agreement to the contrary, a participant or former participant who is separated from active service on or after February 15, 1981 who is married at the commencement of his/her annuity shall provide a regular survivor annuity for a spouse under § 17.10–2 equal to the maximum amount that remains available under limitations stated in paragraph (b) of that section after allowing for any commitment of a regular survivor annuity for a former spouse who has not remarried prior to age 60 and who is alive on the date the former participant becomes eligible for an annuity.

(b) A regular survivor annuity is also payable to a surviving spouse for whom a principal elected an annuity under §§ 17.10–3, 17.10–4, or 17.11–2(c) following a marriage after comencement of his/her annuity.

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

(d) A survivor annuity is payable to a surviving spouse only if that person was married to the principal at the time of his/her death or if the spouse became a former spouse under the definition in § 17.2(k).

§ 17.11–4 Procedure in event a spouse or former spouse is missing.

If a participant or former participant has a spouse or former spouse whose whereabouts are unknown, such participant may elect to reduce or eliminate the share of a regular survivor annuity provided for that person under §§ 17.11–2 or 17.11–3 by filing an affidavit with PER/ER/RET stating that his/her spouse or former spouse is missing and giving full name, last known address, date last heard from, circumstances of the disappearance and a description of the effort that has been made to locate the individual. Thereafter, the participant shall take such additional steps to locate the missing person as may be directed by PER/ER/RET. That Office shall also attempt to locate the missing person by sending a letter to the individual's last known address given in the Department's files, to the address given on the affidavit, and, if a Social Security number is known, to the Social Security Administration for forwarding. The election and affidavit may be filed at any time before commencement of annuity. It must remain on file with PER/ER/RET for at least one year before being given irrevocable effect by the Department. If the annuity to the former participant becomes effective prior to the expiration of this one year period, the annuity shall be computed and paid without reference to the election filed under this section. Following this one-year period, or at the commencement of annuity, if later, if the missing person has not been located, the affidavit may be reaffirmed by the participant, after which an election by the participant to reduce or eliminate the share of regular survivor annuity for the missing person shall be given irrevocable effect by the Department. If the annuity to the former participant has commenced, it shall be recomputed and paid retroactively to give effect to any election made under this section.

§ 17.11–5 Commencement, termination and adjustment of annuities.

(a) An annuity payable from the Fund to a surviving spouse or former spouse begins on the day after the participant or annuitant dies and stops on the last day of the month before the survivor's (1) marriage before age 60, or (2) death. If a survivor annuity is terminated because of remarriage, the annuity is restored at the same rate effective on the date such remarriage is terminated, provided any lump-sum paid upon termination of the annuity is returned to the Fund. The termination of a surviving spouse annuity due to remarriage does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless elected following a marriage after retirement under circumstances described in §§ 17.10–3 or 17.10–4.

(b) A surviving spouse or former spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which entitled under this or any other retirement system for Government employees. (For this purpose, neither the Social Security system nor the military retirement system is considered a retirement system for government employees.) This restriction does not apply to a survivor annuitant who is a surviving spouse of a participant who died in service or retired before October 1, 1976, unless the survivor annuity was elected under circumstances described in § 17.9–3 or § 17.9–4.

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

(d) Regular and supplemental survivor annuities to a spouse or former spouse of an annuitant described in §§ 17.10–2, 17.10–3 and 17.10–7 are increased from their effective date by the cumulative percentage of cost-of-living increases the annuitant was receiving under section 826 of the Act at death. All annuities payable to survivors on the date a cost-of-living adjustment becomes effective are increased by that percentage except (1) the first increase to a surviving spouse or former spouse of a participant who dies in service shall be pro rated and (2) additional survivor annuities under § 17.10–5 when the spousal agreement authorizing the annuity makes no provision for cost-of-living increases.

(e) The annuity of survivors becomes effective as specified in this section but is not paid until the survivor submits Form JF–38, Application for Death Benefits, supported by such proof as may be required, for example, death,

marriage, and/or divorce certificates. In the event that such is not submitted during an otherwise eligible beneficiary's lifetime, no annuity is due or payable to the beneficiary's estate.

§ 17.11–6 Death during active duty.

(a) *Annuity for surviving former spouse.* In the event a participant dies before separation from the Service and leaves a former spouse, such former spouse is entitled to a regular survivor annuity under § 17.11–2 computed as if the participant had retired on the date of death unless a court order or spousal agreement is on file in the Department waiving such entitlement or providing for some other computation, or unless the former spouse had been found missing and an election filed under the procedures of § 17.11–4 waiving a survivor benefit for that person. Any assumed service authorized to be used under paragraph (b) of this section in computing the annuity for a surviving spouse may not be counted as "years of marriage" when determining whether the previous spouse qualifies as a "former spouse" under the definition in § 17.2(11) or when computing the pro rata share under § 17.2(19). A former spouse is entitled to an additional survivor annuity under § 17.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(b) *Annuity for surviving spouse.* If a participant who has at least 18 months of civilian service credit toward retirement under the System, excluding extra service credited for unhealthful post duty in accordance with section 816 of the Act, dies before separation from the Service, and is survived by a spouse as defined in § 17.2(u) such survivor shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with § 17.10–1 less any annuity payable to a former spouse under paragraph a. If the participant had less than three years of creditable civilian service at the time of death, the survivor annuity is computed on the basis of the average salary for the entire period of such service. If, at time of death, the participant had less than 20 years of cerditable service, the annuity shall be computed on the assumption that the participant has had 20 years of service, but such additional service credit shall in no case exceed the difference between the participant's age on the date of death and age 65. A spouse is entitled to an additional survivor annuity under § 17.10–5 provided death occurs on or after the effective date of a spousal agreement providing for the additional annuity.

(c) *Annuity for a child or children.* If a participant described in paragraph b is survived by a child or children, each surviving child is entitled to an annuity as described in § 17.11–7.

(d) *Annuity changes.* Annuities based on a death in service are subject to the provisions of § 17.11–5 governing commencement, adjustment, termination and resumption of annuities.

§ 17.11–7 Annuity payable to surviving child or children.

(a) If a participant who has at least 18 months of civilian service credit under the System dies in service, or if an annuitant who was a former participant dies, annuities are payable to a surviving child or children, as defined in § 17.2(e) as follows:

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

(i) $900

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

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

(i) $1,080

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

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

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

§ 17.11–8 Required elections between survivor benefits.

(a) *Bar against concurrent payment under this Act and Workers' Compensation Act.* Except as stated below, survivor annuities and survivors' compensation for work injuries under 5 U.S.C. 8102 are not payable concurrently if both are based on the death of the same employee. A survivor entitled to both must elect which of the two benefits he/she prefers. Should all eligible survivors of a deceased employee elect to receive the compensation benefit rather than the survivor annuity, their rights to the latter are terminated and, if the lump-sum credit has not been exhausted, a lump-sum payment will become due under § 17.13. The one exception to this rule occurs when a widow or widower is being paid the balance of a scheduled compensation award under 5 U.S.C. 8107 due the deceased employee. If so, the widow or widower may receive the survivor annuity and compensation award concurrently.

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

§ 17.12 Employment in a government agency.

An annuitant who is reemployed by a Federal Government agency may not receive a combination of salary and annuity which exceeds his/her Foreign Service salary at the time of retirement. Refer to § 17.9–4.

§ 17.13 Lump-sum payment.

§ 17.13–1 Lump-sum credit.

"Lump-sum credit" is the compulsory and special contributions to a participant's or former participant's credit in the Fund for his/her first 35 years of service plus interest thereon computed from the midpoint of each service period and compounded at four percent annually to the date of separation or December 31, 1976, whichever is earlier, and after such date, for a participant who separates from the Service after completing at least one year of civilian service and before completing 5 years of such service, at

the rate of three percent annually to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from the annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

§ 17.13-2 Share payable to a former spouse.

Any former spouse of a participant or annuitant is entitled to a prorata share of 50 percent of any lump-sum payment authorized to be paid to a former participant or other beneficiary under this section based on the service of such participant or annuitant covering at least some period of marriage to the former spouse, unless otherwise directed in a court order or a spousal agreement.

§ 17.13-3 Payment after death of principal.

If a participant dies and no claim for annuity is payable, the lump-sum credit is paid. Any portion not payable to a surviving former spouse under § 17.13-2 is paid to surviving beneficiaries.

§ 17.14 Waiver of annuity.

An individual entitled to be paid an annuity may, for personal reasons, decline to accept all or any part of the annuity. However, a principal may not waive the portion of his/her annuity authorized to be paid to a former spouse under § 17.9 or to a beneficiary under § 17.6. An annuity waiver shall be in writing and sent to the Department (PER/ER/RET). A waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

[FR Doc. 81-1339 Filed 1-14-81; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-152-80]

Windfall Profit Tax; Clarification of Rules Relating to Base Prices of Tier 2 and Tier 3 Oil; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980.

DATES: The public hearing will be held on March 3, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by February 17, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-152-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 4989(d)(1) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, November 14, 1980 (45 FR 75231).

The rules of section 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by February 17, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

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

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-1333 Filed 1-14-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

Disclosure of Comments Received From Federal Agencies on the West Virginia State Permanent Regulatory Program Resubmission

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Availability of public comments.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement announces the availability for public review of comments by the U.S. Army Corps of Engineers and the Department of the Interior, Fish and Wildlife Service, on the West Virginia's permanent regulatory program submission under the Federal Surface Mining Act.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

West Virginia Department of Natural Resources, Division of Reclamation, 1800 Washington Street, East, Charleston, WV 25305, Phone: (304) 348-3267

Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, WV 25301, Phone: (304) 342-8125

Office of Surface Mining, Department of the Interior, Room No. 135, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Phone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT:

Mr. Dick Leonard, Office of Surface Mining, Reclamation, and Enforcement, 603 Morris Street, Charleston, WV 25301, Phone: (304) 342-8125

Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Phone: (202) 343-4225

SUPPLEMENTARY INFORMATION: Before the Secretary of the Interior may approve permanent State regulatory

programs submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. West Virginia submitted a proposed regulatory program to the Secretary on March 3, 1980. The Secretary solicited public comments on the submission from the various federal agencies, as required under Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1). On August 11, 1980, public disclosure of comments received was announced by notice in the **Federal Register**. 45 FR 53181.

On October 20, 1980, the Secretary announced his approval in part and disapproval in part of West Virginia's submission, and afforded the State 60 days within which to resubmit its program. 45 FR 69251–69271. On December 19, 1980, the State resubmitted its program. The Secretary of the Interior is now evaluating the West Virginia permanent regulatory program resubmitted on December 19, 1980.

In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1) the West Virginia Program as resubmitted may not be approved until the Secretary has solicited and publicly disclosed the views of Federal agencies concerned with or having special expertise relevant to the resubmitted program. In this regard, the following Federal agencies were invited to comment on the West Virginia Program resubmission:

Advisory Council on Historic Preservation
Appalachian Regional Commission
Council on Environmental Quality
Department of Agriculture
  Agriculture Stabilization and Conservation Service
  Extension Service
  Farmers Home Administration
  Forest Service
  Science and Education Administration
  Soil Conservation Service
Department of Energy
Department of the Interior
  Bureau of Indian Affairs
  Bureau of Land Management
  Bureau of Mines
  Water and Power Resources Service
  Fish and Wildlife Service
  Geological Survey
  Heritage Conservation and Recreation Service
  National Park Service
Department of Labor: Mine Safety and Health Administration
Environmental Protection Agency
Ohio River Basin Commission
U.S. Army Corps of Engineers
Water Resources Council

Of those agencies invited to comment, OSM only received comments from the U.S. Army Corps of Engineers and the Department of the Interior, Fish and Wildlife Service.

These comments are available for review and copying during business hours at the locations listed above under "Addresses."

Dated: January 11, 1981.

Paul Reeves,

Deputy Director.

[FR Doc. 81-1544 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 556

[AR 210-1]

Private Organizations on Department of Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: Army Regulation 210-1 implements Department of Defense Instruction 1000.15, "Private Organizations on Military Installations" (published in the **Federal Register** December 12, 1978, as Part 212, Title 32, CFR, Chapter 1). The proposed regulation will be applicable to all private organizations on Army installations except those under special Department of Defense sanction as set forth in separate agreements or regulations. The regulation clarifies the facts that private organizations are private and self-sustaining; are not officially affiliated with the United States Government or its instrumentalities; and are subject to state laws and local ordinances. Accordingly, this regulation does not direct or regulate the operational policies of private organizations, but establishes only those prerequisites necessary for private organizations to operate on Army installations.

EFFECTIVE DATE: Written comments received by the Department on or before February 17, 1981 will be considered.

ADDRESS: Written comments should be addressed to: Department of Army, Office of The Adjutant General, Club and Community Activities Management Directorate, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Ms. Terri N. Slocomb, Program Analyst, Office of The Adjutant General, ATTN: DAAG-CMP-P, Washington, D.C. 20310, Telephone (202) 325-9370/71.

Accordingly, 32 CFR is amended by adding a new Part 556.

Dated: January 5, 1981.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

PART 556—PRIVATE ORGANIZATIONS ON DEPARTMENT OF ARMY INSTALLATIONS

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Appendix D Private organization checklist.
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Authority: 10 U.S.C. Section 3102.

Subpart A—General

§ 556.1 Purpose.

This regulation provides policy for the authorization and operation of private organizations (POs) on Army installations. This guidance does not supplant or negate any specific agreements between the United States Government, Department of Defense (DOD), Department of the Army (DA), and Federally sanctioned or affiliated types of POs.

§ 556.2 Applicability.

This regulation applies to POs authorized to operate on DA installations worldwide except those excluded in § 556.4 of this Part and POs located on Army Reserve Centers (AR 140–488). This regulation applies to POs of the Army National Guard and Army Reserve when located on DA installations, using space or facilities other than Army Reserve Centers. This regulation does not apply to private organizations operating in the local community outside of DA installations which request occasional or non-recurring use of Army space or facilities; guidance for Army liaison with these organizations is contained in AR 360–61.

§ 556.3 Explanation of terms.

The following terms apply to this regulation:

(a) DOD Family. Active duty military personnel, retired military members, members of reserve components, dependents and surviving spouses of the foregoing, local DOD civilians, and other authorized civilians as determined by major and installation commanders.

(b) DA Installation. A location, facility or activity assigned to, owned, leased, controlled or occupied by DA.

(c) Private Organization. A self-sustaining, non-Federal entity, incorporated or unincorporated, and constituted or established and operated on a DA installation, with the written consent of the installation commander or higher authority, by individuals acting outside any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities. Types of POs are defined and categorized below and are listed at Appendix A:

(1) Type 1 Federally Sanctioned POs. Type 1 POs conduct service-type operations. They are recognized by specific DOD authority or by special authority granted by HQDA. The following are Type 1 POs not governed by this regulation, but by other regulations, as stated:

(i) Credit Unions—AR 210–24.

(ii) Banking Offices/Institutions—AR 210–135.

(iii) American National Red Cross—AR 930–5.

(iv) United Service Organizations, Inc.—AR 930–1.

(v) United Seaman's Service—AR 700–83.

(vi) Labor Organizations subject to Title 5, US Code Chapter 71—Federal Personnel Manual (FPM) 711.

(vii) Association of Supervisors and Managers—Civilian Regulation (CPR) 251 and AR 1–210.

(viii) Civil Air Patrols—Air Force Regulation (AFR) 46–6.

(ix) Army Emergency Relief—AR 930–4. All other Type 1 POs are subject to the provisions of this regulation.

(2) Type 2 Affiliated POs. Type 2 POs engage in activities of common interest to a voluntary membership. They require the written approval of the installation commander to operate on DA installations. Type 2 POs operate as local affiliations or chapters, lodges (fraternal or benevolent organizations), or elements of national or state chartered organizations in the private sector.

(3) Type 3 Independent POs. Type 3 POs are established, organized, operated, and controlled locally by common interest groups. Type 3 POs conduct specific activities that fulfill certain accepted needs or wants of some members of the DOD family. Local PO initiative is used to secure written permission to operate from the installation commander. Type 3 POs have no formal connection with organizations outside the installation.

(4) PO Subtypes.

(i) For classification purposes, there are eight authorized subtype categories of POs (see section A–2 of Appendix A). POs in each subtype display one or more of the following characteristics:

(A) They have similar purposes or objectives.

(B) They conduct related activities.

(C) Participation in their activities, or their membership composition, is by individuals of a common age level.

(ii) A subtype designation may apply to more than one type of PO. For example, Type 1 (Red Cross), Type 2 (PTA) and Type 3 (Thrift Shop) POs all perform the subtype function of community services.

(iii) Classification of PO's by type and subtype clarifies the distinction between POs and NAFIs. At Appendix A is a listing of various types of POs by type and subtype commonly found on DA installations. These are only examples; the listing is incomplete.

(d) Audit. For purposes of this regulation, audit is defined as an official examination, verification, and/or correction of books of account that reflect the financial status of the PO.

(e) Qualified Auditor. For purposes of this regulation, a qualified auditor is one who is qualified to hold grade UA/GS 9 (to include Local National equivalent grades) or above in civilian job series 510, or a public accountant or certified public accountant licensed to do business by a state or other recognized licensing jurisdiction.

(f) Double Entry Accounting System. Often called a combination journal system, the accrual method of accounting which shows the dual elements of each transaction separately and recorded during the period in which the transaction occurs.

(g) Single Entry Accounting System. A simple system recording transactions on a cash basis without inventories, accounts receivable or payable.

(h) Gross Annual Revenue. The total of gross income from sales of goods and services, membership assessments or dues, contributions and donations, interest income and any other revenue of a PO.

§ 556.4 Exclusions.

(a) This regulation excludes any funds and activities on DA installations that fulfill officially recognized Federal Government pruposes (e.g. Morals Support Program activities, etc.) and therefore are not defined as private in nature. Excluded from this regulation are:

(i) All funds accounted for under US Treasury symbols.

(ii) Nonappropriated Fund Instrumentalities (NAFIs).

(iii) All funds cited in paragraph 1–2b (1)–(7), AR 230–1.

(iv) Appropriated Fund (APF) and Nonappropriated Fund (NAF) contractor and subcontractor organizations and funds on DA installations.

(b) Certain unofficial activities may operate on DA installations without being authorized as Type 3 independent POs. Installation commanders may determine that certain funds/activities are excluded from regulation because of their limited scope, activities, membership or funds. Examples are office coffee funds, flower funds, Christmas party funds, dance funds, sympathy funds. Installation commanders may also set procedures for these informal activities and funds.

(c) Chapel organizations operating as parts or extensions of the DA chapel program, which neither make nor manage funds in their own name or interest and are under the supervision, control and direction of installation chaplains acting within the scope of their official duties, are excluded. Examples of such exclusions are Catholic Ladies Guild, Protestant Women of the Chapel and Youth of the Chapel. Chapel organizations which make and/or manage their own funds are subject to all the provisions of this regulation.

Subpart B—Policy

§ 556.5 General policy.

POs are not NAFIs and therefore are not entitled to the special immunities

and privileges given NAFIs. There is no official relationship between PO activities and those of DOD personnel who are members of or participants in POs. POs are not part of the military organization so they receive limited government supervision, as opposed to the extensive supervision given NAFIs. POs operate on a financially self-sustaining basis except for support authorized under Chapter 4 of this regulation. Neither the Federal government nor its NAFIs have any direct vested interest in the assets of a PO nor shall they make any claim to the assets or incur or assume any obligation of a PO. Property abandoned by a PO upon or after its disestablishment, or given to the installation by the PO, may be acquired by the DA installation commander under current DA policy and consistent with all applicable Federal laws. POs will comply with all the laws governing comparable private sector activities, as determined applicable by state or local authorities. DA interest in the operation of POs is due to their:

(a) Location on DA installations.

(b) Relationships with both the Federal and private sector.

(c) Activities which support recognized programs conducted to benefit the DOD family, and

(d) Responsibilities as employers of US citizens and other personnel.

§ 556.6 Restrictions.

The following restrictions apply to all types of POs:

(a) No PO will use or include in its title, logo or letterhead:

(1) The name or seal of the Department of Defense or the acronym "DOD".

(2) The name, abbreviation or seal of any military department or service (those POs already in existence using the name of a military department or service are excluded from this restriction provided no sponsorship or endorsement is stated or implied), or

(3) The seal, insignia, or other identifying device of the local installation. The installation commander may authorize an exception to this restriction if clarity of identification is necessary, provided no offical sponsorship or endorsement is stated or implied.

(b) Activities of POs will in no way be prejudicial to or discredit DOD components or other agencies of the Federal Government.

(c) A PO will not duplicate or compete with the establishment or existence or a NAFI or APF government function on a DA installation.

(d) All PO functions and expenditures must be authorized by the local PO constitution and bylaws. Only the PO will determine specific functions and expenditures of the PO. These will not be influenced by DOD personnel acting in an official capacity.

(e) A PO will not be created, operated or administered to circumvent restrictions on expenditures of appropriated or nonappropriated funds.

§ 556.7 PO employment and membership practices.

The following policy applies to all POs:

(a) POs must comply with all labor laws that apply to private sector employment standards. POs whose employment practices discriminate on the basis of sex, age, religion, race, color, national origin, lawful political affiliation, labor organization membership or physical handicap not affecting performance of duty will not be allowed to operate on DA installations.

(b) POs operating on DA installations will not discriminate in membership on the basis of race, color, sex, national origin or religion. This will not preclude the existence of religious, cultural or ethnic POs as long as membership is not restricted or discriminatory on the basis of the above, and as long as similar religious, cultural or ethanic POs are approved without preference. In the absence of any objection by members of the installation DOD family, the installation commander may approve the operation of certain POs which restrict membership to one sex when one or more of the following conditions applies:

(1) The PO is philanthropic in purpose, and by tradition has composed its membership of one sex. Such POs are generally service organizations which contribute to the moral and wellbeing of the local community.

(2) The PO purpose and function is aimed at benefitting a specific sex and its membership is composed of that sex. These POs are scouting organizations, Ladies/Mens Sports associations, etc.

(3) The PO has a specific purpose and function which restricts membership to one sex, but also has an auxillary, distaff or counterpart organization which has the same purpose and function (i.e. separate but equal). Examples are: Ladies/Mens Sports clubs Ladies/Mens Civic organizations, Boy/Girl Scouting organizations, etc.

§ 556.8 Insurance

Adequate insurance, if appropriate, will be obtained by POs as protection against public liability claims, property damage claims, or other legal actions that arise from activities of the PO or from one or more of its members acting in its behalf. Normally, such insurance will be appropriate when PO activities or functions expose the public to possible risk. The protection such as fidelity or fire insurance of PO assets is the responsibility of each PO's membership.

§ 556.9 Audit.

POs with gross annual revenue of $1,000 or more will be audited annually at their own expense in accordance with the following:

(a) POs using a double entry accounting system, regardless of source of annual income over $1,000, will be audited by a qualfied auditor as defined in § 556.3(e).

(b) POs using a single entry accounting system with income consisting solely of contributions, donations, dues and assessments may either be audited by a non-office holding member of the PO, or by a qualified auditor. (Section 556.3(e)).

(c) POs using a single entry accounting system engaging in resale activity and/or fundraising activity may either appoint a committee of three non-office holding members of the PO or obtain the services of a qualified auditor to conduct the audit. (§ 556.3(e)).

(d) Type 2 POs with financial statements audited annually by their national headquarters may submit a copy of such unless required by their national headquarters to obtain commercial audit. If Type 2 POs are not audited by their national headquarters, the provisions of paragraphs (a) – (c) of this section prevail.

§ 556.10 Taxes.

POs must comply with all Federal, State and local tax laws and filing requirements. POs must seek private counsel, or contact appropriate tax officials to ensure compliance with all tax laws. POs located overseas will obtain a statement of clarification from the installation office of the Staff Judge Advocate. The following guidance applies:

(a) Federal Income Tax. Certain charitable, religious, educational, scientific, or similar POs may qualify for exemption from Federal income taxation under section 501 of the Internal Revenue Code. For Type 2 POs whose national organization controls taxes for all local chapters, it is necessary only to provide a statement to this effect signed or notarized by the national headquarters. All other POs will obtain a statement of their tax status from their IRS district office.

(b) Federal income tax withholding for employees, Federal employee taxes, and reports on amounts paid. POs must comply with applicable laws and must obtain guidance from private counsel or the Internal Revenue Service.

(c) State and local sales, income, occupation, and employer taxes. POs compliance with or entitlement to exemption from state and local tax requirement is subject to local law.

§ 556.11 PO compliance with state or local law.

POs engaging in certain activities or operations may require licensing, certification or registration with state or local commissions (e.g. insurance, bingo or raffle activities, etc.). In approving PO permits for operation on DA installations, commanders will consult with the local SJA office to determine whether a PO should correspond with state or local commissions requesting a written statement of the applicability of state or local laws or other requirements to the PO's circumstances. POs are not exempt from state or local law by virtue of their operation on Federal property; however, this regulation does not require licensing, certification or registration of PO activities if not specifically required by state or local authorities. This requirement applies only to the state in which the PO operates on Federal property.

Subpart C—Responsibilities and Procedures

§ 556.12 The Adjutant General (TAG).

TAG:

(a) Exercises HQDA Staff proponency for POs on DA installations,

(b) Establishes DA policies and procedures for the operation of POs on DA installations, and

(c) Makes staff assistance visits to ensure MACOM and installation compliance with established policies.

§ 556.13 Major Army commanders.

Major Army commanders will:

(a) Prescribe policies and procedures to ensure subordinate command compliance with this regulation,

(b) Review installation policy and procedures to monitor POs and take corrective action as necessary during staff assistance visits and inspections.

§ 556.14 Installation commanders.

Installation commanders will:

(a) Ensure compliance by all POs operating on their installations with this regulation,

(b) Establish installation policy in implementing this regulation, to include issues of reimbursement, logistical support, etc.

(c) Determine the conditions under which an official inquiry or investigation of a PO is appropriate, in order to preserve the best interests of the US. When such a determination is made, APF audit or other resources of APF may be used. An official inquiry will not be conducted to satisfy the annual PO audit requirement.

(d) Ensure that participation in POs by DOD personnel is in accordance with AR 1–210, "Participation in Activities of Private Associations."

(e) Prohibit the possession or sale of drug abuse paraphernalia by or in POs as required in AR 190–30.

§ 556.15 General procedures.

The following procedural guidance is applicable to all POs subject to this regulation, except those POs found at §§ 556.16 and 556.17 of this Part.

(a) Operating Permit. POs seeking permission to operate on a DA installation must apply in writing to the installation commander. POs which have not been given prior permission to operate must get initial permission to do so. All POs must have their permission to operate revalidated biennially.

(b) Documentation. Applications for initial permission to operate will consist of a Charter, Articles of Agreement, or Constitution and Bylaws, and any other acceptable documentation that PO membership wishes to submit to set forth the nature, function, objectives (including intended use of funds), and activities of a PO. Type 2 POs are responsible for satisfying the requirements of both their national headquarters and the requirements of this regulation in order to operate on a DA installation. Sample format of a Constitution and Bylaws and format for amendment, are found at Appendices B and C. Application documentation will:

(1) Define membership eligibility, the majority of which will be members of the DOD family,

(2) Designate management responsibilities to include accountability of assets, coverage and limitation of insurance, disposition of remaining assets upon PO dissolution, and any other management functions,

(3) Include a statement as to the liability of the PO in the event that assets are insufficient to discharge all PO liabilities. The statement of liability will meet all state/jurisdictional laws and will address the extent of personal liability of PO members for debts of or claims against the PO. The state laws governing liability of national headquarters of Type 2 POs are considered applicable to all local chapters unless specifically contravened by laws of states in which local chapters are established.

(c) Revalidation. Requests for revalidation of PO operating permits will be submitted in writing to the installation commander 90 days prior to the expiration of the current permit. Application, in letter form, will request continued operation and will include any pertinent changes in PO activities, objectives, organization or Constitution/Bylaws, Articles of Agreement, Charter, etc. Failure to obtain revalidation will automatically terminate the current operating permit 2 years from date of the last approval. Commanders will establish suspense dates for each PO to seek revalidation, and will notify POs of revalidation deadlines.

(d) Installation review. Installation commanders will review all documentation submitted by POs for both initial permission to operate and for revalidation, and will grant or deny approval based on this review. Approval of a request to operate (both initial and revalidation) will allow operation of a PO on the installation for 2 years, at which time revalidation must be obtained. Permission may be revoked at any time during the 2 year period by the installation commander. If written approval for PO operation is granted, the installation commander will include a statement disassociating the DA installation from any liability of the PO. Installation commander's review of PO applications will ensure that:

(1) PO income will not personally profit individual members except through wages and salaries as employees of the PO or through payment for services rendered. PO income will be used to pay operating expenses, to include charitable contributions by the PO or competitive awards to PO members or installation personnel. This does not preclude the installation commander from authorizing an investment club that satisfies the provisions of this regulation.

(e) Reporting Requirements.

(1) POs will supply to the installation commander the following:

(i) Minutes of PO meetings. POs will submit minutes or summaries of PO meetings, if required by the installation commander. At a minimum, POs will notify installation commanders of any change in PO officers or points of contact.

(ii) Financial statements. POs with a gross annual revenue of $1,000 or more will submit annual financial statements to the installation commander unless the installation commander requires more frequent submission. These statements may be submitted as a part of the annual audit. Annually, installation

commanders will forward financial statements of POs whose gross annual revenue exceeds $100,000 to their MACOM. MACOM's will forward one copy to HQDA (DAAG–CMF–FM).

(iii) Copy of audit reports.

(iv) Copy of tax determination, if required.

(v) Copy of correspondence pertaining to applicability of state or local laws (§ 556.11).

(2) Installation commanders will keep a current file on each PO which will contain the latest copy of the following:

(i) All reports submitted by each PO as found in paragraph (e)(1) of this section.

(ii) Charter, Constitution and Bylaws, or Articles of Agreement, et al.

(iii) POs request for permission to operate or revalidation and copy of installation commander's letter of approval.

(iv) PO checklist as found in Appendix D (to be completed by the installation commander at least biennnially).

(f) Termination of PO operation on a DA installation. A PO may be discontinued by the membership or by decision of the installation commander, who may withdraw local permission to operate on the DA installation at any time.

§ 556.16 Special procedures.

Certain POs may operate on DA installations as adjuncts or extensions of APF or NAF recreational or educational activities without the necessity of fulfilling the procedural requirements dictated in § 556.15 of this part.

(They remain subject to all other provisions of this regulation). The operation of these POs on the installation is contingent on the approval of the installation commander, who will prescribe local guidance for them. These POs are:

(a) Bowling leagues, national scouting organizations, sports and other special interest groups, when under the administrative supervision of the Morale Support Program Director or subprogram managers.

(b) POs formed and operated in conjunction with installation dependent schools when under the administrative supervision of a member of the school faculty. Examples are: school drama club, yearbook fund, and language club, National Honor Society, Keyettes/Keys, etc.

§ 556.17 Standardized documentation.

The national constitution and standard bylaws, charters, or articles of agreement of the Type 2 affiliated POs listed in Appendix E have been reviewed by HQDA and are recognized as meeting all requirements of this regulation. Affiliated chapters of these organizations may satisfy the requirements of § 556.15(b) in requesting permission to operate on a DA installation by following these procedures:

(a) Local chapters will submit a letter to the installation commander requesting permission to operate on the installation.

(b) The letter will contain the following:

(1) A statement as to the chapter's standing with the national organization.

(2) A statement that the standard chapter bylaws prescribed by the national headquarters have been adopted by the local chapter without change. Any changes to the standard bylaws adopted by the local chapter will require submission of the bylaws for review by the installation commander.

(3) A statement setting forth the intended scope and substance of chapter activities on the installation.

(c) Local chapters must also provide a copy of the national constitution and bylaws, charter or articles of agreement for use by installation commanders in reviewing PO operations consistent with the policies in §556.6. This does not imply any requirement for local review of constitutions and bylaws, etc., as a condition for granting permission to operate.

(d) While completion of procedures in this paragraph satisfy the requirements § 556.15(a) or (b), local chapters are subject to revalidation and reporting requirements found in § 556.15(c) and (e).

Subpart D—Support and Services

§ 556.18 General funding.

POs subject to this regulation will be self-sustaining except for limited logistical support which may be granted by installation commanders in accordance with the logistical support below. Self-sustaining status will be attained through dues, contributions, service charges, fees or special assessment of members. No direct financial assistance to a PO will be made by Federal APF's or NAF's through contributions, dividends, or other donations of money or assets, except for the financial support provided for scouting programs overseas when approved by HQDA as part of annual Major Command Morale Support Fund budgets.

§ 556.19 Resale activities.

POs will not engage in resale activities unless specific authorization from the installation commander is granted for:

(a) Thrift shop sales of used clothing and used merchandise.

(b) Museum shop sales of items related to museum activities and in accordance with AR 870–20.

(c) Occasional sales for fund-raising purposes (e.g., bake sales, dances, cake raffles, and similar infrequent functions). Only those services and merchandise listed in Appendices B and C, AR 60–20 will be offered during such sales within CONUS. All POs will comply with State codes requiring licensing for raffles; PO sponsored raffles will not be permitted in States that prohibit raffles. Exceptions to the prohibition of continuing resale operation may be granted as follows:

(1) Installation commanders may authorize POs to engage in continuing resale operations when sales are restricted to PO members, merchandise sold relates directly to the purpose and function of the PO, and local exchanges and other installation NAFIs indicate in writing an inability to meet the resale requirement, or:

(2) Major commanders may authorize POs to engage in continuing resale operations with sale of merchandise not restricted to PO members and not limited to that directly related to PO purpose and function when the conditions in paragraphs (c)(2) (i)–(iii) of this section are met:

(i) AAFES and other appropriate installation NAFIs indicate in writing an inability to meet the resale requirement.

(ii) Proceeds from sales, other than those required to defray expenses incurred by POs in providing such sales, will be used by the PO solely to support a DA authorized Morale, Welfare and Recreational activity or purpose.

(iii) A copy of MACOM approval for the operation of these POs will be furnished to HQDA (DAAG–CMP–P).

§ 556.20 General personnel.

Appropriated fund (military or civilian) or nonappropriated fund employees will not be assigned to, or work for, POs as an official duty.

§ 556.21 Permissive TDY.

Permissive temporary duty for active duty military personnel may be authorized by installation commanders in support of National Scouting organizations under the provisions of AR 630–5, Chapter II.

§ 556.22 Special events.

Installation commanders may authorize the use of military personnel and APF and NAF civilians in support of special events from which POs may derive incidental benefits under the following conditions:

(a) The commander has approved the conduct of and agreed to host on his/her installation a special event (e.g. fair, bazaar, picnic, etc.) as being of benefit to or enhancing the morale of the installation DOD family. Such events may be sponsored solely by a PO, or co-sponsored by an authorized installation Morale Support Activity (AR 28–1) and a PO.

(b) The special event is open to all members of the installation DOD family without regard to PO membership.

(c) PO sponsored special events will not pre-empt fundraising activities conducted by the installation Morale Support Activity or Installation Club System.

(d) The use of such personnel is limited to the preparation of installation facilities and grounds for the special event.

(e) The use of special duty enlisted military personnel is otherwise authorized by AR 600–200.

§ 556.23 General support.

The amount and type of support authorized for a PO varies according to the authority under which the PO is organized. Type 1 Federally sanctioned POs governed by separate directives (see § 556.3(c) are authorized support as stated therein and as found in other applicable directives. Support not addressed in separate directives, as well as support for other Type 1, and for all Type 2 and 3 POs will be as prescribed below. Under the provisions of AR 37–30, paragraph 2–3, installation commanders may waive or reduce charges to non-profit POs for any of the support elements listed in paragraph 1–7, AR 37–30, when such support requested by a PO is provided on an occasional or non-recurring basis.

§ 556.24 Real estate, facilities and space.

Most POs, due to the nature of their activities, require space only for periods of time necessary to conduct regular organizational meetings, or for other PO sponsored events of an occasional or non-recurring nature. Installation commanders may grant such use of space, facilities or real estate to include utilities, in place equipment, and janitorial supplies used without charge to the PO when such use is incidental to other uses of the facility. Otherwise, PO use of space, facilities or real estate is governed by AR 405–80. Specific provisions of AR 405–80 applicable to POs are:

(a) Paragraph 2–33 authorizes commanders to grant use of available space, facilities and real estate on either a full-time or part-time basis rent free to POs when such use is nonexclusive. Nonexclusive use conveys no rights to the PO and means that the Army may reclaim use of space, facilities and real estate without prior notice to the PO. PO's in CONUS desiring exclusive use of property for a specified time must enter into a lease which provides for the payment of rent to the US Government. Requirements and procedures for rent agreements are provided for in AR 405–80. Rent in overseas areas for exclusive use of space by POs will be determined by overseas commanders in accordance with host country Status of Forces Agreements, Treaties, or the Agreements under which the Army controls such real estate.

(b) Paragraph 2–29 authorizes installation commanders to grant on-post youth group POs (boy/girl scouts, little league groups, etc.) revocable-at-will licenses for one time, intermittent or continuing use of available meeting facilities.

(c) Paragraph 2–38 authorizes major commanders to lend certain real property, including unoccupied barracks, to veterans organizations for use at state or national conventions or for national youth athletic or recreational tournaments which they sponsor.

§ 556.25 Equipment.

POs are responsible to furnish or procure equipment, supplies and other materials at their own expense. Government owned equipment may be temporarily loaned or rented to a PO physically located on a DA installation when such equipment is directly related to the purpose and function of that PO. APFs and NAFs will not be used to restore or repair equipment owned, used temporarily by or loaned to tenant POs unless a request is made to and approved by the installation commander for PO reimbursement for such repairs. Audio-visual hardware and software may be used by POs on an non-interference basis (AR 108–2).

§ 556.26 Transportation.

The use of government motor vehicles for the transportation of PO goods and personnel is authorized for PO sponsored or co-sponsored special events that meet the conditions of § 556.22(a) and (b). Installation commanders will determine whether these transportation services will be provided on a reimbursable or nonreimbursable basis in accordance with AR 58–1, and will ensure that transportation made available to POs will not detriment the installation and command mission. Otherwise, transportation support for POs will be in accordance with AR 58–1 and will not generate requirements for additional military vehicles.

§ 556.27 Utilities.

Installation commanders may grant non-reimbursable utilities support to thrift shops, and child care centers established as an exception to AR 608–1, when they operate in DA facilities on a nonexclusive basis. All other POs will reimburse the installation for utilities except when not required under §§ 556.24 and 556.23.

§ 556.28 Printing and copying services.

Printing for POs may not be accomplished in government printing plants or with APF or NAF. Copying services may be authorized by the installation commander for PO use when:

(a) The PO requests reproduction services (photostat process) to provide documentation as required in this regulation, or

(b) The PO requests reproduction services (photostat process) for special events or functions on military installations which meet the conditions of § 556.22(a) and (b) above. These services include the copying of flyers, posters, programs, etc., the costs of which will not exceed $50 on a per-event basis.

§ 556.29 Postal support.

Private organizations will not use official mail indicia or the Military Postal Service, except as provided in Appendix F. Questions regarding postal support to POs will be directed to HQDA (DAAG–MP), Military Postal Service Agency, Wash. DC 20310.

§ 556.30 Other services.

POs may not use installation auditing, data processing, financial management, legal, purchasing, or other similar support services on a regular basis. Such support must be obtained by POs at their own expense. However, nothing in this paragraph shall be construed as prohibiting the use of expertise on the installation commander's staff in the exercise of command oversight responsibilities for POs, or as requiring that POs reimburse the cost of staff resources expended in the performance of oversight function.

Appendix A.—Classification System for Private Organizations by Type and Subtype.

A–1. Types of Private Organizations.

a. Type 1—Federally Sanctioned.
b. Type 2—Affiliated.
c. Type 3—Independent.
A-2. Subtypes of Private Organizations.
a. Financial Institutions.
b. Community Services, Fraternal/Benevolent.
c. Labor-Management Organizations.
d. Sports, Hobbies, Crafts.
e. Distaff Service Organizations.
f. Youth Groups.
g. Professional, Scientific, and Management.
h. Religious Groups.
A-3. Examples of Private Organizations by Type and Subtype.
a. *Type 1—Federally Sanctioned.*

Subtypes

Financial Institutions

Banks
Credit Unions

Labor—Management

Labor Organizations
Association of Managers and Supervisors

Community Services

USO
Red Cross
United Seamen's Service
Component Relief/Aid Organizations

Youth Groups

b. *Type 2—Affiliated.*

Subtypes

Professional, Scientific, Management

Engineering or Scientific Fraternity(s)
Associations of Active Duty Personnel
Nurses Guilds
Financial Management Associations
Personnel Management Organizations

Sports, Hobbies, Crafts

ABC Bowling Leagues
Affiliated Hobby, Craft Groups
Sports Officials Association

Religious Groups

Alter Guild Society
Guilds
Religious Youth Organizations

Community Services

Veterans Organizations
PTA
Surviving Spouse/Parent Organizations
Ethnic Groups Affiliations
Reserve/Retired Association
Affiliated Community Service Clubs

Youth Organizations

Junior Army Navy Guild
Organizations (JANGO)
4-H Clubs
Scouting Organizations
Little League

Distaff

(Only those affiliated)
c. *Type 3—Independent.*

Subtypes

Sports, Hobbies, Crafts

Model Clubs
Stamp, Coin, Other Collectors
Theater and Dance Guilds
Fish and Game Clubs
Golf Leagues
Investment Clubs

Youth Organizations

Contemporary Age Clubs (Teens, etc.)
Youth Sports/Recreation Club

Community Service

Thrift Shops
School Booster Clubs
Local Ethnic Groups
Child Care Center*
Preschool and Kindergarten*
Social Problem Study Groups

Distaff Organizations

Spouses of
Wives Clubs (May include Thrift Shop Operation)
National Origin Clubs

Professional, Scientific, Management

Local, Independant
Unaffiliated Organizations

Religious

Local, Independent
Unaffiliated Organizations

Appendix B.—Sample Format—Constitution and Bylaws [1]

Constitution

(Organization Title)

Article I.—Name and Purpose

Article II.—General Provisions

Include in this section all statements required by this regulation such as the statement of personal liability in event of PO found deficiency, and licensing/registration of activities as required by law (bingo, raffle, insurance resale, etc.). Any documentation such as a license or certification of registration should be attached to the Constitution and Bylaws and noted in this section.

Article III.—Officers and Governing Body

Article IV.—Membership or Patronage

Article V.—Method of Financing

Article VI.—Activities

Article VII.—Meetings and Quorums

Article VIII.—Adoption and Amendments

(Include "subject to final review by the installation commander.")

Article IX.—Dissolution

Include the following paragraph as a separate Section of Article IX.

Section. —

In case of dissolution of the organization, whatever funds are contained in the treasury at the time will be used to satisfy any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership.

Sample Bylaws

Article I.—Duties of Officers

Article II.—Election and Voting

Article III.—Dues or Fees

Article IV.—Standing Committees

Article V.—Finances and Taxes

Article VI.—Insurance Coverage

Article VII.—Awards/Gifts

Article VIII.—Hiring and Supervision of Employees

Article IX.—Duties of Employees and Employees' Benefits

Approved by majority vote on _____(date).

_____

President.

_____

Secretary.

Appendix C.—Sample Format—Constitution and Bylaws Amendment

(Association Title)

Current Date_____

Amendment

Constitution/Bylaws (as Applicable)

Article——, Section——, as reads: Is amended to read:

Approved by majority vote on (date).

_____

President.

_____

Secretary.

Appendix D.—*Private organization checklist*

	Yes	No
1. Have all private organizations on the installation received initial command permission to operate or biennial revalidation to do so within the last 24 months?	____	*____
2. Does each PO and command have a copy of AR 210-1 and all applicable local command supplements and related guidance?	____	*____
3. Do both the command and the PO have in their current files the following documents:	____	*____
a. Charter, constitution, or bylaws?	____	*____
b. PO request for permission to operate and biennial revalidation with all required supporting documents?	____	*____
c. Initial command "permission to operate" letter/indorsement and biennial command revalidation letter/indorsement?	____	*____
d. Copies of minutes of last monthly or quarterly meeting if required?	____	*____
e. Copies of latest financial statements?	____	*____

*When established as PO as an exception to AR 608-1.

[1] This format is provided as a sample only, and is not intended to require all PO Constitutions and Bylaws to follow this format. POs using Charters, Constitutions and Bylaws or Articles of Agreement with a different format must ensure that all information required by this regulation is submitted to the installation commander, and may provide a separate document with the Constitution and Bylaws that completes all information required by § 556.15(b) of this regulation.

Appendix D.—*Private organization checklist*—Continued

	Yes	No
f. Copies of last audit?	———	*———
g. List of PO current officers?	———	*———
h. Valid IRS tax status determination?	———	*———
i. Copies of all documents filed by the PO with US Government (e.g., IRS), State, or other political subdivision government as required by applicable laws?	———	———
4. In cases where PO's have been granted exclusive use of Army real estate, has the PO been issued such document under AR 405–80?	———	———
5. Is the Government billing and the PO paying for all US Government support provided the PO on a reimbursable basis under the lease or as otherwise required by law and government regulation?	———	*———
6. Are any US Government military personnel or civilian employees or any nonappropriated fund employees working for or with PO's other than outside the scope of their official duties?	*———	———
7. For those PO's engaged in resale:		
a. Have the financial statement submission requirements been met by those PO's having gross annual revenues of $100,000 or more?	———	*———
b. Have the audit requirements been met? (See Section 556.9)	———	*———
c. Have POs engaged in other than "occasional sales" obtained installation/major commander approval?	———	*———
d. Have commanders in reviewing PO resale request, documented that:		
(1) No other nonappropriated fund instrumentalities or appropriated fund activity offers the same or similar resale service on the installation?	———	*———
(2) Sales are made only to members?		
(3) Provisions Section 556.19 justify exception to resale restriction?		
8. Do minutes of PO meetings submitted contain any of the following:		
a. Conduct of programs and activities which may bring discredit to the US Army, DOD, or the US Government?	*———	———
b. Conduct of programs and activities which directly or indirectly impose a financial obligation on the Army or any NAFI?	*———	———
c. Conduct of programs and activities which duplicate and compete with authorized Army or NAFI activities?	*———	———
9. Do the PO financial statements substantiate the financially self-sustaining requirements of a PO?	———	*———
10. Has the command revoked permission to operate or directed necessary corrective action for PO's violating any of the above or other provisions of AR 210–1?	*———	———

Appendix D.—*Private organization checklist*—Continued

	Yes	No
11. Has the installation established procedures to ensure followup on inspection and audit findings are being followed?	———	*———

*Denotes requirement to explain and state corrective action.

Appendix E.—*Affiliated Type 2 Private Organizations whose National Constitution and By-laws, Articles of Agreement, or Charters have been Reviewed by HQDA and Found Compatable with AR 210–1**

Name of organization	Address of national headquarters	Federal tax exempt
Association of the United States Army (AUSA).	2425 Wilson Blvd., Arlington, VA 22201.	Yes
Non Commissioned Officers Association (NCOA).	International HQ Complex, PO Box 33610, San Antonio TX, 78233.	Yes
United States Army Warrant Officers Association.	PO Box 3765, Washington DC 20007.	Yes

*This not a complete list and does not imply official DA sanction, endorsement or sponsorship of these POs. National HQ's of other type 2 POs may submit the National Constitutions and Bylaws, etc., for review and possible inclusion in this list by sending a complete copy to: HQDA, DAAG-CMP-P, Washington, DC 20310.

Appendix F.—*Military Postal Service/Official Mail Usage by Private Organizations on DA Installations*

	Official mail indicia	MPS
I. Type 1.—Federally Sanctioned:		
a. Banks	No[1]	Yes[2]
b. Credit Unions	No	Yes[2]
c. Labor Organizations	No	Yes[2]
d. Association of Managers and Supervisors	No	Yes[2]
e. USO	No	Yes[4]
f. Red Cross	No	Yes[4]
g. United Seamen's Service	No	Yes[2]
h. Component Relief/Aid Organizations	Yes[5]	Yes
i. Civil Air Patrols	Yes[5]	N/A
j. Youth Organizations	No	Yes
k. Other Type 1	No	Yes[3]
II. Type 2—Affiliated: All Type 2 POs	No	Yes[4]
III. Type 3—Independent: All Type 3 POs	No	Yes[4]

NOTES:

[1]Only when using Postage and Fees Paid Indicia of the oversea US Army Central finance and Accounting Officer for currency shipments within the oversea theater and to CONUS.

[2]Use of MPS is authorized outside the CONUS only where there is no USPS and shall be limited to those transactions emanating from official operations for the benefit of the military installations and their personnel. All such mail entered into the MPS shall bear appropriate postage (DODD 4525.5).

[3]Authorized MPS privileges outside the CONUS only where there is no USPS, to the extent that existing MPS facilities and personnel of the command permit, provided the major overseas commander determines, and the appropriate Military Department concurs, that local civil postal service is inadequate and in the absence of objection by the host government (DODD 4525.5).

[4] Authorized the use of MPS outside the CONUS only where there is no USPS. (DODD 4525.5).

[5] When US Army organization is acting on behalf of these organizations.

* Per HQ USAF (AF/DAAC(S)), use of USAF indicia authorized.

[FR Doc. 81-1199 Filed 1-14-81; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 111

Centralized Mail Delivery Receptacles

AGENCY: Postal Service.

ACTION: Proposed rule; extension of time for comment.

SUMMARY: This notice extends the time for filing comments on a proposal to modify postal regulations so as to authorize the procurement, installation, maintenance, and replacement of neighborhood delivery and collection boxes and parcel lockers by the Postal Service, when the Postal Service determines that its provision of central delivery receptacles will improve the efficiency of carrier delivery service.

DATE: Comments must be received on or before January 31, 1981.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, (202) 245–4620.

SUPPLEMENTARY INFORMATION: On December 23, 1980, a document was published in the **Federal Register** (45 FR 84826) proposing to remove restrictions in the Domestic Mail Manual against the purchase of neighborhood delivery and collection boxes and parcel lockers by the Postal Service for the purpose of improving the efficiency of postal carrier operations. On December 24, 1980, interested parties known to the Postal Service were specifically notified of the proposal by a letter which provided a copy of the proposal. The proposal provided 30 days for submitting written comments, ending on January 21, 1981.

It has been brought to the attention of the Postal Service, however, that due to the holiday season, some of the interested parties either were not at the address to which the notice letters were directed, or were otherwise unable to receive their notice letters, and accordingly they did not receive actual notice of the proposal until as much as a week or so after it was published. Although no one has shown that he or she would be unable to submit timely and effective written comments on or before the original January 21 deadline, the unanticipated holiday delays clearly have deprived certain parties of part of the 30-day period that the Postal Service intended to allow, and the Postal Service wants everyone seeking to submit comments to have an adequate amount of time in which to prepare his or her comments without inconvenience.

Accordingly, the Postal Service has decided to extend the comment period for an additional ten days.

(39 U.S.C. 401(2); 403(a), (b); 404(a)(1))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-1360 Filed 1-14-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1726-6]

State of Washington; Air Quality Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to describe proposed approval action on information submitted by the State of Washington to satisfy EPA's conditions of approval on portions of the State's implementation plan revision which was submitted on April 29, 1979 to satisfy Part D. (Plan Requirements for Nonattainment Areas) of the Clean Air Act as amended in 1977 (hereafter referred to as the Act) (42 U.S.C. 1857 et seq.) This is the initial step toward full approval of the SIP, without conditions. Public comment is sought on EPA's proposed actions.

DATE: Comments must be received on or before February 17, 1981.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section, (10A-80-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224-Sixth Ave. SE., Lacey, Washington 98503

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1226, (FTS) 399-1226

SUPPLEMENTARY INFORMATION:

I. Background

On June 5, 1980 (45 FR 37821) EPA published final action on the Washington State Implementation Plan (SIP) by approving some portions, conditionally approving other portions, and taking no action on still other portions. As part of that action EPA described the conditional approval mechanism and its effect on the rulemaking action (45 FR 37834). The action today proposes to approve the materials submitted as satisfying the conditions thus granting full approval to the Washington Part D SIP.

In regard to those portions which were conditionally approved, the State was required to submit material by July 31, 1980 to satisfy the conditions. In addition, as a result of a separate action on July 31, 1980 (45 FR 50749) material was to be submitted by November 1, 1980 to satisfy other conditions of approval with respect to State regulations governing pulp mills and primary aluminum plants.

After a public hearing on July 15, 1980, the State submitted a package of material designed to satisfy the conditions. On August 18, 1980 (45 FR 54772) EPA announced receipt of the material pertaining to the conditions published in the June 5, 1980 action and accepted comments on the information until September 17, 1980. No advanced receipt was published for the remaining material pertaining to pulp mills and primary aluminum plants. However, public comment is now being sought for EPA's proposed action to approve all material submitted, including proposed regulations, to satisfy the conditions of approval published on June 5 and July 31, 1980.

II. Analysis of Submitted Material and Proposed EPA Action

The analysis of the material is patterned after the June 5, and July 31, 1980 **Federal Register** actions. Each condition will be stated in order as it appeared in the **Federal Register** followed by a brief description of the material submitted to correct the deficiency and EPA's proposed action.

June 5, 1980 (45 FR 37821)

A. WAC 173-400

1. *Condition*—the elimination of the provision to exempt sources with approved variances from new source review (NSR).

Correction—the provision was eliminated from the regulation.

EPA Proposed Action—approve, condition is satisfied.

2. *Condition*—The correction of the definition of "source" to comply with Section 302(j) of the Act.

Correction—The definition was changed to include sources with potential emissions exceeding one hundred tons per year of any contaminant regulated by State or Federal law.

EPA Proposed Action—approve, condition is satisfied.

3. *Condition*—The addition of provisions to satisfy Section 173(3) of the Act—multiple sources under single ownership and procedures to implement and enforce the requirements of Section 173(1)—offsets.

Correction—provisions to satisfy Section 173(3) of the Federal Clean Air Act were added in WAC 173-400-110 satisfying that part of the condition. Procedures to implement and enforce the offset requirements of Section 173(1) of the Act are described in Section IV-C of the SIP which describes the NSR program. The NSR program includes provisions requiring maintenance of reasonable further progress (RFP), lowest achievable emission rate (LAER), and demonstrated compliance of other sources owned by the applicant. In addition, the approval of the Notice of Construction under 173-400-110 will be issued by a Department of Ecology Regulatory Order which will contain applicable emission limitations, requirements that offsets be enforceable at the time of approval and requirements that offsets be in place prior to commencing operation.

Furthermore, these requirements will become part of the regulatory program in 173-400. In addition, language will be added to WAC 173-400-110 referencing general procedures for determining offsets similar to those in Appendix S Parts IV.C., IV.D. and V (draft submitted).

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

4. *Condition*—clarification will be made for the application of (1) the oxygen correction factor to non-combustion gas streams and (2) different emission standards to gas streams combined in a single stack.

Correction—no clarification of the application of the oxygen correction factor was made. After further discussion with the State, it was decided that the oxygen correction factor

provision was adequate as presently written.

The regulation was corrected to define the application of emission standards to separate emissions streams combined in a single stack. It now requires the stack to meet the most stringent emission standard of the streams entering the stack.

EPA Proposed Action—approve, condition is satisfied.

5. *Condition*—the correction of provisions for portable sources which assure that Part D requirements will be met.

Correction—WAC 173-400-110(10) was modified to refer to portable sources locating temporarily. This Section was further clarified to *not* apply to major sources wishing to establish operations in nonattainment areas. Those particular major sources must meet all applicable requirements of WAC 173-400-110(NSR).

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

6. *Condition*—the identification of source test methods as part of the SIP.

Correction—the regulations require that compliance be demonstrated using DOE's Source Test Manual. Certain source test procedures for volatile organic compound (VOC) sources are currently in the test manual on an interim basis. All necessary test methods for Set I VOC sources will be incorporated by July 1, 1981.

EPA Proposed Action—approve, intent of condition is satisfied with commitment to incorporate test methods by July 1, 1981.

B. WAC 173-490

1. *Condition*—an inventory of cold cleaning degreasers will be completed and a regulation adopted by October 1, 1980, providing for control within 5 percent (5%) of the presumptive norm level or a justification that a different level represents reasonably available control technology (RACT).

Correction—the regulation adopted on July 28, 1980 contains provisions which are consistent with the CTG.

EPA Proposed Action—approve, condition is satisfied.

2. *Condition*—the level of control for petroleum refineries will be shown to be within five percent (5%) of the presumptive norm level or the regulation will be revised, or the State will demonstrate that this level represents RACT.

Correction—the condition was based upon the existence of four refineries. One has shut down and another has changed its operation to the extent that it is no longer considered a refinery. The two remaining are subject to the regulation. Control of total emissions, even with the exemption of control of emissions from waste water separators, was demonstrated to be within 5% of the CTG level of control.

EPA Proposed Action—approve, condition is satisfied.

3. *Condition*—the bulk gasoline storage provision will be revised to include unloading of transport tanks.

Correction—the language of the regulation was revised to include unloading of transport tanks.

EPA Proposed Action—approve, condition is satisfied.

4. *Condition*—the level of control for gasoline dispensing facilities will be shown to be within five percent of the presumptive norm level or the regulation will be revised to reflect the EPA recommended levels, or the State will demonstrate that this level represents RACT.

Correction—information was submitted indicating that the level is within five percent of the presumptive norm.

EPA Proposed Action—approve, condition is satisfied.

5. *Condition*—the level of control for surface coating operations will include emissions from flashoff areas and will be shown to be within five percent of the presumptive norm level or the regulation will be revised or the State will demonstrate that this level represents RACT.

Correction—the regulation was revised to include flashoff areas. However, the exemption of 100 ton per year sources was not justified in terms of the presumptive norm level or RACT. The State is revising the regulation (draft submitted) to reduce the cut off to 6.9 tons per year (18Kg/day). Controlled emissions will then be within five percent of the presumptive norm.

It should be noted that a local regulation equivalent to the proposed State regulation is already in effect in the Seattle-Tacoma ozone (O_3) nonattainment area and will be enforced by the local agency. Only the Vancouver O_3 area will be without the new regulation until December 1980, and only one source will be affected.

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

6. *Condition*—the requirements for open top vapors degreasers will be made consistent with CTG recommendations for those facilities which have less than one square meter of air-vapor interface and those with a freeboard ratio greater than 0.75. Provisions covering waste solvent disposal will also be added.

Correction—the regulation was revised as described above.

EPA Proposed Action—approve, condition is satisfied.

7. *Condition*—the requirements for conveyorized degreasers with greater than a two square meter air-vapor interface will be made consistent with the CTG recommendations. Also, provisions for waste solvent disposal will be added.

Correction—the regulation was revised as described above.

EPA Proposed Action—approve, condition is satisfied.

8. *Condition*—information relating the time period during which the average high temperature exceeds 50° F will be provided along with methodolgy for determining compliance with the 50° F temperature exemption.

Correction—information was submitted to verify the "ozone season." It consisted of the four previous years of ozone violations which clearly indicate that ozone violations occurred only during the time period chosen, and always at 8 a.m. temperatures above 50°. The method for determining a violation of the 50° F exemption is now described in the SIP. It will require the source (contractor) to demonstrate that the 8 a.m. temperature was less than 50° F.

EPA Proposed Action—approve, condition is satisfied.

9. *Condition*—the section requiring schedules for control for VOC sources will be revised to require negotiation of schedules for existing sources on a case-by-case basis, instead of by category. These schedules will then be submitted as SIP revisions within six (6) months of final EPA acceptance of the regulations.

Correction—the regulation was revised to apply the above described compliance schedule negotiation to petroleum refineries only. This is acceptable since the schedule for that source category was the most difficult to define in advance. The compliance schedules for the other source categories remain as adopted earlier.

EPA Proposed Action—approve, condition is satisfied.

C. WAC 173-425—No Burn Areas

Condition—the State submits by July 31, 1980 the boundary descriptions of the two no burn areas in the State.

Correction—the boundary descriptions were submitted.

EPA Proposed Action—approve, condition is satisfied.

D. Control Strategy: Ozone (O_3)

1. Seattle-Tacoma. a. *Condition*—the Plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds.

Correction—the VOC regulations were corrected, except for emissions from surface coaters. See discussion in B.5. of this summary covering the June 5, 1980 rulemaking.

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

b. *Condition*—regulation WAC 173-400 (NSR) be revised so it is consistent with Section 173 of the Act.

Correction—the regulation was corrected to comply with Section 173 of the Act.

EPA Proposed Action—approve, condition is satisfied in terms of the corrections described in A.2., A.3., and A.5. of this summary covering the June 5, 1980 rulemaking.

c. *Condition*—the O_3 analysis is redone using more sophisticated modeling and the results applied to the O_3 strategy.

Correction—after further discussion with the State and local agency, it was agreed that the "city specific EKMA" air quality model would require much larger reductions than the simple rollback model and an extension of the attainment date would be necessary. EPA granted that extension on June 5, 1980 as part of the final rulemaking. At this point all reasonable measures are being taken to reduce the VOC emissions, including implementing inspection and maintenance (I/M), VOC regulations and other transportation control measures.

EPA Proposed Action—since an acceptable O_3 strategy is being implemented without the O_3 analysis, EPA considers the satisfaction of this condition unnecessary for final approval, in terms of application of a construction moratorium. The State has agreed to complete the O_3 re-analysis as part of the 1982 SIP.

d. *Condition*—Section 172(b)(11(A) program is provided.

Correction—the State has added language to the narrative portion of the SIP (Section IV-C) which includes a requirement for an "analysis of alternative sites available to the applicant, process, control equipment, etc." Additionally, the State is adding regulatory provisions to WAC 173-400-110 for new source review.

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on final adoption of regulations equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

2. Vancouver. a. *Condition*—the plan provides for implementation of RACT on existing VOC sources.

Correction—the VOC regulations were partially corrected. The deficiency remaining involves surface coaters emitting less than 100 tons per year. The State regulation will be revised by December 1980 to lower the size cut-off for exempted sources to 6.9 tons per year. (TPY).

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

b. *Condition*—regulation WAC 173-400 (NSR) be revised so it is consistent with Section 173 of the Act.

Correction—the regulation was corrected to comply with Section 173 of the Act.

EPA Proposed Action—approve, condition is satisfied in terms of the corrections described in A.2., A.3., and A.5. of this summary covering the June 5, 1980 rulemaking.

c. *Condition*—that a 1977 VOC emission inventory is completed with projections for 1982 and 1987.

Correction—the necessary emission inventory information for 1987 was submitted. The 1982 emission estimates were not necessary since the Vancouver-Portland O_3 nonattainment area attainment date has been extended beyond 1982.

EPA Proposed Action—approve, condition is satisified.

d. *Condition*—that a clear definition of transportation control plan (TCP) development roles in terms of both stationary and mobile source responsibilities is included.

Correction—Appendix O delineates the TCP development roles.

EPA Proposed Action—approve, condition is satisfied.

e. *Condition*—that a schedule for the comprehensive analysis of alternatives is included.

Correction—Appendix O includes a schedule for analyzing transportation control measures (TCM).

EPA Proposed Action—approve, condition is satisfied.

f. *Condition*—that the resources necessary to carry out the plan are described.

Correction—Appendix O contains a detailed description of the resources necessary for carrying out the plan.

EPA Proposed Action—approve, condition is satisfied.

g. *Condition*—that evidence of adequate public and elected official participation in the plan development is evident.

Correction—Appendix O describes an adequate public participation program.

EPA Proposed Action—approve, condition is satisfied.

h. *Condition*—that provisions for progress reporting are included.

Correction—Appendix O describes adequate reporting procedures as part of the SIP revision work plan.

EPA Proposed Action—approve, condition is satisfied.

i. *Condition*—a commitment to fund projects for the purpose of expanding and improving public transit is made.

Correction—Appendix O describes a 5-year budget including grant requests from Urban Mass Transportation Administration (UMTA) to fund increased transit programs.

EPA Proposed Action—approve, condition is satisfied.

j. *Condition*—that a Section 172(b)(11)(A) program is provided.

Correction—provisions for requiring an analysis of alternative sites, processes, etc. are contained in Part IV-C of the SIP, and will be added to the WAC 173-400-110 new source review procedure.

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

E. Control Strategy: Carbon Monoxide (CO)

1. Seattle-Tacoma. a. *Condition*—Section 172(b)(11)(A) program is provided for.

Correction—provisions for requiring an analysis of alternative sites, processes, etc. are contained in Part IV-C of the SIP and will be added to the WAC 173-400-110 new source review procedure.

EPA Proposed Action—the corrections were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections.

F. Control Strategy: Total Suspended Particulate (TSP)

1. Seattle (North Duwamish), Tacoma and Spokane. a. *Condition*—revision of the area specific strategies to be internally consistent with the general statewide strategy.

Correction—the strategies were not made consistent.

EPA Proposed Action—satisfaction of this condition is considered by EPA to be unnecessary for final approval, since a new strategy will be developed in accordance with the schedule outlined in Condition b. below.

b. *Condition*—commitment by July 31, 1980 to submit a plan for determining the nature and extent of the TSP problem, developing a control strategy, obtaining legal commitments for its implementation and completing the implementation by December 31, 1982.

Correction—the State has committed to a detailed schedule which is designed to lead to attainment by December 31, 1982.

EPA Proposed Action—approve, condition is satisfied.

2. Vancouver. a. *Condition*—revising the emission inventory and reasonable further progress analysis to demonstrate source emission reductions and general area wide growth.

Correction—no revisions to the emission inventory/reasonable further progress (RFP) analysis were submitted. However, it appears that the original analysis was correct and is conservative in terms of the impact of the single major source on the monitor. All enforcement orders for emissions control at the source have been submitted as part of the SIP.

EPA Proposed Action—delete, based on later analysis.

b. *Condition*—submitting an air quality analysis demonstrating attainment in conjunction with the updated emission inventory.

Correction—upon further discussion and review, it has been determined that the original analysis was correct.

EPA Proposed Action—approve, condition is satisfied.

3. Clarkston. a. *Condition*—re-evaluation of the control strategy and modification, if necessary, based on the results of the joint Idaho Department of Health and Welfare/City of Lewiston TSP study currently in progress.

Correction—information submitted commits the State to define the TSP problem, and develop and obtain legal commitments, which will lead to attainment of the standard by December, 1982. In addition, the joint Idaho DHW/City of Lewiston TSP study was not completed in time to use in developing a control strategy by July 31, 1980.

EPA Proposed Action—in light of this new approach, EPA considers the condition satisfied and the SIP approvable for this nonattainment area.

July 31, 1980 (45 FR 50749)

A. WAC 173-405—Kraft Pulp Mills

1. *Condition*—the revision of recovery furnace and lime kiln emission standards to apply to individual emission points.

Correction—the State revised the regulations to provide for emission standards that apply to each emission point.

EPA Proposed Action—approve, condition is satisfied.

2. *Condition*—the specification of an oxygen correction factor when determining compliance with emission standards.

Correction—the regulation has been revised to include an eight percent oxygen correction.

EPA Proposed Action—approve, condition is satisfied.

3. *Condition*—the addition of procedures by which case-by-case offset can be determined.

Correction—The State has drafted procedures consistent with those in the EPA Offset interpretive ruling to be used to determine case-by-case offsets.

EPA Proposed Action—corrections to WAC 173-400-110 were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections. The procedures will be used as part of the review under WAC 173-405 as described in Part IV-C of the SIP.

4. *Condition*—the addition of procedures by which compliance with each emission limitation can be determined.

Correction—the State submitted source test procedures which apply to these emission limitations.

EPA Proposed Action—approve, condition is satisfied.

B. WAC 173-410—Sulfite Pulp Mills

1. *Condition*—that revisions to emission standards in WAC 173-410-036(8) and 041 for specific sources and their accompanying Regulatory Orders be submitted as SIP revisions.

Correction—no correction is necessary. This should not have been a condition of approval. More appropriately, it should be a clarification of the SIP revision procedure with respect to a control strategy revision. The State is aware of this requirement and understands that if these new emission standards are not made a part of the SIP, the EPA will enforce the old standards.

EPA Proposed Action—delete, condition unnecessary.

2. *Condition*—the addition of procedures by which case-by-case offsets can be determined.

Correction—the State has drafted procedures consistent with those in the EPA Offset Interpretive Ruling to be used to determine case-by-case offsets.

EPA Proposed Action—corrections to WAC 173-400-110 were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections. The same procedures will be used as part of the review under WAC 173-410 as described in Part IV-C of the SIP.

3. *Condition*—the addition of procedures by which compliance with each emission limitation can be determined.

Correction—the State submitted source test procedures which apply to these emission limitations.

EPA Proposed Action—approve, condition is satisfied.

C. WAC 173-415—Primary Aluminium Plants

1. *Condition*—that revisions to emission standards in WAC 18-52-031(2) and 041 for specific sources and their accompanying Regulatory Orders be submitted as SIP revisions.

Correction—No correction is necessary. This should not have been a condition of approval. More appropriately, it should be a clarification of the SIP revision procedure with respect to a control strategy revision. The State is aware of this requirement and understands that if

these new emission standards are not made a part of the SIP, EPA will enforce the old standards.

EPA Proposed Action—delete, condition is unnecessary.

2. *Condition*—the addition of procedures by which case-by-case offsets can be determined.

Correction—the State has drafted procedures consistent with those in the EPA Offset Interpretive Ruling to be used to determine case-by-case offsets.

EPA Proposed Action—the corrections to WAC 173–400–110 were submitted to EPA as draft regulations. Based on a final adoption of a regulation equivalent to those submitted as draft and submission to EPA prior to the close of the comment period on this proposed rulemaking, EPA proposes to approve these corrections. The procedures will be used as part of the review under WAC 173–415 as described in Part IV–C of the SIP.

3. *Condition*—the addition of procedures by which compliance with each emission limitation can be determined.

Correction—the State submitted source test procedures which apply to these emission limitations.

EPA Proposed Action—approve, condition is satisfied.

EPA finds that good cause exists for providing a 30-day comment period for the following reasons: (1) The public has had adequate notice of the guidelines for preparation of State Implementation Plans (SIP) and has had several opportunities to comment on those guidelines, (2) the **Federal Register** notice of receipt and request for public comments was published on August 18, 1980 (45 FR 54772) and (3) the impact of this rulemaking is limited only to the State of Washington. Therefore, EPA is soliciting public comments for 30 days on its proposed approval of various Washington SIP revisions.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonable of the State actions would serve no practical purpose and could well be improper.

Interested parties are invited to comment on all aspects of this proposed approval of the Washington SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by February 17, 1981 will be considered in any final action EPA takes on this proposal.

(Sec. 110, 172, Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: January 7, 1981.

Donald Dubois,

Regional Administrator.

[FR Doc. 81–1404 Filed 1–14–81; 8:45 am]

BILLING CODE 6560–38–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 108

[CGD 79–160]

Lifesaving Equipment; Line-Throwing Appliances, Required Equipment on Merchant Vessels; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects three errors in a proposed rule published in the **Federal Register** on December 11, 1980, at 45 FR 81616 relating to line-throwing appliances.

DATES: Comments on the proposed rule must be submitted on or before March 11, 1981.

FOR FURTHER INFORMATION CONTACT: LTJG Kevin C. Olds, Office of Merchant Marine Safety (G–MVI–2/24), U.S. Coast Guard Headquarters, Room 2612, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–2190. Normal office hours are 7:00 a.m. to 5:00 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: Drafting information—the principal persons involved in drafting this document are LTJG Kevin Olds, Project Manager, Office of Merchant Marine Safety, and LCDR Jack Orchard, Office of the Chief Counsel.

A proposed rule was published on December 11, 1980, at 45 FR 81616, which amended the requirements and format of the line-throwing appliance regulations.

In the proposed § 108.517(b), the word "may" appeared when the word "shall" was intended. The effect of this error was to provide an option rather than the mandatory requirement which was intended. Additionally, the phrase "on an international voyage" was substituted for "in international service" in §§ 108.517(a) and (b). "International Service" is defined in § 107.111 and has a special application to all of Subchapter I–A—Mobile Offshore Drilling Units, which includes § 108.517.

Accordingly, the top of column 2 of the notice of proposed rulemaking located at 45 FR 81618 is corrected to read as follows:

§ 108.517 [Corrected]

1. By correcting the first line of § 108.517(a) to read as follows: (a) Each unit in international service shall carry on impulse-projected rocket type line-throwing appliance that is approved under Subpart 160.040, and auxiliary equipment which is listed in § 160.040–4 * * *

* * * * *

§ 108.517 [Corrected]

2. By correcting the first line of § 108.517(b) to read as follows:

* * * * *

(b) Each unit in other than international service shall carry:

* * * * *

(46 U.S.C. 481 (as amended); 49 CFR 1.46(n)(4))

Dated: January 12, 1981.

Clyde T. Lusk, Jr.,

Captain, U.S. Coast Guard, Acting Chief, Official Merchant Marine Safety.

[FR Doc. 80–1518 Filed 1–14–81; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket 21313; RM–2646; RM–2717; RM–3038; RM–3039; RM–3040]

AM Stereophonic Broadcasting; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply coments in Docket 21313, AM Stereophonic Broadcasting, in response to a request by Harris Corporation ("Harris"). Harris asks that the comment date be extended in order to allow sufficient time for field tests necessary to comment in the proceeding.

DATES: Comments must be filed on or before February 9, 1981, and reply

comments must be filed on or before March 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Steven A. Bookshester, broadcast Bureau, (202) 653-7586.

SUPPLEMENTARY INFORMATION:

Order extending time for filing comments and reply comments.

Adopted: December 31, 1980.

Released: January 9, 1981.

By the Chief, Policy and Rules Division.

In the matter of AM Stereophonic Broadcasting.

1. On July 31, 1980, the Commission adopted a *Further Notice of Proposed Rule Making* in the above-captioned proceeding, 45 FR 59350, published September 9, 1980. The dates for filing comments and reply comments were December 9, 1980, and January 8, 1981, respectively.

2. On December 2, 1980, in response to requests by Motorola, Inc. ("Motorola") and Magnavox Consumer Electronics Company ("Magnavox"), the Commission extended the time for filing comments and reply comments to January 9, 1981, and February 13, 1981, respectively (BC-04496, released December 8, 1980). Both Motorola and Magnavox stated that additional time was necessary in order to complete testing procedures. Motorola observed that it was undertaking its own testing following the unsuccessful attempt by the National Association of Broadcasters ("NAB") to foster joint testing by all system proponents.

3. Presently before the Commission is a request for an additional extension of time filed by Harris Corporation ("Harris") on December 19, 1980. Harris states that it was not until approximately December 1, 1980, that it finally became clear that no joint testing would occur. Shortly thereafter, Harris arranged with WGEM, Quincy, Illinois, to conduct tests in order to respond to issues raised in the *Further Notice*.[1] Harris states that it deferred independent testing because it believed that the joint testing proposed by NBA would provide the Commission with more comparable, more useful data, and that its subsequent arrangement to conduct directional antenna and coverage area tests at WGEM, commencing on or about December 30, 1980, was the most expeditious arrangement it was able to make. Harris requests that the time for the filing of comment be extended one month, until February 9, 1981, allowing it approximately three weeks for testing and two and one-half weeks for data analysis and comment preparation.[2]

4. In our grant of the previous extension, we observed that system proponents might well have initiated individual testing without regard to the pending NAB joint testing proposal, thus eliminating the need for extension of comment dates. We believe, however, that the public interest would be served by allowing sufficient time for Harris to conduct its proposed testing, and, accordingly, will grant its request. On its own motion, the Commission will extend the date for the filing of reply comments to March 9, 1981. It is the Commission's intention to conclude this proceeding as promptly as possible following the receipt of all comments and reply comment. Further extensions of time for the filing of comments and reply comments are not contemplated.

5. Accordingly, IT IS ORDERED, That the request for extension of time for filing comments in this proceeding IS GRANTED, and the date for filing comments IS EXTENDED to and including February 9, 1981.

6. IT IS FURTHER ORDERED, That the date for filing reply comments IS EXTENDED to and including March 9, 1981.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1482 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission granted WGEM special testing authority on December 22, 1980.

[2] In response to the Harris request, Hazeltine Corporation ("Hazeltine") asks that the Commission first act on its pending Application for Review of the previous Order extending the comment period. At that time, Hazeltine made the "alternative proposal" that the Commission should consider comments on and decide the "marketplace issue" first, and consider additional data and comments regarding the technical "matrix" analysis only if the marketplace approach was unsatisfactory. Hazeltine's proposal was denied. The time for comment on Hazeltine's Application for Review has only recently concluded. While the Commission intends to act promptly upon the Application, we do not believe that the public interest would be served by delaying action on the Harris request.

47 CFR Part 73

[BC Docket No. 80-520; RM-3358]

FM Broadcast Stations in Aguada, Arecibo, Cidra, Lajas, Manati, Mayaguez, Quebradillas, and Utuado, Puerto Rico; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: This action extends the date for filing reply comments in this proceeding in response to a request from petitioners, Aurio Matos, et al. This proceeding involves various changes in the FM Table of Assignments for Puerto Rico.

DATES: The date for filing reply comments is extended to January 12, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for filing reply comments.

Adopted: January 6, 1981.

Released: January 9, 1981.

In the Matter of amendment of § 73.202(b) Table of Assignments FM broadcast stations (Aguada, Arecibo, Cidra, Lajas, Manati, Mayaguez, Quebradillas and Utuado, Puerto Rico).

1. On August 15, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 58624, published September 4, 1980, concerning changes in the FM Table of Assignments for various cities in Puerto Rico. The present deadline for filing reply comments is January 5, 1981.[1]

2. Counsel for petitioners Aurio Matos, et al. have requested by a "Motion for Extension of Time," dated December 23, 1980, a one-week extension to allow for delays in communicating back and forth to Puerto Rico during the holiday season. Other interested parties by their Counsel have indicated their consent to this motion, according to petitioners.

3. We believe that it would be appropriate to extend the deadline for reply comments in this proceeding to permit petitioners to submit information which would be helpful to us in resolving the issues in this case.

[1] The date in the *Notice of Proposed Rule Making* was inadvertently listed as Saturday, January 3, 1981.

4. Accordingly, IT IS ORDERED, That the date for filing reply comments IS EXTENDED to and including January 12, 1981.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1463 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-157; RM-3363]

TV Broadcast Station in Santa Barbara, California; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: This action extends time for filing comments and reply comments in a proceeding which involves a proposal to assign VHF TV Channel *10 to Santa Barbara, California.

DATES: Comments must be filed on or before December 29, 1980, and reply comments must be filed on or before April 6, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: January 6, 1981.

Released: January 9, 1981.

By the Chief, Policy and Rules Division.

In the Matter of amendment of § 73.606(b) Table of Assignments TV broadcast stations (Santa Barbara, California).

1. On April 11, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 28770, concerning a proposal to assign VHF TV Channel *10 to Santa Barbara, California. After previous extensions, the pleading deadlines were December 15, 1981, and January 5, 1981, for comments and reply comments respectively.

2. McGraw-Hill Broadcasting Co. has submitted a request for further extension of time for filing comments to December 29, 1980, to permit completion and submission of an extensive study of the propagation of television signals along the Southern California coast.

3. As we have previously indicated, the Commission and the Institute for Telecommunication Sciences (ITS) have also undertaken a study of the Southern California propagation characteristics. That study is scheduled for completion (insofar as it pertains to this proceeding) in the latter portion of 1981. Thus, an extension of the comment date would not delay resolution of this proceeding.

4. In addition, the reply comment deadline of January 5, 1981 needs to be extended to permit sufficient time to evaluate the extensive comments that we are advised are to be submitted on December 29, 1980. Since we do not intend to take final action in this proceeding until the ITS study can be evaluated in the context of this case, we shall extend the reply comment deadline for a period of 90 days.

5. Accordingly, IT IS ORDERED, That the date for filing comments and reply comments ARE EXTENDED to and including December 29, 1980 and April 6, 1981, respectively.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-1464 Filed 1-14-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 10
Thursday, January 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plan; Caribbean National Forest, Puerto Rico; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Caribbean National Forest, Commonwealth of Puerto Rico.

The Land and Resource Management Plan is being prepared in accordance with the requirements of the Secretary's regulations promulgated pursuant to the National Forest Management Act of 1976. The resulting plan will provide for the multiple-use and sustained yield of goods and services from the Caribbean National Forest.

The planning process will integrate all resource planning—timber, lands, fish and wildlife, soil and water, wilderness, and recreation—together with resource protection and resource use activities. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of resource output and expenditure levels. In formulating these alternatives, the following criteria will be met:

(1) Each alternative will be capable of being achieved;

(2) A non-action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged;

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative.

(4) Each identified major public issue and management concern will be addressed in one or more alternatives; and

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can be meet the objectives established in the alternative.

Each alternative will state at least:

(a) The condition and uses that will result from long-term application;

(b) The goods and services to be produced, and the timing and flow of these outputs;

(c) Resource management standards and guidelines; and

(d) The purposes of the management direction proposed.

As an early step in the planning process, Federal, Commonwealth, and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in a scoping process which includes: (a) identification of those issues to be addressed;

(b) Identification of those issues to be analyzed in depth; and

(c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review. To accomplish this scoping effort, the Caribbean National Forest will send out information packets in February, 1981. The packets will be sent to and comments solicited from Federal, Commonwealth, and local agencies, organizations, and individuals who may be interested or have expressed an interest in National Forest planning. The comment period will be from February 15 to April 1, 1981.

Written comments concerning the Notice of Intent or the proposal should be sent to: Juan E. Munoz, Forest Supervisor, Caribbean National Forest, P.O. Box AQ, Rio Piedras, P.R. 00928, by April 1, 1981. The office is located on the grounds of the University of Puerto Rico Experimental Station, near the intersection of Highway 3 with Highway 1, Rio Piedras. The commerical telephone number is (809) 753–4335.

The draft environmental impact statement and plan will be available by March, 1982, for a 90 day comment period. The final environmental impact statement and plan is scheduled for completion in September, 1982.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for the environmental impact statement and plan.

For further information about the planning process or the environmental impact statement, contact: Terry O. Tenold, Forest Planner, Caribbean National Forest, Telephone: (809) 753-4335.

Dated: January 7, 1981.

Lawrence M. Whitfield,

Regional Forester.

[FR Doc. 81-1486 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-11-M

Washington Subcommittee of the Pacific Crest National Scenic Trail Advisory Council; Meeting

The Washington subcommittee of the Pacific Crest National Scenic Trail Advisory Council will meet at 7:30 p.m. to 10:00 p.m. on Thursday, February 19, 1981. The meeting location will be Anderson Hall, College of Forest Resources, University of Washington, Seattle, Washington, 98105.

The purpose of the meeting is to review the alternatives for the pending Pacific Crest National Scenic Trail Comprehensive Plan for acquisition, management, development, and use of the trail. Other policy matters concerning the trail may also be considered.

The meeting will be open to the public. Persons who wish additional information should contact Roger Long, In-Care-of Regional Forester, Pacific Northwest Region, Forest Service, P.O. Box 3623, Portland, Oregon, 97208. Phone (503) 221–3644.

Dated: January 6, 1981.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 81-1463 Filed 1-14-81; 8:45 am]

BILLING CODE 3410-11-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Approval of Affirmative Action Plan

Take notice that on December 29, 1980, the Federal Inspector, John T. Rhett, approved Northern Border Pipeline Company's Affirmative Action Plan for employment and procurement activities on its segment of the Alaska Natural Gas Transportation System (ANGTS).

On May 12, 1980, the Equal Opportunity Regulations (43 CFR Part 34) for ANGTS became effective. These regulations were promulgated to carry out the requirements of Section 17 of the Alaska Natual Gas Transportation Act and Condition 11 of the President's *Decision*, requiring Federal officers and agencies to take affirmative action to insure that no person will be excluded on the grounds of race, creed, color, national origin or sex from participating in ANGTS-related activities. Subsection 34.8(a)(1), 43 CFR 34.8(a)(1) required that project sponsors have acceptable affirmative action plans approved by the Federal Inspector.

Northern Border's affimative action plan contains the following goals for minority and female employment and procurement:

Employment Goals for Nonconstruction Contractors

(In percent)

EEO job group	Availability and goal					
	Female	Black	Hispanic	Indian	Asian	Total minority
Officials and managers	14.3	3.1	1.1	0.1	0.2	4.5
Professionals	14.4	3.1	1.1	.11	.20	4.5
Technicians	5.6	1.2	.4	.04	.04	1.6
Sales	13.7	1.4	.52	.04	.09	2.0
Office and clerical	62.6	7.6	3.1	.24	.45	11.3
Craft workers	10.4	5.9	2.0	.20	.31	8.4
Operatives	22.5	7.0	2.7	.27	.43	10.4
Laborers	16.4	12.3	5.1	.41	.72	18.5
Service	57.7	12.3	5.1	.41	.72	18.5

Construction Contractors—Employment Goals

Job group	Number projected work force [1]	Percent availability					Number of goals					Total minority goal (percent)	Numerical
		F	B	H	I	A	F	B	H	I	A		
Officials and managers	64	5.2	2.4	1.1	0.09	0.13	3	2	1	0	0	3.7	3
Professionals	365	8.1	4.2	1.4	.14	.22	30	15	5	1	1	5.9	22
Technicians	191	1.9	.75	.35	.07	.06	4	1	1	0	0	1.2	2
Office and clerical	199	52.6	.71	.52	.55	.04	105	1	1	1	0	1.8	3
Crafts	1,955	2.0	2.6	.12	.23	.20	39	51	23	4	4	3.1	82
Operative	2,186	4.9	3.6	1.7	.33	.19	107	79	37	7	4	5.6	127
Labor	2,153	3.6	4.5	2.0	.7	.3	78	97	43	15	6	7.5	161
Total	7,113	—	—	—	—	—	366	246	111	28	15	—	400

[1] Peak employment period 3d quarter 1981.

Northern Plains—Affirmative Action Goals (as a Percent of Work Force)

Job categories	Estimated number of incumbents	Percent					Goals				
		Female	Black	Hispanic	Indian/ Alaskan	Asian Pacific islands	F	B	H	I	A
Officials and managers	43	14.3	3.1	1.1	0.1	0.2	6	1	0	0	0
Professionals	52	14.4	3.1	1.1	.11	.19	7	2	1	0	0
Technicians	7	5.8	.4	.3	.04	.04	0	0	0	0	0
Office and clerical	56	72.5	5.5	1.7	.96	.53	41	3	1	1	0
Crafts	23	9.7	1.0	1.9	1.06	.19	2	0	0	0	0
Operatives	10	19.0	2.6	1.8	2.09	.39	2	0	0	0	0

Minority and Female Business Enterprise

Minority $20,000,000 total (10 percent of contractable opportunities)

Female $2,000,000 total (1 percent of contractable opportunities)

Timetable for Reaching MBE/FBE Goal

June 30, 1981	$12,290,000
December 31, 1981	18,830,000
June 30, 1982	20,640,000
December 21, 1982	22,000,000

FOR FURTHER INFORMATION CONTACT:

Mr. John Alexander, Director, Equal Employment Opportunity, Minority Business Enterprise, Office of the Federal Inspector, (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Ave., NW., Washington, D.C. 20044.

Dated: January 9, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-1381 Filed 1-14-81; 8:45 am]

BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

[Order 81-1-44; Docket 37554]

Establishment of the Standard Foreign Fare Level

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 8th day of January, 1981

Order

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). The IATCA no-suspend zones range from 50% below the SFFL to 5% above, in any given city-pair market. Order 80-2-69 established the first interim SFFL and Order 80-11-8 established the currently effective SFFL effective through January 31, 1981.

The SFFL for travel commencing February 1, 1981, will be established for a two-month period, and, alternatively, for a four-month period—February through May. The two-month SFFL is required a by statute. The four-month SFFL represents a continuation of our policy to provide carriers an additional option recognizing that a longer effectiveness period may be better suited to the sometimes complex procedures involved in international rate-setting.

In establishing the SFFL for the period commencing February 1, we have projected non-fuel costs, based on the year ended September 30, 1980, and we have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation. In the absence of compelling reasons to do otherwise, we are continuing our policy of relying on annual data in the computation of non-fuel cost escalation rates. As we have stated before, twelve-month data are usually more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances annual data provide a preferable base.

Four-month SFFL

In establishing the SFFL for the four month period commencing February 1, 1981, we have projected non-fuel costs, based on the year ended September 30, 1980, and we have adjusted fuel prices to reflect the experienced monthly rate of fuel cost escalation. Our calculations measure inflation from April 1, 1980 to April 1, 1981, the midpoint of the February-May projection period, for the three rate-making entities: Atlantic, Latin America, and Pacific. The four-month average of July-October fuel cost increases produces the following rate of escalation: .40 cents per gallon in the Atlantic; (.16) cents for gallon in Latin America; and .60 cents per gallon in the Pacific. The resulting projections are fuel prices of 111.78 cents in the Atlantic; 93.24 cents in Latin America; and 110.77 cents in the Pacific at April 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 21.35 percent in the Atlantic, 25.28 percent in Latin America, and 14.03 percent in the Pacific, over the October 1, 1979, level. (See Appendix B.) [2] This results in an increase over the December 1, 1980, fares of 3.66 percent in the Atlantic, 1.26 percent in Latin America, and a reduction of 2.26 percent in the Pacific.

Two-month SFFL

As above, our calculations, based on the year ended September 30, 1980, measure inflation from April 1, 1980 to March 1, 1981, the midpoint of the February-March projection period, for the three rate-making entities. The rates of escalation for fuel are the same and result in fuel price projections of 111.38 cents in the Atlantic; 93.40 cents in Latin America; and 110.17 cents in the Pacific at March 1, 1981. Based on our calculations, we find the projected cost adjustment factor to be 20.68 percent in the Atlantic; 24.35 percent in Latin America; and 13.59 percent in the Pacific, resulting in an increase over January 1, 1981, of 1.85 percent in Latin America, 3.30 percent in the Atlantic and a reduction of 1.14 percent in the Pacific.

Carriers should note that we will issue a revised two-month SFFL effective April 1, but those implementing the four-month projection may not take the April 1 revision. Because of renewed potential for fuel cost volatility, at least relative to the base period used in this Order's calculations, we assume the two-month SFFL will be used by more carriers than in the past.

The reductions in the SFFL in the Pacific entity for both the two and four-month projections comes about because fuel price escalation assumed in the currently applicable SFFL's did not materialize. The SFFL methodology projects fuel price trends from the most recent four months into the future. Fuel was escalating rapidly in early 1980, but leveled off beginning in August. Consequently, the currently effective SFFL includes projected fuel costs between 2.5 and 7.5 cents per gallon higher than currently projected.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective February 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

	Four month	Two month
Atlantic	1.2135	1.2068
Latin America	1.2528	1.2435
Pacific	1.1403	1.1359

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish the order in the **Federal Register.**

By the Civil Aeronautics Board.[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-1509 Filed 1-14-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-1-43; Docket 39118]

Colombia-U.S. Fare Increases Proposed by Aerovias Nacionales de Colombia, S.A.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of January, 1981

Order of Suspension and Investigation

Aerovias Nacionales de Colombia, S.A. (Avianca), has filed tariff revisions, effective January 14, January 21, or February 20, 1981, proposing increases in fares from Colombia to the United States. The filing includes increases in normal economy fares of 26 to 58 percent. The carrier states that its proposal is made pursuant to a Colombian government order.

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

[2] Appendices A and B are on file with the original at the Office of the Federal Register.

[3] All members concurred.

We have decided to suspend the carrier's proposed normal economy fare increases.

The Board's Standard Foreign Fare Level (SFFL) consists of fare levels in effect on or after October 1, 1979, adjusted periodically to account for changes in costs. Under the International Air Transportation Competition Act, a statutory "no-suspend" zone, within which we may generally not suspend a fare on grounds of unreasonableness, extends from 5 percent above to 50 percent below such adjusted fare levels. We have been applying these criteria only to normal economy fares while allowing carriers the broadest possible flexibility in pricing their other fares.

The Board's current SFFL for Latin American markets, covering the period December 1, 1980, through January 31, 1981, incorporates a cost adjustment to base levels of 22.09 percent.[1] Thus, with the 5 percent upward flexibility allowance, U.S.-Latin America normal economy fares which exceed base levels by as much as 28.19 percent are permissible.[2]

Aviance's proposed fares exceed SFFL ceilings by as much as 23 percent. In the absence of any showing of special circumstances by the carrier, or other justification, we must conclude that the proposed increases exceed those required to cover recent cost increases and should be suspended.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendix A hereof, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix A from January 14, 1981, to and including January 13, 1982; in the attached Appendix B from January 21, 1981, to and including January 20, 1982; and the attached Appendix C from February 20, 1981 to and including February 19, 1982; unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [3] and, unless disapproved by the President, it shall become effective on January 14, 1980; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Aerovias Nacionales de Colombia, S.A., and the Ambassador of Colombia in Washington, D.C.

We shall publish this order in the **Federal Register.**[4]

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-1506 Filed 1-14-81; 8:45 am]

BILLING CODE 6320-01-M

[1] See Order 80-11-8, November 4, 1980.

[2] 1.2209 x 1.05 = 1.2819.

[Order 81-1-41; Dockets 38574 and 38773]

Mail Service Rates Investigation, Alaska

Issued under delegated authority January 8, 1981.

In the matter of the petition of Reeve Aleutian Airways, Inc. for a Fuel Surcharge Applicable to the Carriage of Mail (Docket 38574) and Alaska International Air, Inc. Service Mail Rates Investigation (Docket 38773).

Reeve Aleutian Airways, Inc. and Alaska International Air, Inc., Order Fixing Final and Temporary Service Mail Rates

By Order 80-12-97, served December 23, 1980, we directed all interested persons, particularly Reeve Aleutian Airways, Inc. and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine and publish the final rates specified therein to be effective on and after August 9, 1980.

The time designated for filing notice of objection has elasped and no person has filed a notice of objection or answer to the order. All persons have therefore waived the right to a hearing and all other procedural steps short of fixing a final rate.

Inasmuch as the temporary rates of compensation to be paid to Alaska International Air, Inc. for services over the Aleutian Islands segments of Route 208 are based upon rates for Reeve,[1] the establishment of new rates for Reeve also results in the fixing of new temporary rates for AIA. We waive the procedural requirements of Rule 310 with respect to the temporary rates for AIA.

Therefore, in accordance with the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406 thereof, the Board's Procedural Regulations, 14 CFR Part 302, and the authority delegated by the Board in its Organization Regulations, 14 CFR 385.16(g),

1. We make final the tentative findings and conclusions set forth in Order 80-1-96.

2. The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General to Reeve Aleutian Airways, Inc, for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, are the rates specified in Order 78-9-113, September 27, 1978, plus a fuel surcharge of 28.8 cents per linehaul ton-mile and 1.2 cents per pound originated to be effective on and after August 9, 1980.

3. The fair and reasonable temporary rates of compensation to be paid in their entirety by the Postmaster General to Alaska International Air, Inc. on and after November 4, 1980, for the transportation of mail by aircraft over the Aleutian Islands segments of Route 208, the facilities used and useful therefor, and the services connected therewith, are a linehaul charge of $1.224 per mail ton-mile and a terminal charge of $0.235 per pound originated.

4. We shall serve this order upon the Postmaster General, Reeve Aleutian Airways, Inc. and Alaska International Air, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten (10) days after the service date of this order.

We shall make this order effective and an action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

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

Phyllis T. Kaylor

Secretary.

[FR Doc. 81-1507 Filed 1-14-81; 8:45 am]

BILLING CODE 6320-01-M

[3] We submitted this order to the President on January 2, 1981. We received Notification that the President did not intend to disapprove the Board's order on January 8, 1981.

[4] Appendices A through C are on file with the original document at the Office of the Federal Register.

[1] See Order 80-12-107. In that order we inadvertently referred to AIA's certificate as authorizing the carriage of persons. The reference to persons was in error and should be deleted.

United Air Lines Addition of Wichita Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (81–1–46).

SUMMARY: The Board is proposing to award air route authority at Wichita to United Air Lines under expedited show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed order shall file, and serve upon all persons listed below, no later than February 13, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38988, which we have entitled the *United Air Lines Addition of Wichita Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on United Air Lines; the mayor and airport manager of Wichita and the Kansas Department of Transportation.

FOR FUTHER INFORMATION CONTACT:

James F. Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–1–46 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81–1–46 to that address.

By the Bureau of Domestic Aviation.

January 9, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–1508 Filed 1–14–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Ferrite Cores (of the Type Used in Consumer Electronic Products) From Japan; Preliminary Results of Administrative Review of Antidumping Finding

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

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping finding on ferrite cores (of the type used in consumer electronic products) from Japan. The scope of the review covers all but one of the known exporters of this merchandise to the United States. The review covers separate time periods for each firm up to February 29, 1980. This review indicates the existence of dumping margins in particular periods for certain exporters. The Department is currently conducting a review of the one remaining firm.

As a result of this review, the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between foreign market value and United States price on each of their shipments occurring during the periods for which margins have been found. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On March 13, 1971, a dumping finding with respect to ferrite cores (of the type used in consumer electronic products) from Japan was published in the **Federal Register** as Treasury Decision 71–84 (36 FR 4877). On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act of 1930 ("the Act"), the Department has conducted an administrative review of the finding on ferrite cores (of the type used in consumer electronic products) from Japan; however, the substantive provisions of the Antidumping Act of 1921 ("Antidumping Act") will be applied to all entries made prior to January 1, 1980.

Scope of the Review

The imports covered by this review are magnetically soft ferrite magnets and are usually wound with wire. The merchandise is magnetized with the induction of electric current, and is of the type commonly used as components in consumer electronic products, such as household television receivers, projection television sets, radios, stereos and high fidelity radio systems, automobile radios, electronic home computers, etc. These ferrite cores are currently classifiable under item 535.1240 of the Tariff Schedules of the United States Annotated (TSUSA).

The present review covers six exporters of Japanese ferrite cores (of the type used in consumer electronic products) to the United States. This review covers all time periods for which information is available, that is, all periods up to February 29, 1980, during which shipments of such ferrite cores may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. Therefore, different time periods are involved for different companies. The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980, and covered by such master lists, is under review. Liquidation has been suspended pending disposition of the issue.

For two of the six companies, Nippon Ferrite Co. and Hasegawa Limited, the Department has determined that the firms' responses were inadequate. Since Hawegawa Limited exports ferrite cores manufactured by Nippon Ferrite Co., the Department will use for them the margin calculated at the time of the fair value investigation for Nippon Ferrite. Since the only master list issued for Nippon Ferrite listed only foreign market values, the Department was unable to determine the amount of margins, if any, on those shipments covered by that list and, therefore, will use the fair value margin as the best information available.

Two companies, Tomita Electric Co., Inc. and Taiyo Yuden, did not respond to our questionnaire. Tohoku Metal Industries claim no shipments for the period and the Department has no evidence of shipments since the suspension of liquidation. None of the three companies was investigated at the fair value stage. The Department will use for these three firms the highest fair value margin. For Fuji Electrochemical Co., Ltd., which also was not investigated during fair value but for which master lists have been issued, the Department will use the margin resulting from the most recent master list for that firm. We are presently conducting a review for the seventh exporter, TDK Electronics Co., Ltd.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Act and section 203 of the Antidumping Act, since all sales were made to unrelated purchasers. Purchase price here was calculated on the basis of the F.O.B. or C.I.F. packed price to unrelated purchasers in the United States or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, we deducted from this price ocean freight, insurance, postage, shipping charges and U.S. duty. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Act and section 205 of the Antidumping Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The home market prices here are based upon delivered prices with adjustments for inland freight, credit costs, direct selling costs, differences in packing, and differences in the merchandise, where applicable. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States purchase price to foreign market value, we preliminarily determine that the following margins exist:

Exporter	Time period	Margin (percent)
Tomita Electric Co., Inc	Jan. 1, 1975 to Dec. 31, 1976	0
	Jan. 1, 1977 to Mar. 31, 1978	No shipments
	Apr. 1, 1978 to Feb. 29, 1980	28
Tohoku Metal Industries	Aug. 1, 1970 to Feb. 29, 1980	[1] 26
Fuji Electrochemical Co., Ltd	Aug. 1, 1979 to Feb. 29, 1980	[1] 28
Nippon Ferrite Co	Mar. 1, 1972 to Feb. 29, 1980	25
Taiyo Yuden Co., Ltd	Apr. 1, 1978 to Feb. 29, 1980	26
Nippon Ferrite Co./Hasegawa, Ltd	Nov. 1, 1976 to Feb. 29, 1980	25

[1] No shipments during this period; rate based on most recent information.

Interested parties may submit written comments on these preliminary results on or before February 17, 1981 and may request disclosure and/or a hearing on or before January 30, 1981. The Department will publish the final results of the administrative review including the results of its analysis of such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percent stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the 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 the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

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

John D. Greenwald,

Deputy Assistant Secretary for Import Administration

January 11, 1981.

[FR Doc. 81-1471 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-25-M

Glass Beads From Canada; Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke

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

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the countervailing duty order on glass beads from Canada. The review covers the period September 1976 through June 1980. As a result of this review, the Department has tentatively determined to revoke such order on the grounds that net subsidies have been *de minimis* for at least two years (January 1978 through June 1980) and to assess countervailing duties equal to the calculated values of the net subsidies for 1976 and 1977. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Edward F. Haley, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Room 1126, Washington, D.C. 20230 (202-377-1767).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 2, 1976, a "Final Countervailing Duty Determination," T.D. 76-247, was published in the **Federal Register** (41 FR 37103). The notice stated that the Department of the Treasury had determined that Canadian exports of glass beads manufactured by Canasphere Industries Limited benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

The notice also stated that, effective on and after the date of the order, liquidation of all entries, or withdrawals from warehouse, for consumption of the subject glass beads would be suspended. A deposit of the estimated countervailing duty, in the amount of 1.9 percent *ad valorem*, has been required at the time of entry or withdrawal from warehouse.

On January 1, 1980, the provisions of Title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department

published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. On August 20, 1980, the Department received a request for revocation of the order from Canasphere. The revocation request alleged that for more than a two-year period (January 1978 through June 1980) benefits received by Canasphrere were not more than 0.43 percent. Counsel for Canasphere argued that this level is *de minimis*.

As required by section 751 of the Act, and in response to the request for revocation, the Department has conducted an administrative review of the order on glass beads from Canada, manufactured by Canasphere Industries Limited.

Scope of the Review

Imports covered by this review are dutiable glass beads not over six millimeters in diameter manufactured by Canasphere Industries Limited (Canasphere), the sole Canadian manufacturer subject to the countervailing duty order. They are used primarily in a mixture with paint to increase the visibility of road lines at night, but are also used in impact processing for cleaning, finishing, peening, and deburring metals. Such imports are currently classifiable under item 540.33, Tariff Schedules of the United States.

The review covers the period September 2, 1976, through June 1980, and the review is limited to a grant from the Federal Department of Regional Economic Expansion (DREE) and an interest-free loan from the Saskatchewan Economic Development Corporation (SEDCO), which were the only programs found countervailable in the final determination.

Analysis of Programs

The grant from DREE was a direct cash grant used for plant construction. Treasury determined the subsidy rate in the final order by amortizing the full amount of the grant over a ten-year period, using the straight-line method of amortization, and then dividing one year's benefit by one year's total sales. We have used this same method to determine the subsidy rates for the periods of September 1976 through December 1976, calendar years 1977 through 1979, and the first 6 months of 1980.

We have found the interest-free loan from SEDCO not to be countervailable. Under the terms of the loan, Canasphere obtained operating capital by allowing the Saskatchewan Government to buy an interest in the company which the company could buy back later, although the schedule and terms of the repurchase were not set. Effective November 9, 1978, Canasphere repaid this SEDCO loan by buying back the Government's interest in the company. The price paid reflects the original purchase price (loan amount) plus interest, retroactive to the original date of the agreement. The interest exceeded the rate that Canasphere would otherwise have paid on a similar loan during the covered period.

We verified the information contained in the revocation request of August 20, 1980, and data submitted by Canasphere in response to a Department questionnaire through examination of copies of Canadian Government agency documents, Canasphere's company books and records, and consultation with Canasphere's president and its legal counsel.

Results of the Review

As a result of our calculations, we tentatively determine that the net subsidy conferred upon Canasphere by the DREE grant is equal to 0.9 percent *ad valorem* of the f.o.b. invoice price for the period September 1976 through December 1976, 0.53 percent for calendar year 1977, 0.43 percent for calendar year 1978, 0.25 percent for calendar year 1979, and 0.14 percent for the period January 1980 through June 1980. We also tentatively determine that no net subsidy has been conferred upon Canasphere by the SEDCO loan as of the effective date of the countervailing duty order. Therefore, the imported merchandise has not benefitted from more than *de minimus* net subsidies for at least the two-year period specified in § 355.42(b), Commerce Regulations. Furthermore, as required by section 355.42(d), Commerce Regulations, Canasphere has agreed in writing to an immediate suspension of liquidation and, if appropriate, reinstatement of the order if circumstances develop which indicate that the imported merchandise benefits from a net subsidy not considered *de minimus*.

The Department, therefore, has tentatively determined to revoke the countervailing duty order concerning glass beads not over six millimeters in diameter manufactured by Canasphere Industries Limited of Canada. If this order is revoked, it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

The Department intends to instruct the Customs Service to assess countervailing duties of 0.9 percent and 0.53 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries of subject glass beads entered, or withdrawn from warehouse, for consumption during the periods September 2, 1976, through December 31, 1976, and calendar year 1977, respectively. Additionally, entries from January 1, 1978 to the date of publication of this notice, assuming no change in the *de minimis* rate, will be liquidated without regard to countervailing duties.

Pending publication of the final results of the present review, the suspension of liquidation and deposit requirements previously ordered will continue.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review after analysis of issues raised in written comments or at a hearing.

This administrative review, tentative determination to revoke, and notice publication are in accordance with section 751(a)(1),(c) of the Act (19 U.S.C. 1675(a)(1),(c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

January 9, 1981.

[FR Doc. 81-1472 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Argentina; Preliminary Affirmative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: With this notice we inform the public that we have preliminarily determined that the Government of Argentina grants benefits to manufacturers, producers or exporters of certain leather wearing apparel which constitute a subsidy within the meaning of the countervailing duty law. We will make a final determination no later than 75 days from the date of this preliminary determination.

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Fred Howell, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377-5050.

SUPPLEMENTARY INFORMATION:

Procedural Background

On November 14, 1980, the Department of Commerce ("Department") received a petition in proper form from Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, alleging that the Government of Argentina provides manufacturers, producers or exporters of leather wearing apparel, certain subsidies which are bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (93 Stat. 190, 19 U.S.C. 1303) (hereinafter referred to as "the Tariff Act"). Because Argentina is not "a country under the Agreement" within the meaning of section 70(b) of the Tariff Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation. The Department of Commerce has not, therefore, referred this case to the United States International Trade Commission (ITC) for a preliminary determination of material injury to a domestic industry.

Description of Product

The merchandise covered by this investigation is leather wearing apparel currently provided for in item number 791.76 of the Tariff Schedules of the United States. These products include leather coats and jackets for men, boys, women, girls and infants and other leather wearing apparel products including leather vests, pants and shorts. Number 791.76 of the Tariff Schedules of the United States also includes outer leather shells and parts and pieces of leather wearing apparel as designated in this Tariff number.

Programs Under Investigation

We are investigating four programs: "reembolso" or rebate on exports of leather wearing apparel and parts and pieces thereof; a reembolso or rebate on exports of tanned leather; an income tax reduction plan; and a preferential financing program.

"Reembolso" or Rebate on Exports

Argentina has an export rebate program which includes a cash payment on exports which, according to Government of Argentina reimburses exporters for indirect taxes paid at the various stages of production. The amount of the reimbursement varies according to product and is based on a percentage of the FOB price of export shipments.

The Reembolso under investigation involves rebates made by the Government of Argentina on the exportation of leather wearing apparel and parts and pieces thereof. For leather wearing apparel the export reimbursement is in the amount of 20 percent of the FOB value paid upon exportation, and for parts and pieces of leather wearing apparel it amounts to 10 percent.

The non-excessive refund of indirect taxes levied on exported products and their components is not a subsidy under rules of the General Agreement on Tariffs and Trade (GATT) or the U.S. countervailing duty law. While the Tariff Act limited the use of indirect taxes not rebated on export as offsets against the amount of any subsidy found, it did not intend this limitation on the use of offset to:

> Prohibit the administering authority from determining that export payments are not subsidies if those payments are reasonably calculated, are specifically provided as non-excessive rebates of indirect taxes within the meaning of Annex A of the Agreement and are directly related to the merchandise exported.
>
> (Senate Report No. 96-249, July 17, 1979 at 84085).

The Department has published administrative guidelines (19 CFR Part 355 Annex I, para. 2, 45 FR 4949) for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its component is not a subsidy. The guidelines state that the foreign government must reasonably have calculated and documented the actual indirect tax incidence borne by the product under investigation and demonstrated a clear link between the export payment and the tax incidence. Ex post facto rationalizations of export payment programs will not be accepted. The foreign government must present information that demonstrates to the Department's satisfaction (a) that indirect taxes paid have served as the official basis upon which the export rebate was calculated and (b) that there is, in fact, the requisite link between the export payment and the indirect tax incidence.

The Argentine Government has cooperated fully in providing information requested for this countervailing duty investigation. The information submitted appears to indicate that the payment made under the reembolso program may be *bona fide* rebates of indirect taxes within the meaning of the Tariff Act. However, there still remains several basic questions regarding the reembolso program which the department cannot resolve on the basis of the information presently on hand. Questions yet to be resolved include: whether the reimbursement is directly linked to the indirect taxes; whether the indirect tax actually paid by Argentine producers bears a relationship to the indirect tax model presented by the respondent; the extent to which the taxes rebated can be regarded as indirect taxes on inputs physically incorporated in the exported product; and whether the basis of certain computations is acceptable. Prior to reaching a final determination in this case, full consideration will be given to the information which has been submitted and other information to be supplied by the Government of Argentina. After reviewing such information, we expect to be in a position to answer the question which remain.

In review of the above, we have preliminary determined that the export rebate program of the Government of Argentina does constitute a subsidy within the meaning of section 771(5) of the Act (19 U.S.C. 1677). The subsidy amount for leather wearing apparel is 20 percent of the FOB value paid upon exportation. For parts and pieces of leather apparel the subsidy amount is 10 percent of the FOB value paid upon exportation.

Reembolso or Rebate on Exports of Tanned Leather

A recently established reembolso or rebate program applying to tanned leather is not a benefit to the leather apparel manufacturers because the rebate is for direct exports of tanned leather and the tannery does not obtain any rebate or benefit for sales to Argentine leather apparel manufacturers.

Income Tax Reduction Program

A program of income tax reduction on export related income alleged by the petitioner has been discontinued.

Preferential Financing Program

Argentina has an export financing program providing a preferential interest rate for loans up to 55 percent of the FOB value of the exported merchandise. The principal of the loan is pegged to the U.S. dollar. As a result, the loan must be repaid in the peso equivalent of dollar denominated principal on the date of repayment.

Based on information provided by the Government of Argentina we have used an Argentine preferential annual rate of loan cost of 86.87 percent. Based on information we received from our Embassy we estimate that short term interest rates in Argentina have averaged 137.75 percent in 1979. The maximum amount that could have been loaned under the preferential financing program totaled $11,478,556 or 55

percent of the FOB value of the exported goods. Based on this information and a 180 day maximum term of these loans we calculate a subsidy of 13.99%.

Determination

On the basis of information received, we preliminarily determine that the total benefit of subsidy programs granted by the Government of Argentina on exports of leather wearing apparel amounts to 33.99 percent ad valorem and the total benefit of the subsidy programs on export of parts and pieces of leather wearing apparel amounts to 23.99 percent ad valorem.

Administrative Procedures

In accordance with 355.34 of the Commerce Department Regulations (19 CFR 355.34, 45 FR 4946), interested parties may submit information or written views concerning this proceeding to the address indicated above in at least 10 copies, not later than February 12, 1981. The mailing address is room 2800, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

The Department will afford interested parties an opportunity to present oral views in accordance with 355.35 of the Commerce Department Regulations. This hearing is scheduled to be held if requested, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 beginning at 2:00 p.m. on February 10, 1981. Interested parties who wish to have such a conference should submit a written request to the Office of the Deputy Assistant Secretary for Import Administration, Room 2800 at the address shown above. These requests should contain (1) the name, address and telephone number of the requester (2) the number of participants and (3) a statement outlining the issues to be discussed. The Deputy Assistant Secretary for Import Administration must receive the request no later than January 23, 1981.

Interested parties must submit pre-hearing briefs no later than February 3, 1981, to the Office of the Deputy Assistant Secretary at the address noted above. Oral presentations by persons submitting pre-hearing briefs will be limited to those issues raised in the briefs. All written views must be filed in accordance with 355.34 of the Department of Commerce Regulations.

In accordance with section 703(d) of the Act (19 U.S.C. 1671b(d)), Customs officers will be advised to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of the subject merchandise on or after January 15, 1981. This suspension of liquidation shall remain in effect until further notice. The posting of a cash deposit, bond, or other security, in the amount of 33.99 percent ad valorem for leather wearing apparel and 23.99 percent ad valorem for parts and pieces of leather wearing apparel, will be required as of that date.

We will issue a final determination no later than March 24, 1981.

This determination is published in accordance with section 703(f) of the Act (19 U.S.C. 1671b(f)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administrations.

January 9, 1981.

[FR Doc. 81-627 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket S-683]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by American Petrofina, Inc.

Notice is hereby given that American Petrofina, Incorporated (Fina) has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the TT BROOKLYN to carry crude oil on two voyages from Alaska to the U.S. Gulf via the southern tip of South America. The 225,000 DWT BROOKLYN, which was built with construction-differential subsidy (CDS), is beneficially owned by the General Electric Credit Corporation who consents to and adopts Fina's application.

Fina states that it has an immediate requirement to lift approximately 800,000 barrels of crude oil from storage at Valdez, Alaska and expects a commitment to lift 700,000 additional barrels prior to the time the BROOKLYN is to arrive in Valdez. Fina advises that this total lift of 1.5 million barrels must be accomplished on or about January 28, 1981, or Fina will face the possibility of paying a storage fee on the oil or of losing it because of contractual terms. Fina further advises that it has a requirement to lift approximately 1.5 million barrels of oil at Valdez in May 1981. On both the January and May liftings, the BROOKLYN would carry the oil to the U.S. Gulf via the southern tip of South America.

Fina believes that no owner or operator of domestic vessels of a size capable of meeting Fina's transportation requirement is in a position to object to its application.

The domestic movement requested by Fina does not coincide with either the Valdez/U.S. West Coast or Valdez/Panama Canal trades specifically set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations. Nevertheless, the Maritime Administration believes it is appropriate to provide an opportunity for interested parties to comment on the application.

Interested parties may inspect Fina's application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation who desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Martime Affairs. Within five working days after the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance program No. 11.500 Construction-Differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: January 14, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-1805 Filed 1-14-81; 11:41 am]

BILLING CODE 3510-15-M

Minority Business Development Agency

General Services Business Program; Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning May 1, 1981 in the Virginia Counties of

Goochland, Pawhatan, Hanover, New Kent, Charles City, Henrico and Chesterfield, in the Richmond, Virginia SMSA. The cost of the Project is estimated to be $110,000. The Project I.D. Number is 03–10–67005–00.

CLOSING DATE: February 20, 1981.

ADDRESS: U.S. Department of Commerce, Minority Business Development Agency, Washington Regional Office, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634–7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Education institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. Capability of Firm

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. Staffing Capability

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to the project).

D. Duties of each project position.

3. Credentials

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans)

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. Techniques and Methods Proposed to Implement the work requirement (Applicant's Work Plan)

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs

Provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G.

A Pre-Application conference to assist all interested applicants will be held at the following address on January 29, 1981 at 11:00 a.m.: Richmond Federal Building, Room 1035, 400 N. 8th Street, Richmond, Virginia 23240.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: January 12, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-1491 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-21-M

General Business Services Program; Financial Assistance Application Announcement

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning May 1, 1981 in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia in Southeastern Pennsylvania, and in the counties of New Castle, Delaware, and Cecil County, Maryland. The cost of the Project is estimated to be $442,000. The Project I.D. Number is 03–10–67006–00.

CLOSING DATE: February 20, 1981.

ADDRESS: U.S. Department of Commerce, Minority Business Development Agency, Washington Regional Office, 1730 K Street, NW, Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634–7883.

SUPPLEMENTARY INFORMATION:

A. Scope of Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Education institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. Capability of Firm

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. Staffing Capability

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of Key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. Credentials

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans)

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. Techniques and Methods Proposed to Implement the work requirement (Applicant's Work Plan)

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs

Provide explanation of all proposed costs by line item.

E. Disposition of Proposals.

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G.

A Pre-Application conference to assist all interested applicants will be held at the following address on January 27, 1981 at 10:00 a.m.: William J. Green, Jr., Federal Building, Room 10,320, 6th and Arch Streets, Philadelphia, Pennsylvania 19106.

11.800 Minorit Business Development (Catalog of Federal Domestic Assistance).

Dated: January 12, 1981.

Luis G. Encinias,

Regional Director.

[FR Doc. 81-1492 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

Approval of Federal Information Processing Standards; Code for Information Interchange; Hollerith Punched Card Code

Correction

In FR Doc. 80-40280, at page 85136, in the issue of Wednesday, December 24, 1980, on page 85137 the last column, the eighth line from the bottom of the page, insert the word "National" between "American" and "Standard".

BILLING CODE 1505-01-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid prematue disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division-Otjag, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent application 6-047,522: Flight Control System; filed June 11, 1979.

Patent application 6-048,402: Structural Cores and Their Fabrication; filed June 14, 1979.

Patent application 6-054,213: Airborne Hoist; filed July 2, 1979.

Patent application 6-060,525: Efficient High Voltage Photovoltaic Cells; filed July 25, 1979.

Patent application 6-068,044: Apparatus and Process for Measuring the Torque Transferred by Engine Shafts; filed August 20, 1979.

Patent application 6-070,772: Adjustable Parallel Fluidic Resistor Bank; filed August 30, 1979.

Patent application 6-071,976: Electronic Symbology Generation for Radar Plan Position Indicator (PPI) Displays Using Rotating Coils; filed September 4, 1979.

Patent application 6-072,274: Rocket In-Tube Spin Device and Roar Sabot; filed September 4, 1979.

Patent application 6-072,507: Quadrant Elevation Control Device; filed September 4, 1979.

Patent application 6-077,441: Gun Tube Orientation Sensor: Target Mirror; filed September 20, 1979.

Patent application 6-077,442: Apparatus and Method for Temperature Compensation of Fluidic Circuits; filed September 20, 1979.

Patent application 6-078,748: Fluidic Pulser; filed September 12, 1979.

Patent application 6-080,907: Simplified System for Estimating Pulse Radar Doppler Frequency; filed October 1, 1979.

Patent application 6-081,300: Low Cost Rocket Motor Case and Method of Fabrication; filed October 2, 1979.

Patent application 6-081,302: Selectable Drag Brakes for Rocket Range Control; filed October 2, 1979.

Patent application 6-081,303: Low Cost Multiple Round Launcher; filed October 2, 1979.
Patent application 6-081,998: Nickel Analysis Device; filed October 4, 1979.
Patent application 6-082,264: Small Arms Ammunition; filed October 5, 1979.
Patent application 6-083,046: Omni-Directional Compound Paraboloid-Hyperboloid Radiation Device; filed October 4, 1979.
Patent application 6-083,071: Method of Operating a Cold Cathode-Cold Reservoir Thyratron; filed October 9, 1979.
Patent application 6-084,047: Safing and Arming Signature for Fuzes; filed October 12, 1979.
Patent application 6-084,984: Method and Apparatus for Removal of Sodium Carbonate from Cyanide Plating Baths; filed October 15, 1979.
Patent application 6-087,891: Fluidic Waste Gate; filed October 24, 1979.
Patent application 6-092,123: Tie-Down Assembly; filed November 7, 1979.
Patent application 6-095,731: Antenna with Sum and Error Patterns; filed November 19, 1979.
Patent application 6-095,746: Military Vehicle Having External Gun; filed November 19, 1979.
Patent application 6-101,327: Gas Generator—Actuated Fire Suppressant Mechanism; filed December 6, 1979
Patent application 6-108,903: Digital Filter Bank Detector; filed December 31, 1979
Patent application 6-109,598: Radiation Dose Rate Meter; filed January 4, 1980
Patent application 6-110,955: Near Millimeter Wave Generator with Dielectric Cavity; filed January 10, 1980
Patent application 6-110,958: Fluidic Oil Viscometer; filed January 10, 1980
Patent application 6-111,738: Broad Band Flueric Amplifier; filed January 14, 1980
Patent application 6-114,033: Method for Determining Oxidative Status of Unsaturated Lipids and Method for Evaluating Antioxidant Effectiveness in Lipid-Polypeptide Layers; filed January 21, 1980
Patent application 6-114,035: Method of Visually Detecting Antioxidant in an Organic Mixture; filed January 21, 1980
Patent application 6-114,777: A Half Duplex Integrel Vocoder Modem System; filed January 23, 1980
Patent application 6-118,044: Drive Mechanism; filed February 4, 1980
Patent application 6-132,205: Acceleration Switch; filed March 20, 1980
Patent application 6-132,940: Steerable Null Antenna Processor with Gain Control; filed March 24, 1980
Patent application 6-132,941: Adaptive Steerable Null Antenna Processor; filed March 24, 1980
Patent application 6-133,173: Electromagnetic Interference Suppression in a Vehicle Horn Circuit; filed March 24, 1980
Patent application 6-133,735: Method and Apparatus for Detonating Explosive in Response to Detonation of Remote Explosive; filed March 25, 1980
Patent application 6-138,477: MIC Combiner Using Unmatched Diodes; filed April 9, 1980
Patent application 6-138,946: Propellant Charge with Reduced Muzzle Smoke and Flash Characteristics; filed April 9, 1980
Patent application 6-146,580: Key-to-Address Transformations; filed May 5, 1980
Patent application 899,772: Dual Caliber Revolver; filed April 24, 1978
Patent application 904,366: Null Steering Antenna; filed May 10, 1978
Patent 4,183,303: Proximity Fuze; filed February 25, 1963; patented January 15, 1980; not available NTIS
Patent 4,184,073: Fast Response Electron Spectrometer; filed May 25, 1978; patented January 15, 1980; not available NTIS
Patent 4,185,252: Microstrip Open Ring Resonator Oscillators; filed May 10, 1978; patented January 22, 1980; not available NTIS
Patent 4,186,434: Means for Producing and Controlling Dead-Time of the Switching Transistors DC-to-DC and DC-to-AC Converters; filed March 23, 1978; patented January 29, 1980; not available NTIS
Patent 4,190,000: Mine Proximity Fuse; filed October 23, 1962; patented February 26, 1980; not available NTIS
Patent 4,190,083: Fluidic Logical Pyrotechnic Initiator; filed September 7, 1977; patented February 26, 1980; not available NTIS
Patent 4,190,769: Thermal Image Camera with Storage; filed June 7, 1978; patented February 26, 1980; not available NTIS
Patent 4,190,883: Switching-Regulated DC-to-DC Converter; filed August 24,1977; patented February 26, 1980; not available NTIS
Patent 4,191,052: Non-Contact Flueric Temperature Sensing Method and Apparatus; filed November 27, 1978; patented March 4,1980; not available NTIS
Patent 4,196,626: Flueric Notch Filter Temperature or Density Sensor; filed November 27, 1978; patented April 8, 1980; not available NTIS
Patent 4,197,483: Submillimeter Wave Generation Using Surface Acoustic Waves in Piezoelectric Materials; filed October 18, 1978; patented April 8, 1980; not available NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205

Patent application 6-163,952: Intracranial Pressure Monitoring Device; filed June 30, 1980
Patent application 6-181,465: Nondenaturing Zwitterionic Detergents for Membrane Biochemistry; filed August 26, 1980

[FR Doc. 81-1401 Filed 1-14-81; 8:45 am]
BILLING CODE 3510-04-M

Office of the Secretary

Electromagnetic Radiation Management Advisory Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Electromagnetic Radiation Management Advisory Committee (ERMAC) is in the public interest in connection with the performance of duties imposed on the Department by law.

The Council was originally established on December 11, 1968, to advise the Director of the Office of Telecommunications Management on matters dealing with the side effects and the adequacy of control of electromagnetic radiation arising from telecommunications activities. Subsequently, the Council advised the Director of Telecommunications Policy and, since the 1978 reorganization, the Secretary of Commerce on such matters through the Assistant Secretary for Communications and Information who is also the Administrator of the Department's National Telecommunications and Information Administration (NTIA).

The Council reviews, evaluates, and recommends measures to investigate and mitigate undesirable effects of electromagnetic radiation on man and the environment.

Following a comprehensive review of the subject, the Council, in 1971, recommended Government action assess the biological effects of nonionizing radiation and developed guidelines for such an undertaking. The multiagency program being coordinated by NTIA is a direct result of those activities. In the course of its activities, the Council is a source of expert advice and guidance not only to this Department but to other Federal agencies with activities in this area.

The Council shall continue with a balanced representation of 15 members from such areas as engineering, physical sciences, biomedical and the health science.

Copies of the Council's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer (Acting), Ms. H. Janet Healer, National Telecommunications and Information Administration, Department of Commerce, Room 261, 1325 G Street, NW., Washington, D.C. 20005, telephone: (202) 724-3301, or the Department Committee Management Analyst, telephone: (202) 377-4217.

Dated: January 9, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-1510 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-17-M

Frequency Management Advisory Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Frequency Management Advisory Council is in the public interest in connection with the performance of duties imposed on the Department by law.

The Council was first established on July 19, 1965, and was to terminate on December 29, 1980. It provided advice to the Director of the Office of Telecommunications Policy (OTP), Executive Office of the President, until that office was merged by Executive Order 12046 of March 27, 1978, into the Department of Commerce, National Telecommunications and Information Administration.

In reviewing the need for the Council, the Secretary has reaffirmed its original purpose of providing advice on radio frequency spectrum allocation and assignment matters and means by which the effectiveness of Federal Government frequency management may be enhanced. Research indicates that the Council's function cannot be accomplished by any organizational element or other Committee of the Department.

The Council shall continue with a balance representation of 15 members, chaired by the Assistant Secretary for Communications and Information or designee, and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Council's revised charter will be filed with appropriate committees of Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 268, 1325 G Street, NW., Washington, D.C. 2005, telephone: (202) 724-3301, or the Department Committee Management Analyst, telephone: (202) 377-4217.

Dated: January 9, 1981.

Clifford J. Parker,

Acting Assistant Secretary for Administration.

[FR Doc. 81-1511 Filed 1-14-81; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF DEFENSE

Department of the Army

Training Land Acquisition for Fort Carson, Colo.; Filing of Environmental Impact Statement

The Army, on January 12, 1981, provided the Environmental Protection Agency a Final Environmental Impact Statement (FEIS) concerning acquisition of training land for Fort Carson, Colorado.

The Army had earlier announced, on December 20, 1978, that a significant requirement for additional training land at Fort Carson had been identified in an approved study. To satisfy this requirement would require form 60,000 to 245,000 acres depending primarily upon the quality and location of the land and environmental enhancement measures suggested due to soil type and vegetative cover.

A total of twenty-two federal and private parcels of land were evaluated as possible training sites. The FEIS contains, as a preferred alternative, the selection of a 244,000 acre site known as the Pinon Canyon Parcel. The parcel is located midway between La Junta and Trinidad, Colorado and about 100 miles southeast of Fort Carson.

Copies of the statement have been furnished to appropriate Federal, State, and local agencies. In addition, copies may be examined in public libraries, city and county offices in Southeastern Colorado. In the Washington area, copies may be seen during normal duty hours (8:00 a.m. to 4:30 p.m., Mondays through Fridays), in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694-3434. Interested organizations and individuals may obtain copies for the cost of reproduction from the Commander, 4th Infantry Division (Mechanized) and Fort Carson, ATTN: AFZC-FE-EQ, Building 304, Fort Carson, CO 80913, telephone: (303) 579-4828.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-1386 Filed 1-14-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Humboldt River Project, in Elko County, Nevada

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. *Action.*—The project consists of a multiple-purpose reservoir to provide flood control, irrigation, public recreation and fish and wildlife enhancement. Hylton Lake would be constructed on the South Fork of the Humboldt River at the mouth of Tenmile Creek at a capacity of 120,000 acre-feet.

2. *Alternatives.*—Alternatives studied include a 3-reservoir system with channel improvements and the no action alternative. The 3-reservoir system would include a 120,000 acre-foot reservoir at the Hylton site; Devils Gate Lake, an 80,000 acre-foot reservoir on the North Fork of the Humboldt River 26.4 miles above its mouth; and Vista Lake, a 50,000 acre-foot reservoir on Marys River 23.7 river miles above its mouth. In addition to the 3 reservoirs, minor channel improvements could be constructed in some localized reaches downstream of the dams. The no action alternative would be no Federal action to assist flood control, irrigation, recreation and fish and wildlife needs in the project area.

3. *Scoping of the DEIS.*—The scoping process will be accomplished through the public involvement program. On 28 February 1974 a Notice of Initiation of Advanced Planning was mailed to agencies, organizations, local news media, and individuals known to have an interest or that reside in the project area. An environmental working paper was completed in June 1978 and will be utilized in preparation of the DEIS. A public meeting will be held in late 1981, preceded by an informal workshop. Interested agencies will be kept informed by periodic interagency coordination meetings. Throughout the coordination process, agency and public input will continue to be sought to help identify significant issues regarding the project. All interested parties are invited to call or write to suggest what issues they feel should be discussed in detail in the DEIS.

4. *Estimated Date of DEIS.*—A draft environmental impact statement is scheduled to be circulated for public review in February 1982.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

Mr. David Gundlach, Planning Engineer, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 440–2572 (FTS 448–2572).

Dated: January 2, 1981.

Paul F. Kavanaugh,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-1462 Filed 1-14-81; 8:45 am]

BILLING CODE 3710-GH-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in Per Diem Rates

Correction

In FR Doc. 80–40775 appearing at page 1006 in the issue for Monday, January 5, 1981, make the following correction:

On page 1006, in the third column (and continuing on page 1007, in the first column), in paragraph 4., the table of maximum per diem rates should have been printed in the following order:

Locality	Maximum rate
Alaska:	
Adak[1]	$12.60
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	111.00
Bethel	93.00
College	67.00
Cordova	84.00
Deadhorse	94.00
Dillingham	83.00
Dutch Harbor	82.00
Eielson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Ft. Richardson	72.00
Ft. Wainwright	67.00
Juneau	83.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
Prudhoe Bay	94.00
Shemya AFB[1]	11.00
Shungnak	91.00
Spruce Cape	84.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
All Other Localities	71.00
American Samoa	65.00
Guam M.I.	60.00
Hawaii:	
Oahu	70.00
All Other Localities	60.00
Johnston Atoll[2]	15.50
Midway Islands[1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
Fajardo:	
12-16—5-15	102.00
5-16—12-15	75.00
Ft. Buchanan (Incl. GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ponce (Incl. Ft. Allen NCS)	68.00
Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
San Juan (Incl. San Juan Coast Guard Units):	
12-16—5-15	102.00
5-16—12-15	75.00
All Other Localities	63.00
*Virgin Islands of U.S.:	
St. Thomas:	
12-1—4-30	126.00
5-1—11-30	74.00
Other:	
12-1—4-30	91.00
5-1—11-30	69.00
Wake Island[1]	15.00
Other Localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

BILLING CODE 1505-01-M

DEPARTMENT OF EDUCATION

Law-Related Education Program

AGENCY: Department of Education.

ACTION: Application notice.

Applications are invited for new projects under the Law-Related Education Program for fiscal year 1981.

Authority for this program is contained in Title III, Part G of the Elementary and Secondary Education Act, as amended by Public Law 95–561 (20 U.S.C. 3001).

This program issues awards to State educational agencies, local educational agencies, and other public and nonprofit private agencies, organizations, and institutions.

The purpose of the awards is to assist these institutions in implementing programs in law-related education, in helping others develop programs, and in promoting research and development.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by April 24, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.123, Law-Related Education Program, Washington, D.C. 20202.

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

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

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

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

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

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

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

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

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available funds: It is expected that approximately $1.0 million will be available for the Law-Related Education Program.

It is estimated that these funds could support approximately 15 new grant awards in addition to 16 continuation grants and about three contracts. The new grant awards will include assistance to existing programs serving elementary and secondary school students as well as exemplary projects addressing the needs of all levels. No funds will be directly available to organizations or agencies to plan and establish new programs for elementary and secondary school students. Specific funding allocations for new grant awards are planned as follows:

(1) Elementary/secondary school projects (§ 757.12 of the Regulations). Approximately 10 grants to strengthen or expand existing law-related education programs that serve elementary or secondary schools, or both—or to offer technical assistance to other agencies or organizations in their State or region—or both. $350,000 are initially reserved for these grants.

(2) Exemplary projects (§ 757.13 of the Regulations). Approximately 5 grants to address critical needs in law-related education at any level of education. This category might include such educational activities as research, evaluation, methodology, or any other area authorized under the Act. Projects should address needs that have not been adequately met by other programs or take a particularly new and exemplary approach to law-related education. $75,000 are initially reserved for these grants.

$25,000 are reserved for possible contracts to initiate leadership activities in areas such as multicultural program development. The remaining $550,000 are reserved to continue two-year grants and contracts begun in FY 1980.

These are only estimates and do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages are expected to be ready for mailing by February 13, 1981. They may be obtained by writing to the Office of School Improvement, Law-Related Education Program, U.S. Department of Education (Room 3700, Donohoe Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced pages in length. The Secretary further urges that applicants not submit lengthy appendices and other information that is not required.

Applicable regulations: Regulations applicable to this program are: (a) Regulations governing the Law-Related Education Program (34 CFR Part 757) as published in the **Federal Register** concurrently with this application notice. Applicants should refer to these regulations in preparing their applications; and (b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

Further information: For further information, contact Elizabeth Farquhar, Acting Director, Law-Related Education Program, Office of School Improvement, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3700, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 426-7220.

(Catalog of Federal Domestic Assistance No. 84.123, Law-Related Education Program)

Dated: January 9, 1981.

Terry Saario,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81-1525 Filed 1-14-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Artic Oil and Gas Resources will meet in March 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Artic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Environmental Protection Task Group meeting follows:

The third meeting of the Environmental Protection Task Group will be held on Wednesday, March 11, 1981, starting at 9:00 a.m., in the Seventy-Six Room, Union Oil Center, 461 South Boylston Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review progress of individual assignments.
3. Review timetable of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Environmental Protection Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Environmental Protection Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 7, 1981.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

January 7, 1981.

[FR Doc. 81-1487 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Exploration Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Exploration Task Group of the Committee on Arctic Oil and Gas Resources will meet in February 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Exploration Task Group meeting follows:

The first meeting of the Exploration Task Group will be held on Wednesday, February 11, 1981, starting at 9:00 a.m., in Room 1717, Standard Oil Company of California, 225 Bush Street, San Francisco, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review drafts of individual assignments.
3. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Exploration Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public

who wishes to file a written statement with the Exploration Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 8, 1981.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

January 8, 1981.

[FR Doc. 81-1468 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Resource Assessment Task Group of the Committee on Artic Oil and Gas Resources will meet in January 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Resource Assessment Task Group meeting follows:

The third meeting of the Resource Assessment Task Group will be held on Tuesday through Friday, January 27–30, 1981. The Tuesday, January 27 session will start at 9:00 a.m., in the Marston Room, Hyatt Rickeys House Hotel, 4219 El Camino Real, Palo Alto, California. The Wednesday through Friday, January 28–30 sessions will start at 9:00 a.m. each day, in the U.S. Geological Survey offices, 345 Middlefield Road, Menlo Park, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.

2. Discussion of the methodology of the Task Group assessment.

3. Briefing on the U.S. Geological Survey's recent Arctic resource assessment studies.

4. Discussion of any other matters pertient to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Resource Assessment Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Resource Assessment Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on January 8, 1981.

R. D. Langenkamp,

Deputy Assistant Secretary, Resource Development & Operations, Resource Applications.

January 8, 1981.

[FR Doc. 81-1469 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 80–CERT–038]

Energy Systems Company, Division of InterNorth, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 27, 1980, Energy Systems Company, Division of InterNorth, Inc. (Energy Systems), formerly Energy Systems Division of Northern Natural Gas Company, 25 Main Place, Council Bluffs, Iowa 51501, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of 550,000 Mcf of natural gas per year, which is estimated to displace the use of approximately 4 million gallons (95,238 barrels) of No. 2 fuel oil (0.2 to 0.3 percent sulfur) per year at Energy Systems' Howard Street Plant facility located in Omaha, Nebraska. The eligible seller of the natural gas is Peoples Natural Gas Company, Division of InterNorth, Inc. The gas will be transported by the Northern Natural Gas Company (Northern), an interstate pipeline company, and by Metropolitan Utilities District, a local distribution company. Incidental transportation of the natural gas to Northern will be provided by the Panhandle Eastern Pipeline Company (Panhandle), an interstate pipeline. Notice of that application was published in the **Federal Register** (45 FR 83655, December 19, 1980) 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.

On January 18, 1980, Energy Systems received the original certification (ERA Docket No. 79–CERT–106) of an eligible use of natural gas purchased from Peoples Natural Gas Company for use at this same facility for a period of one year. The original certificate expires on January 17, 1981. This recertification is being made effective on January 18, 1981, in order to provide conformity with the original certificate.

The ERA has carefully reviewed Energy Systems' application for recertification 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 Energy Systems' application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, NW., 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 12, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-1493 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-043]

Fruehauf Corporation, Kelsey-Hayes Co., Heintz Division; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On December 1, 1980, Fruehauf Corporation (Fruehauf), Kelsey-Hayes Company, Heintz Division, 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 360,000 Mcf of natural gas per year estimated to displace the use of approximately 2,400,000 gallons (57,143 barrels) of No. 6 fuel oil (0.5 percent maximum sulfur) per year at the Heintz Division facility located in Philadelphia, Pennsylvania. The eligible seller of the natural gas is Frue-Kel, Inc., a subsidiary of Fruehauf Corporation. Although Heintz Division 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 and Texas Eastern Transmission Corporation. Additionally, the Philadelphia Gas Works will be the local distribution company. Notice of that application was published in the **Federal Register** (45 FR 84119, December 22, 1980) 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, NW, 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 12, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-1495 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

InterNorth, 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 Inter North, Inc. of Omaha, Nebraska.

This Proposed Remedial Order charged Inter North with pricing violations in the amount of $311 million in sales of propane, butane, and natural gasoline during the time period September 1, 1973, through October 31, 1978.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106. On or before January 30, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kanas City, Missouri, on the 5th day of January, 1981.

William D. Miller,

District Manager, Central Enforcement District.

Concurrance:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 81-1497 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Jay Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: January 6, 1981. Comments by: February 17, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P. O. Box 35228, Dallas, Texas 75235 (phone) 214/767-7745.

SUPPLEMENTARY INFORMATION: On January 6, 1981, the Office of Enforcement of the ERA executed a Consent Order with Jay Oil Company, of Fort Smith, Arkasas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon it execution.

Because the DOE and Jay wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order with Jay effective as of the date of its execution by the DOE and Jay.

I. The Consent Order

Jay, with its home office in Fort Smith, Arkansas, is a firm engaged in resale of motor gasoline and No. 2 diesel, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210,211,212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline the Office of Enforcement, ERA, and Jay entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was November 1, 1973 through February 28, 1975, and it included all sales of motor gasoline and No. 2 diesel which were made during that period.

2. By using an erroneous determination of its classes of purchaser, Jay incorrectly applied the provisions of 10 CFR 212.93 when determining maximum lawful selling prices for motor gasoline and No. 2 diesel.

3. Because the sales were not made to ultimate consumers, and they are not readily identifiable, Jay will refund $77,000, including interest, through the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send yor comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P. O. Box 35228, Dallas, Texas. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Jay Oil Company Consent Order". We will consider all comments we receive by 4:30 p.m. local time, on February 17, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 6th day of January, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-1498 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Petroleum Heat and Power Co., Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a Proposed Consent Order and provides an opportunity for public comment on the terms and conditions of the Proposed Consent Order.

DATE: Comments by February 17, 1981.

EFFECTIVE DATE: November 13, 1981.

ADDRESS: Send comments to: James J. Dowd, Audit Director, Office of Enforcement, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Department of Energy, 150 Causeway Street, Boston, Massachusetts, 02114, phone (617) 223–3728.

SUPPLEMENTARY INFORMATION: On November 13, 1980, the Office of Enforcement of the ERA executed a Proposed Consent Order with Petroleum Heat and Power Company, Inc. of Stamford, Connecticut. Under 10 CFR 205.199J(b), a Proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the Proposed Consent Order. Although the ERA has signed and tentatively accepted the Proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Petroleum Heat and Power Company, Inc. (Petro), with its home office located in Stamford, Connecticut, is a firm engaged in the wholesale and retail sales of petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of No. 2 heating oil the Office of Enforcement, ERA, and Petro entered into a Consent Order, the significant terms of which are as follows:

1. As a result of the ERA's audit of Petro, the ERA informed Petro that in its opinion, during the period from November 1, 1973 through June 30, 1974, Petro recovered in its sales of No. 2 heating oil, revenues equalling $1,275,000 in excess of amounts allowed by the applicable price rule, 10 CFR 212.93(a) (preceded by 6 CFR 150.359).

2. It is the ERA's position that the excess revenues resulted primarily from Petro calculating its selling prices based on inaccurate inventory costs.

3. Petro, without admitting that it has violated any statute or regulation or overcharged any customer, is willing to refund the $1,275,000 (including interest), which ERA alleges constitutes excess revenues to the customers that ERA asserts were overcharged as a means of settling all issues with ERA with respect to its sales of No. 2 heating oil during the period from November 1, 1973 through June 30, 1974.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Petro agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I.1. above, the sums of $1,275,000. Approximately $1,143,267 will be refunded directly to Petro's customers who were end-users, in accordance with the terms and conditions outlined in the Proposed Consent Order. Refunds of $131,733.00 that reflect overcharges collected in sales by Petro's Effron subsidiary during the months of November 1973 through April 1974, to retailers and resellers, shall be paid to the United States Department of Energy. Petro shall also pay to the DOE, any amounts which it is unable to refund to end-user customers.

The DOE intends to distribute any refund amounts paid to it in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only these "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify speicific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means.

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Proposed Consent Order.

You should send your comments or written notification of a claim to James J. Dowd, Audit Director, Office of Enforcement, Department of Energy, 150 Causeway Street, Boston, Massachusetts 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling (617) 223–3728.

You should identify your comments or written notification of a claim on the outside of your envelope and on the

documents you submit with the designation, "Comments on Petro Proposed Consent Order." We will consider all comments we receive by 4:30 P.M., local time, on . You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia on the 16th day of December, 1980.

Edward F. Momovella,

District Manager of Enforcement, Northeast District.

[FR Doc. 81-1499 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated. Notice of the orders was originally published in Vol. 45, No. 128 of the **Federal Register** on July 1, 1980, and is being republished to reflect changes in the violation amounts of those orders.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. On or before January 30, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 9th day of January 1981.

Robert D. Gerring,

Director, Program Operations Division Office of Enforcement, Economic Regulatory Administration.

Proposed Remedial Orders—Northeast District

Station	Address	Date	Violation Amount	Cents per gallon in violation
Farmingdale Amoco	1050 Broadhollow Road, Farmingdale, NY	5-28-80	$483.00	3.1
Northport Exxon	Route 25A Laurel Road, Northport, NY	5-28-80	54,806.71	16.7
Commack Exxon	Jericho Turnpike and Veteran's Highway, Commack, NY.	5-28-80	33,693.99	22.7
West Islip Amoco	540 Sunrise Highway, West Islip, NY	5-28-80	3,776.98	11.3
Commack Amoco	2211 Jericho Turnpike, Commack, NY	5-28-80	6,950.15	15.3
1907 Service Station	1907 Cropsey Avenue, Brooklyn, NY	4-08-80	2,690.80	3.8

[FR Doc. 81-1494 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW., Washington, D.C. 20461, phone 202/653-3569. On or before January 30, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 9th day of January 1981.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Order—Washington, D.C., Metro Area

Station	Address	Date	Violation amount	Cents per gallon in violation
Hillcrest Shell	2721 Naylor Road SE, Washington, DC 20020.	12-31-80	$745.20	0.4
Cyr's Marina	386 North Drive, Severna Park, MD 21146	12-31-80	1,792.57	4.8
Safford Marina	4601 Annapolis Road, Bladensburg, MD 20710.	12-30-80	218.40	7.0

[FR Doc. 81-1496 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Rummell Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: January 6, 1981. Comments by: February 17, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (phone) 214/767-7745.

SUPPLEMENTARY INFORMATION: On January 6, 1981, the Office of Enforcement of the ERA executed a Consent Order with Rummell Oil Company, of Denton, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution.

Because the DOE and Rummell, wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order with Rummell, effective as of the date of its execution by the DOE and Rummell.

I. The Consent Order

Rummell, with its home office in Denton, Texas, is a firm engaged in the resale of motor gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of motor gasoline the Office of Enforcement, ERA, and Rummell entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was January 21, 1976 through April 16, 1980, and it included all sales

of motor gasoline which was made during that period.

2. By using an improper inventory accounting method, Rummell incorrectly applied the provisions of 10 CFR 212.93(a) when determining maximum lawful sales prices for motor gasoline.

3. Rummell has agreed to pay a penalty of $2,500.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager of Enforcement, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Rummell Oil Company Consent Order". We will consider all comments we receive by 4:30 p.m. local time, on February 17, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 6th day of January, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-1500 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Texas Oil and Gas Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: January 7, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, NW., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On April 8, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a proposed Consent Order with Texas Oil and Gas Corporation (TXO) of Dallas, Texas on March 14, 1980 which would not become effective sooner than 30 days after publication, 45 FR 23720 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the proposed Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by TXO pursuant to the proposed Consent Order were requested to submit notice of their claims to the ERA.

One comment was received. The commentor criticized the possible payment of the refunds to the U.S. Treasury. Similar objections were previously responded to in the Preamble to the Final Rule of Subpart V, 44 FR 8562-8566 (1979). The ERA concluded that the proposed Consent Order should be finalized. 45 FR 34045 (1980).

Pursuant to the Consent Order, TXO refunded the sum of $4,200,000 by certified check made payable to the United States Department of Energy on June 18, 1980. This sum has been placed into a suitable account pending determination of its proper distribution.

The following persons submitted claims to the ERA: Conoco, Inc., The Coastal Corporation, Koch Oil Company, Mobil Oil Corporation.

Action taken: The ERA is unable readily to identify the persons entitled to receive the $4,200,000 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on January 7, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 9th day of January 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-1501 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board.

Date and time: Thursday, February 5, 1981—9:00 a.m.-5:00 p.m. Friday, February 6, 1981—9:00 a.m.-5:00 p.m.

Place: Department of Energy 1000 Independence Avenue, SW, Forrestal Building—Room 4A104 Washington, D.C. 20585

Contact: Georgia Hildreth Director, Advisory Committee Management Department of Energy Forrestal Building—Room 8G087 1000 Independence Avenue, SW, Washington, D.C. 20585 Telephone: 202-252-5187.

Purpose of the Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of Energy R&D Priorities
- Progress Report of Biomass Panel
- Consideration of Direct Heat Subpanel Draft Report
- Consideration of Advanced Conservation Technologies Subpanel Draft Report
- DOE Budget Review
- Discussion of Terms of Reference for GRI Study Group
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on January 12, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-1265 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 8, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PRCD	PURCHASER
TEXAS RAILROAD COMMISSION						
-A R ARCHER JR			RECEIVED: 12/08/80 JA: TX			
8108344	25321	4223500000 108	AIKEN #1 06063	SIXTY-SEVEN (CANYON)	6.0	CPA INC
8108345	25322	4223500000 108	AIKEN #2 06063	SIXTY-SEVEN (CANYON)	5.0	CPA INC
-ABERCROMBIE J S MINERAL CO INC			RECEIVED: 12/08/80 JA: TX			
8107937	17552	4240931332 103	A E NELSON #4L ID NO 85833	TRIPLE A FIELD	400.0	UNITED GAS PIPELINE
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 12/08/80 JA: TX			
8108353	25355	4216730759 103	MACO STEWART UNIT WELL NO 1	LEAGUE CITY (11800) PROP	150.0	
-AMOCO PRODUCTION CO			RECEIVED: 12/08/80 JA: TX			
8108116	23357	4218930141 103	ANTON IRISH CLEARFORK UNIT #362	ANTON IRISH	15.3	PIONEER NATURAL GAS
8108117	23358	4227930063 103	ANTON IRISH CLEARFORK UNIT #383	ANTON IRISH	2.2	PIONEER NATURAL GAS
8108118	23359	4227930058 103	ANTON IRISH CLEARFORK UNIT #387	ANTON IRISH	20.8	PIONEER NATURAL GAS
8107977	19775	4235730926 103	AUSTIN UNIT WELL #2	LIPS WEST CLEVELAND	256.0	NORTHERN NATURAL GAS
8108124	23477	4213533000 103	B H BLAKENEY A #2	COWDEN NORTH	1.8	PIONEER NATURAL GAS
8108154	23896	4207931130 103	C S DEAN C #21	SLAUGHTER	4.0	AMOCO PRODUCTION CO
8108155	23898	4200300000 103	DAVID FASKEN /H/ #3	FASKEN/WOLFCAMP NORTH/	40.9	PIONEER NATURAL GAS
8108369	25413	4237132346 103	FRANK A PERRY #5	BLOCK A-2 (ELLENBURGER)	29.0	W WILSON CORP
8108057	22738	4235531454 103	G H MCCANN #36-C	ARNOLD-DAVID (CHAPMAN)	115.0	VALLEY GAS TRANSMISS
8108133	23537	4220330697 102	J PHILLIP THOMPSON GAS UNIT #1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELINE
8108223	24668	4243532195 103	MORRISS BROTHERS/C/#3	WHITEHEAD/STRAWN/	54.7	LONE STAR GAS CO
8107971	19399	4213533044 103	NORTH COWDEN UNIT #1058	COWDEN NORTH	1.0	PIONEER NATURAL GAS
8107968	19281	4213533259 103	NORTH COWDEN UNIT #1075	COWDEN NORTH	10.6	PIONEER NATURAL GAS
8107974	19545	4213533260 103	NORTH COWDEN UNIT #1076	COWDEN NORTH	4.6	PIONEER NATURAL GAS
8107969	19282	4218533261 103	NORTH COWDEN UNIT #1077	COWDEN NORTH	6.1	PIONEER NATURAL GAS
8107966	19279	4213533257 103	NORTH COWDEN UNIT #955	COWDEN NORTH	5.4	PIONEER NATURAL GAS
8107967	19280	4213533258 103	NORTH COWDEN UNIT #956	COWDEN NORTH	15.7	PIONEER NATURAL GAS
8108123	23473	4220330698 102	PATTERSON-HERRIN GAS UNIT WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPE LINE
8108140	23683	4229732042 103	PEARL HARRIS /B/ #4	HARRIS-(WILCOX-LULING)	365.0	TRANSCONTINENTAL GAS
-ANDERSON PETROLEUM INC			RECEIVED: 12/08/80 JA: TX			
8108028	22022	4210532509 103	L B COX JR B #1-10	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE CO
-ARCO OIL AND GAS COMPANY			RECEIVED: 12/08/80 JA: TX			
8108027	21976	4210332185 103	BARNSLEY UNIT WELL #40	SAN HILLS (TURB)	5.7	WARREN PETROLEUM CO
8108370	25415	4200332267 103	EMMA COWDEN #82	EMMA	5.0	EL PASO NATURAL GAS
8108026	21928	4213133986 103	J R FOSTER #60	HAGIST RANCH (7501)	77.0	NATURAL GAS PIPELINE
8108290	25133	4221531019 103	SWALLOW GAS UNIT WELL #9-LT	DONNA (7730) PROPOSED	190.0	TENNESSEE GAS PIPELI
8108291	25134	4221531019 103	SWALLOW GAS UNIT WELL #9-UT	DONNA (7500)	365.0	TENNESSEE GAS PIPELI
8107956	18584	4213505417 108	TXL E WELL #1	TXL NORTH (WADDELL)	5.0	SHELL OIL CO
8108008	21015	4241306628 108	V J & J D POWELL TR B WELL #4	TILLERY	5.5	ARCO OIL & GAS CO
8108007	21014	4241300624 108	V J & J D POWELL TR B WELL #6	TILLERY	12.1	ARCO OIL & GAS CO
*8108094	23176	4250131780 103	WEST BRAHANEY UNIT #68-X	BRAHANEY	1.8	SHELL OIL CO
-ARKLA EXPLORATION COMPANY			RECEIVED: 12/08/80 JA: TX			
8108004	20828	4221131065 103	PRATER #1-10	BUFFALO WALLOW (GRANITE	150.0	ARKANSAS LOUISIANA G

JD NO	JA NO	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-ATAPCO				RECEIVED: 12/08/80 JA: TX			
8108025	21850	4247532019	103	F H SCOTT #4	SCOTT (DELAWARE)	40.0	TRANSWESTERN PIPELIN
-BASIN OPERATING CO LTD				RECEIVED: 12/08/80 JA: TX			
8107973	19471	4234730436	102	TOM JACK LUCAS NO 1	DOUGLASS (COTTON VALLEY)	0.0	TEXAS UTILITIES FUEL
-BASS ENTERPRISES PRODUCTION CO				RECEIVED: 12/08/80 JA: TX			
*8108126	23515	4249531162	103	EMPIRE-WALTON #7	KEYSTONE (COLBY)	21.9	TRANSWESTERN PIPELIN
-BEN HOGAN				RECEIVED: 12/08/80 JA: TX			
8108156	23910	4209330681	103	HEATHINGTON #1	MITTIE (MARBLE FALLS)	180.0	
-BLOCKER EXPLORATION CO				RECEIVED: 12/08/80 JA: TX			
8108079	23039	4229330455	102	C C WHITE UNIT NO 1	SOUTH THORNTON (COTTON V	7756.0	
-BONANZA PETROLEUM INC				RECEIVED: 12/08/80 JA: TX			
8108250	24953	4246931499	103	GISLER B #1	DREYER (YEGUA 5200)	100.0	HOUSTON PIPELINE CO
-C B HAZEL				RECEIVED: 12/08/80 JA: TX			
8107896	14293	4213300000	102	VERNON HUMPHREYS NO 1 (71452)	DEAD HORSE CREEK (RANGER	24.0	WEST CEN-TEX GAS CO
-C L GAGE JR				RECEIVED: 12/08/80 JA: TX			
8107981	20047	4249731530	103	LAURA WARREN NO 1	BOONSVILLE (BEND CONGL)	146.0	NATURAL GAS PIPELINE
-C L TYRA				RECEIVED: 12/08/80 JA: TX			
8108244	24912	4213332119	103	SMITH NO 1 (87986)	LEE RAY (DUFFER LIME)	303.0	LONE STAR GAS CO
-CABOT CORPORATION				RECEIVED: 12/08/80 JA: TX			
8108257	24980	4206530793	103	WARE R C ET AL #63	PANHANDLE CARSON COUNTY	18.0	NORTHERN NATURAL GAS
-CADDO OIL CO				RECEIVED: 12/08/80 JA: TX			
8107954	19107	4205100000	103	COFFIELD B-7A A NO 1	WILDCAT FIELD	20.0	FERGUSON CROSSING PI
8107960	19108	4205100000	103	COFFIELD B-7A A NO 2	NOACK COWHERD NE (3400)	2.0	FERGUSON CROSSING PI
8107961	19113	4205100000	103	COFFIELD M-1C A NO 1	JORDAN (NAVARRO B) FIELD	61.0	FERGUSON CROSSING PI
8107964	19196	4205100000	103	MABEL C ROBINSON NO 1	MILBUR EAST (3110)	10.0	FERGUSON CROSSING PI
8107962	19180	4205100000	103	MARY MURR NO 1	CHAMBERS (NAVARRO)	0.3	FERGUSON CROSSING PI
8107963	19182	4205100000	103	R G LUNSFORD NO 1	WILDCAT FIELD	20.0	FERGUSON CROSSING PI
8107965	19202	4205100000	103	ROCKDALE STATE BK A NO 1	MILBUR (NAVARRO) FIELD	55.0	FERGUSON CROSSING PI
-CAMBRIDGE G NAIL				RECEIVED: 12/08/80 JA: TX			
8108090	23129	4239300000	103	HILL NO 1-C WELL	PARSELL (MORROW LOWER)	365.0	TRANSWESTERN PIPELIN
-CANYON OPERATING UNIT				RECEIVED: 12/08/80 JA: TX			
*8108301	25156	4241330886	103	CASE NO 3	VELREX (HENDERSON UPPER)	30.0	CRA INC
-CARTER ENERGY CORP				RECEIVED: 12/08/80 JA: TX			
8108297	25147	4223732866	103	ARMSTRONG #1	BRYSON EAST (CADDO)	0.0	TEXAS UTILITIES FUEL
8108051	22644	4249731613	103	C R GAMBLE ET AL NO 1	WILDCAT	160.0	TEXAS UTILITIES FUEL
-CENTURA INCORPORATED				RECEIVED: 12/08/80 JA: TX			
8108005	20886	4213100000	102	J F WELDER HEIRS 1-71	LOMA NOVIA NE (WILCOX 84	0.0	TENNESSEE GAS PIPELI
8107895	12210	4212700000	103	MCLEAN BOWMAN C #4	GOOD LUCK (SAN MIGUEL)	20.0	ESPERANZA TRANSMISSI
-CHALMERS OPERATING CO INC				RECEIVED: 12/08/80 JA: TX			
8108181	24109	4244131477	103	G E SWINSON 38 #1 15800	JOCELYN-VARN (FRY UPPER)	60.0	UNION TEXAS PETROLEU
8108180	24108	4205932528	103	JACKSON ESTATE 21 #1 RRC # 15842	CALLAHAN COUNTY REGULAR	60.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
8108161	23953	4214930383	103	BESS HART #1	GIDDINGS (AUSTIN CHALK)	109.0	PHILLIPS PETROLEUM C
8108163	23959	4228730540	103	GARWOOD GERDES D #1	GIDDINGS (AUSTIN CHALK)	20.0	CLAJON GAS CO
8108160	23951	4214930374	103	GUSSIE R HART #1	GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEUM C
8108164	23960	4214930333	103	M ZOCK #1	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEUM C
8108130	23520	4228730530	103	SHANNON SHIPMAN #1	GIDDINGS (AUSTIN CHALK)	180.0	CLAJON GAS CO
8108131	23522	4205130559	103	STEGMUELLER #3	GIDDINGS (AUSTIN CHALK)	720.0	CLAJON GAS CO
8108162	23954	4214930489	103	WILLIE LEHMAN UNIT #1	GIDDINGS (AUSTIN CHALK)	36.0	PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/08/80 JA: TX			
8108055	22713	4245130586	103	A H DUFF ESTATE NO 6	DOVE CREEK (CANYON D)	91.0	NORTHERN NATURAL GAS
8108137	23619	4245130610	103	A H DUFF ESTATE NO 7	DOVE CREEK (CANYON D)	91.0	NORTHERN NATURAL GAS

81.8122	23433	4236530930	103	CARTHAGE GAS UNIT B WELL #3	CARTHAGE (COTTON VALLEY)	256.0	TENNESSEE GAS PIPELI
8108121	23430	4243130849	103	I W TERRY NO 3	CONGER S W (PENN)	60.0	NORTHERN NATURAL GAS
8108300	25152	4246931589	103	MCFADDIN A NO 14	KAY CREEK (5100) 498	492.8	CHANNEL INDUSTRIES G
8107885	07067	4235531294	102	WARDNER G P #136 77622	STRATTON (M-24)	361.0	TENNESSEE GAS PIPELI
8107885	07067	4235531294	103	WARDNER G P #136 77622	STRATTON (M-24)	361.0	TENNESSEE GAS PIPELI
-CHARLES L WALKER				RECEIVED: 12/08/80 JA: TX			
*8108206	24275	4200332254	102	FISHER 3 #3	BLOCK A-34 (SAN ANDRES)	54.0	PHILLIPS PETROLEUM C
*8108207	24260	4200332255	102	FISHER 8 #2	BLOCK A-34 (SAN ANDRES)	30.6	PHILLIPS PETROLEUM C
-CHARLES T CRABTREE				RECEIVED: 12/08/80 JA: TX			
8107910	15976	4217900000	108	T B HAGGARD LEASE - WELL #1	PANHANDLE	8.4	PHILLIPS PETROLEUM C
8107911	15984	4217900000	108	T B HAGGARD LEASE - WELL #11	PANHANDLE	7.4	PHILLIPS PETROLEUM C
8107916	15985	4217900000	108	T B HAGGARD LEASE - WELL #12	PANHANDLE	8.4	PHILLIPS PETROLEUM C
8107919	15986	4217900000	108	T B HAGGARD LEASE - WELL #13	PANHANDLE	8.1	PHILLIPS PETROLEUM C
8107920	15987	4217900000	108	T B HAGGARD LEASE - WELL #14	PANHANDLE	9.5	PHILLIPS PETROLEUM C
8107911	15977	4217900000	108	T B HAGGARD LEASE - WELL #2	PANHANDLE	8.0	PHILLIPS PETROLEUM C
8107912	15978	4217900000	108	T B HAGGARD LEASE - WELL #4	PANHANDLE	8.4	PHILLIPS PETROLEUM C
8107913	15930	4217900000	108	T B HAGGARD LEASE - WELL #6	PANHANDLE	7.7	PHILLIPS PETROLEUM C
8107914	15981	4217900000	108	T B HAGGARD LEASE - WELL #7	PANHANDLE	7.7	PHILLIPS PETROLEUM C
8107915	15982	4217900000	108	T B HAGGARD LEASE - WELL #8	PANHANDLE	9.5	PHILLIPS PETROLEUM C
8107916	15983	4217900000	108	T B HAGGARD LEASE - WELL #9	PANHANDLE	6.9	PHILLIPS PETROLEUM C
-CIG EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
8107936	17477	4248330511	107	E T DAVIS 1-65		253.0	COLORADO INTERSTATE
-CIRCLE SEVEN PRODUCTION CO				RECEIVED: 12/08/80 JA: TX			
8108365	25394	4223700000	103	C MCCLURE NO 1 WELL ID #81642	RIGGS (CONGLOMERATE)	0.0	LONE STAR GAS CO
8108360	25387	4223700000	103	CAMPBELL-WOOD NO 2 WELL ID #86279	NEWPORT SOUTH (ATOKA CON	0.0	CITIES SERVICE GAS C
8108361	25390	4223700000	103	J ZUBER-ENGLERT NO 1 WELL ID #85868	NEWPORT S (ATOKA CONGL)	0.0	LONE STAR GAS CO
8108362	25391	4223700000	103	KIT GUNTER NO 1 WELL ID #81747	RIGGS (CONGLOMERATE)	0.0	LONE STAR GAS CO
8108364	25393	4236700000	103	MARY MARTIN NO 1 WELL ID #81712	RENO CONGLOMERATE	0.0	LONE STAR GAS CO
8108363	25392	4223700000	103	R LONG ET AL NO 3 WELL ID #77038	MARINA-MAG (CONGLOMERATE	0.0	SOUTHWESTERN GAS PIP
8108367	25398	4223700000	103	ROY LONG ET AL NO 2 WELL ID #76634	MARINA-MAG (CONGLOMERATE	0.0	SOUTHWESTERN GAS PIP
8108366	25396	4223700000	103	WALLIS-SOLOMON NO 1 WELL ID #86082	CUNDIFF NORTH (5700)	0.0	SOUTHWESTERN GAS PIP
-COLA PETROLEUM INC				RECEIVED: 12/08/80 JA: TX			
*8108422	25204	4238331490	103	CHILDRESS #1	CALVIN (DEAN)	18.0	UNION TEXAS PETROLEU
*8108184	24128	4238331422	103	VON #1	CALVIN (DEAN)	18.7	UNION TEXAS PETROLEU
8108185	24129	4238331505	103	WOOTEN #1	CALVIN (DEAN)	19.0	UNION TEXAS PETROLEU
-COLORADO INTERSTATE GAS CO				RECEIVED: 12/08/80 JA: TX			
8107963	20147	4237330661	108	MASTERSON 104R	WEST PANHANDLE (RED CAVE	18.6	COLORADO INTERSTATE
-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED: 12/08/80 JA: TX			
8108190	24190	4205130669	102	SCOTT TYSON NO 3	GIDDINGS (AUSTIN CHALK)	474.0	FERGUSON CROSSING PI
-CONOCO INC				RECEIVED: 12/08/80 JA: TX			
8108104	23268	4207900000	108	CONOCO DEAN UNIT #15 ID #60106	SLAUGHTER	0.4	AMOCO PRODUCTION CO
8108101	23279	4207900000	108	CONOCO DEAN UNIT #58 ID #60106	SLAUGHTER	1.5	AMOCO PRODUCTION CO
8107943	17689	4213300000	108	E COWDEN GRAYBURG UNIT #55 ID #229*	NORTH COWDEN	0.3	AMOCO PROD CO
8107935	16869	4213533186	103	EAST COWDEN (GRAYBURG) UNIT #57 ID*	NORTH COWDEN	15.7	AMOCO PRODUCTION CO
8108032	22088	4210900000	108	FORD GERALDINE UNIT #261 ID #21021	GERALDINE FORD	0.2	EL PASO NATURAL GAS
8107955	18539	4238900000	108	FORD GERALDINE UNIT #65 ID #21021	GERALDINE FORD	2.7	EL PASO NATURAL GASO
8108096	23251	4231731242	108	GRISHAM & GREEMAN #30 ID #22261	SPRABERRY / TREND AREA	0.1	ADOBE OIL CO
8108108	23292	4222730091	108	H R CLAY E #44 ID #02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEUM C
8108106	23290	4231731015	108	HOWARD ALEXANDER #1 ID #22905	LACAFF	9.1	ALPINE OIL CO
8108016	21551	4200332182	103	J W BONER B #31 ID #01664	FUHRMAN-MASCHO	25.2	PHILLIPS PETROLEUM C
8108120	23424	4200332259	103	J W BONER B #35 ID #01664	FUHRMAN-MASCHO	7.3	PHILLIPS PETROLEUM C
8108105	23289	4215100000	108	ROUND TOP PALO PINTO UNIT #30 ID #*	ROUND TOP	0.6	LONE STAR GAS CO

JD NO	JA NO	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8106132	23525	4200730631	103	ST CHARLES CO NO 66 87952	BLACKJACK (J 9400)	0.7	HOUSTON PIPE LINE CO
8107957	18852	4203300000	103	T J GOOD 36 #6	GOOD	70.0	GETTY OIL CO
8106107	23291	4200332215	103	W H BONER A #27 ID #01663	FUHRMAN-MASCHO	38.3	PHILLIPS PETROLEUM C
8106099	23252	4216500000	108	W H MOORE 46 #12 ID #11641	WASSON	1.0	SHELL OIL CO
8107980	20024	4200300000	108	W T FORD #17 ID #01630	FUHRMAN-MASCHO	1.0	PHILLIPS PETROLEUM C
8106100	23253	4216500000	108	WASSON 49 #14 ID #07712	WASSON	5.2	SHELL OIL CO
8107954	18540	4243300000	108	WEST FLOWERS UNIT #11 ID #11787	FLOWERS WEST	0.5	CITIES SERVICE OIL C
8107952	18535	4243300000	108	WEST FLOWERS UNIT #9 ID #11787	FLOWERS WEST	0.3	CITIES SERVICE OIL C
8106109	23295	4213500000	108	WIGHT UNIT #3 ID #20661	COWDEN NORTH	1.7	AMOCO PRODUCTION CO
8107972	19400	4218530229	102	WILLIAM GARDNER NO 1 12613	WHITEHALL (WILCOX)	146.0	LONE STAR GAS CO
-COQUINA OIL CORPORATION				RECEIVED: 12/08/80 JA: TX			
8108018	21701	4244300000	102	BARBEE #1	SHEFFIELD S E (DEVONIAN)	365.0	INTRATEX GAS CO
-CORNELL OIL CO				RECEIVED: 12/08/80 JA: TX			
*8106056	22736	4250100000	103	CORNELL UNIT NO 3036	WASSON FIELD/SAN ANDRES	30.0	SHELL OIL CO ET AL
-D & J OPERATING INC				RECEIVED: 12/08/80 JA: TX			
8107905	15221	4239900000	103	CLYDE ROACH WELL #2	WILDCAT	54.8	UNION TEXAS PETROLEU
-DALLAS PRODUCTION INC				RECEIVED: 12/08/80 JA: TX			
8108253	24965	4220330274	103	E SCOTTSVILLE GAS UNIT #2 WELL 1	SCOTTSVILLE E (PETTIT UP	117.0	DELHI GAS PIPELINE C
8108247	24928	4236731709	103	FOSTER ESTATE NO 1	MUIR (STRAWN 4400)	840.0	SOUTHWESTERN GAS PIP
8108240	24874	4236731644	103	SCOTT B NO 1	WEATHERFORD SW (STRAWN)	620.0	SOUTHWESTERN GAS PIP
-DELHI OIL CORP & NRM				RECEIVED: 12/08/80 JA: TX			
8108127	23510	4217130534	102	HOSKINS NO 1	PEACH CREEK (AUSTIN CHAL	3.6	TIPPERARY CORP
8108174	24066	4217730555	102	JOHNSON NO 1	PEACH CREEK (AUSTIN GAS)	730.0	TIPPERARY CORP
8106126	23509	4217130546	102	SPENCER UNIT NO 1	PEACH CREEK (BUDA)	3.6	TIPPERARY CORP
-DELTA DRILLING CO				RECEIVED: 12/08/80 JA: TX			
8106156	23934	4241300000	103	JACKSON #4	ELDORADO (CANYON)	48.0	NORTHERN NATURAL GAS
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 12/08/80 JA: TX			
8107949	18048	4236731527	103	ETHEL REYNOLDS NO 1	DICEY	240.0	
8108030	22047	4239330747	103	FRANK CHAMBERS C NO 6	MENDOTA NW	160.0	
8108002	20826	4223300000	108	INEZ ROLLETTE NO 3	TWIN	4.0	NORTHERN NATURAL GAS
8108003	20827	4223300000	108	INEZ ROLLETTE NO 5	TWIN	4.0	NORTHERN NATURAL GAS
8108029	22025	4239330769	103	MAHLER NO 1	MENDOTA NW	46.0	
8107999	20822	4235700000	108	MCGARRAUGH-EDWARDS H NO 2-135	HORIZON	0.0	NATURAL GAS PIPELINE
8108000	20823	4223300000	108	MONUTT B NO 1	PANHANDLE	5.0	NORTHERN NATURAL GAS
8108001	20824	4223300000	108	NORA GROVES NO 4	PANHANDLE	3.0	NORTHERN NATURAL GAS
8107998	20821	4235700000	108	W A ELLEDGE NO 1	TWIN	1.0	NORTHERN NATURAL GAS
8107997	20820	4235700000	108	W A ELLEDGE NO 2	TWIN	1.0	NORTHERN NATURAL GAS
8108149	23827	4221100000	103	WALTER S KILLEBREW NO 2-119	CANADIAN S E	319.0	
-DISCOVERY OPERATING INC				RECEIVED: 12/08/80 JA: TX			
8106177	24096	4241330880	102	LIN B #1	W O D (CANYON)	234.0	CRA INC
*8106186	24131	4241330880	103	LIN B #1	W O D (CANYON)	234.0	CRA INC
-DORCHESTER EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
8108238	24610	4243130844	103	REYNOLDS 2 NO 1 RRC ID #25903	CONGER (PENN)	73.0	VALERO TRANSMISSION
8108239	24611	4243130846	103	TERRY 18 NO 3 RRC ID #87510	CONGER (PENN)	138.0	ESPERANZA PIPELINE C
-DORCHESTER GAS PRODUCING CO				RECEIVED: 12/08/80 JA: TX			
8106009	21093	4206500000	108	R S MCCONNELL NO 7 (24370)	PANHANDLE WEST	11.0	NORTHERN NATURAL GAS
-DYNE OIL & GAS INC				RECEIVED: 12/08/80 JA: TX			
8106141	23685	4206500000	103	BURNETT WELL NO 3 #04464	PANHANDLE CARSON COUNTY	0.0	PHILLIPS PETROLEUM C
8107907	15555	4223330679	103	SAMUEL #1	PANHANDLE-HUTCHINSON COU	0.0	PHILLIPS PETROLEUM C
8106142	23686	4206500000	103	SAMUEL A NO 1 WELL	PANHANDLE CARSON COUNTY	0.0	PHILLIPS PETROLEUM C
-ENERGY RESERVES GROUP INC				RECEIVED: 12/08/80 JA: TX			
8106081	23045	4242700000	108	GROOS NATIONAL BANK #4	GREGG WOOD	17.0	VALERO INTERSTATE TR

J	JA DIST	API NO	SEC	J WELL NAME	FIELD NAME	PROD	PURCHASER
8106019	21706	4227330525	102	STATE TRACT 172 #1	S E PITA ISLAND FIELD	178.0	NATURAL GAS PIPELINE
-ENRICH OIL CORPORATION				RECEIVED: 12/08/80 JA: TX			
8106192	24219	4235330842	102	DOUBLE M RANCH #1-82 ID-15956	DOUBLE M RANCH (COOK SD)	28.0	SUN OIL COMPANY-OKLA
8108194	24216	4235330843	102	DOUBLE M RANCH-F&W #1-83 ID-15877	DOUBLE M RANCH (COOK SD)	91.0	SUN OIL CO
8108193	24216	4242931913	102	TRAMMELL-SWANSON #1 ID15395	JIM KERN SE (CONGL)	13.0	GREAT WESTERN GAS CO
-ENSERCH EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
8106267	25013	4249731791	103	O C GARGIS NO 2	BOONSVILLE (BCG)	77.0	LONE STAR GAS CO
8106143	23811	4249700000	103	E E NORTON NO 4	BOONSVILLE	228.0	LONE STAR GAS CO
8106304	25159	4221330241	103	J W TULLOS A NO 2X-T	OPELIKA	1049.0	LONE STAR GAS CO
8108274	25076	4213730231	108	W L MIERS B NO 13	SAWYER	22.0	LONE STAR GAS CO
8108280	25080	4213730230	108	W L MIERS B NO 15	SAWYER	3.0	LONE STAR GAS CO
8108277	25075	4213730283	108	W L MIERS B NO 26	SAWYER	1.0	LONE STAR GAS CO
8108274	25072	4213730279	108	W L MIERS C NO 12	SAWYER	2.0	LONE STAR GAS CO
8108272	25070	4213730255	108	W L MIERS C NO 14	SAWYER	18.0	LONE STAR GAS CO
8108278	25077	4213730244	108	W L MIERS C NO 7	SAWYER	20.0	LONE STAR GAS CO
8108273	25071	4213730267	108	W L MIERS C NO 9	SAWYER	16.0	LONE STAR GAS CO
8108275	25073	4213730247	108	WALLACE 23 NO 2	SAWYER	11.5	LONE STAR GAS CO
8108276	25074	4213730271	108	WALLACE 39 NO 1	SAWYER	9.0	LONE STAR GAS CO
8108271	25069	4213730249	108	WALLACE 68 NO 1	SAWYER	17.0	LONE STAR GAS CO
-ERGON ENERGY CORP				RECEIVED: 12/08/80 JA: TX			
8108040	22393	4235730960	103	SWINK #1	FARNSWORTH-CONNER (DES M	9.8	PHILLIPS PETROLEUM C
-ERSO INC				RECEIVED: 12/08/80 JA: TX			
8108343	25312	4236500000	103	CARTHAGE UNIT WELL #32	CARTHAGE (COTTON VALLEY)	365.0	TENNESSEE GAS PIPELI
-ESENJAY PETROLEUM CORP				RECEIVED: 12/08/80 JA: TX			
8106076	23019	4212331044	103	HOTZ-RANGNOW NO 1	HYNES (WILCOX 8100)	183.0	VALERO TRANSMISSION
-EXXON CORPORATION				RECEIVED: 12/08/80 JA: TX			
8108268	25048	4204730793	103	AMADO TRAD 8-2-O	SCOTT & HOPPER (6300 C)	110.0	TENNESSEE GAS PIPELI
8108046	22573	4215731012	103	C C NELSON #24	SUGARLAND	30.0	UNITED TEXAS TRANSMI
8106199	24242	4226130500	102	C M ARMSTRONG 54-D (87658)	CANDELARIA (J-47 EAST)	500.0	NATURAL GAS PIPELINE
8106216	24453	4226130539	103	C M ARMSTRONG 59-F (87823)	CANDELARIA (G-77)	435.0	NATURAL GAS PIPELINE
8108252	25354	4222732006	103	DOUTHIT UNIT #710	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8106202	24254	4200332233	103	FULLERTON CLEARFORK UNIT #1025	FULLERTON	123.0	PHILLIPS PETROLEUM C
*8108242	24877	4200332250	103	FULLERTON CLEARFORK UNIT #1619	FULLERTON	27.0	PHILLIPS PETROLEUM C
*8108243	24878	4200332257	103	FULLERTON CLEARFORK UNIT #1827	FULLERTON	15.0	PHILLIPS PETROLEUM C
*8108252	24963	4200332247	103	FULLERTON CLEARFORK UNIT #2043	FULLERTON	14.0	PHILLIPS PETROLEUM C
8108203	24255	4200332192	103	FULLERTON CLEARFORK UNIT #4219	FULLERTON	23.0	PHILLIPS PETROLEUM C
*8108241	24876	4200332213	103	FULLERTON CLEARFORK UNIT #4317	FULLERTON	24.0	PHILLIPS PETROLEUM C
*8108317	25186	4200332234	103	FULLERTON CLEARFORK UNIT #925	FULLERTON	36.0	PHILLIPS PETROLEUM C
8108065	23079	4224521366	103	INDUSTRIAL INVESTMENT CO A/C 4 #13	AMELIA (FRIO 6)	1.5	HOUSTON PIPELINE
8108134	23565	4210332147	103	J B TUBB A/C 1 #206U	SAND HILLS (MCKNIGHT)	106.0	EL PASO NATURAL GAS
8108213	24442	4210332242	103	J B TUBB A/C 1 #217L	SAND HILLS (TUBB)	219.0	EL PASO NATURAL GAS
8108214	24444	4210332243	103	J B TUBB A/C 2 #218	SANDHILLS (MCKNIGHT)	40.0	EL PASO NATURAL GAS
8108254	24969	4210332258	103	J B TUBB A/C 2 #219	SAND HILLS (MCKNIGHT)	5.0	EL PASO NATURAL GAS
8107909	15773	4210300000	108	J B TUBB B #3	SAND HILLS (MCKNIGHT)	6.0	EL PASO NATURAL GAS
8108316	25187	4210332235	103	J B TUBB F #18 L	SAND HILLS (TUBB)	35.0	EL PASO NATURAL GAS
8108251	24962	4210332235	103	J B TUBB F #18U	SAND HILLS (MCKNIGHT)	73.0	EL PASO NATURAL GAS
8108198	24237	4226130426	102	J G KENEDY JR C-14 (87122)	MIFFLIN (H-58)	180.0	NATURAL GAS PIPELINE
8108206	25012	4234931063	103	J L GRANTHAM GAS UNIT 1 #1	ROUNDHOUSE (TRAVIS PEAK)	730.0	TEXAS UTILITIES FUEL
8108212	24377	4242731327	102	L M GUERRA 7-T (09561)	KELSEY SOUTH (GUERRA B)	18.0	TRUNKLINE GAS CO
8108210	24329	4242731353	102	MCGILL BROS 459 (09553)	KELSEY SOUTH (22-G)	82.0	TRUNKLINE GAS CO
8108200	24243	4226130537	102	MIFFLIN GAS UNIT 2 WELL 2 (87378)	MIFFLIN (I-30)	1100.0	NATURAL GAS PIPELINE
8108264	25009	4229530785	103	OLA O PIPER #7	BRADFORD (CLEVELAND)	34.0	TRANSWESTERN PIPELIN

J... #	JA DIST	API NO	SEC U	WELL NAME	FIELD NAME	PROD	PURCHASER
8108050	22606	4223531423	103	PEARL WILLIAMS B #9	DOVE CREEK SOUTH (6500)	65.0	NORTHERN NATURAL GAS
8108066	22695	4216130432	103	REED GAS UNIT 4 #2	REED (HAYNESVILLE)	1488.6	LONE STAR GAS CO
8108203	24253	4216531757	103	ROBERTSON (CLEARFORK) UNIT #3602	ROBERTSON N (CLFK 7100)	5.0	PHILLIPS PETROLEUM C
8108204	24257	4216531759	103	ROBERTSON (CLEARFORK) UNIT #3650	ROBERTSON N (CLFK 7100)	5.0	PHILLIPS PETROLEUM C
8108206	24254	4216531754	103	ROBERTSON (CLEARFORK) UNIT #63	ROBERTSON N (CLFK 7100)	20.0	PHILLIPS PETROLEUM C
8108262	25007	4248930604	103	S H BELL B 5-D (87442)	WILLAMAR (GRABEN 5100)	730.0	NATURAL GAS PIPELINE
8108201	24246	4226130511	102	SARITA FIELD OIL & GAS UNIT 149-D *	SARITA (19-H)	876.0	NATURAL GAS PIPELINE
8108014	21447	4234730441	103	TRAWICK GAS UNIT 11 #2L	TRAWICK (TRAVIS PEAK)	500.0	
8108044	22515	4213133365	103	V KOHLER A-122F #86974	VIGGO (YEGUA 9)	1180.0	TENNESSEE GAS PIPELI
-FOREST OIL CORPURATION				RECEIVED: 12/08/80 JA: TX			
8108045	22537	4247932485	102	CRISTINA G VILLARREAL GAS UNIT #1	PROPOSED N OILTON DEEP	130.0	VALERO TRANSMISSION
-FRANK CASS				RECEIVED: 12/08/80 JA: TX			
8108245	24926	4238331443	103	WEDDELL 20 RRC NO 08358	SPRABERRY (TREND AREA)	358.5	EL PASO NATURAL GAS
8108246	24927	4238331442	103	WEDDELL 4 RRC NO 08359	SPRABERRY (TREND AREA)	339.0	EL PASO NATURAL GAS
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED: 12/08/80 JA: TX			
8108031	22073	4208130884	103	TURNER PROPERTIES REED NO 1	JAMESON (STRAWN)	73.0	SUN GAS CO
-GAS DEVELOPMENT CORP				RECEIVED: 12/08/80 JA: TX			
8108282	25083	4241330708	108	EMMONS 82 WELL NO 1	ELDORADO SOUTH (CANYON)	10.5	NORTHERN NATURAL GAS
8108281	25082	4241300000	108	WILLIAMS-SHELL 81 WELL NO 1	ELDORADO SOUTH (CANYON)	11.2	NORTHERN NATURAL GAS
-GAS PRODUCING ENTERPRISES INC				RECEIVED: 12/08/80 JA: TX			
8108077	23018	4237530672	103	MASTERSON 83-13RO	PANHANDLE RED CAVE	15.0	COLORADO INTERSTATE
8108071	22948	4237530700	103	MASTERSON 83-41RO	PANHANDLE RED CAVE	18.0	COLORADO INTERSTATE
-GETTY OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
8108171	24056	4236500000	103	A E CARROLL #2	CARTHAGE (COTTON VALLEY)	420.0	DELHI GAS PIPELINE C
8108313	25170	4223330757	103	HERRING A TRACT 2 #93	PANHANDLE HUTCHINSON	10.2	PANHANDLE EASTERN PL
8108312	25166	4223330808	103	HERRING A TRACT 2 #95	PANHANDLE HUTCHINSON	40.1	PANHANDLE EASTERN P
8108311	25167	4223330804	103	HERRING A TRACT 2 #96	PANHANDLE HUTCHINSON	31.4	PANHANDLE EASTERN P
8108310	25166	4223330850	103	HERRING A TRACT 2 #97	PANHANDLE HUTCHINSON	18.6	PANHANDLE EASTERN PL
8108221	24657	4210332254	103	NORTH MCELROY UNIT WELL NO 2762	MCELROY	21.0	PHILLIPS PETROLEUM C
8108248	24943	4210332277	103	NORTH MCELROY UNIT WELL NO 3406	MCELROY	40.0	PHILLIPS PETROLEUM C
8108302	25157	4210332276	103	NORTH MCELROY UNIT WELL NO 3414	MCELROY	14.0	PHILLIPS PETROLEUM C
8108173	24061	4236500000	103	POWELL A #2	CARTHAGE	585.0	DELHI GAS PIPELINE C
8107899	14547	4200700000	102	TEXAS STATE TRACT 215 NO 1	WILDCAT	186.0	
8107899	14547	4200700000	103	TEXAS STATE TRACT 215 NO 1	WILDCAT	186.0	
8108334	25255	4236530906	103	WERNER F WELL #2	CARTHAGE (COTTON VALLEY)	85.0	DELHI GAS PIPELINE C
8108172	24058	4236500000	103	WERNER-KOYLE #3	CARTHAGE (COTTON VALLEY)	636.0	DELHI GAS PIPELINE C
-GRACE PETROLEUM CORPORATION				RECEIVED: 12/08/80 JA: TX			
8108139	23677	4224900000	103	SIDNEY FREEBORN NO 19	AMARGOSA (2700)	140.0	NATURAL GAS PIPELINE
-GULF COAST MINERALS CO INC				RECEIVED: 12/08/80 JA: TX			
8107902	14995	4213132957	102	RUBEN AND RENE HINOJOSA NO 1	JAM (5355)	115.2	UNITED GAS PIPELINE
-GULF OIL CORPORATION				RECEIVED: 12/08/80 JA: TX			
8108076	23011	4247932387	102	BRUNI MINERAL TRUST A NO 16	JUANITA (8850) - (PROPOS	1500.0	TENNESSEE GAS PIPELI
8108136	23568	4238931040	103	HORRY L ET AL WELL NO 10	WORSHAM (CHERRY CANYON)	39.0	TRANSWESTERN PIPELIN
8108325	25213	4247532024	103	HUTCHINGS STOCK ASSN WELL NO 1013	WARD-ESTES NORTH	40.0	CABOT CORP
8108097	23190	4238931086	103	J FROST -D- WELL NO 1	WORSHAM EAST (CHERRY CAN	0.0	TRANSWESTERN PIPELIN
8108324	25212	4249531182	103	KEYSTONE CATTLE CO WELL NO 353	KEYSTONE (COLBY)	87.0	CABOT CORP
8108039	22308	4238931061	103	LIGON S E - STATE NO 10	WORSHAM EAST (CHERRY CAN	807.0	TRANSWESTERN PIPELIN
8108075	23009	4238900000	103	LIGON SE - STATE WELL NO 3	WORSHAM-BAYER (PENN)	248.0	TRANSWESTERN PIPELIN
8107894	12476	4217900000	108	R B THOMPSON ETAL #12	PANHANDLE GRAY	5.0	GETTY OIL CO
-H L BROWN JR				RECEIVED: 12/08/80 JA: TX			
8108327	25233	4207931196	103	JACK FROST B NO 2 WELL #62830	BUCKSHOT (4950)	45.6	WARREN PETROLEUM CO
8108326	25232	4207931237	103	JACK FROST B NO 4 WELL #62830	BUCKSHOT (4950)	29.2	WARREN PETROLEUM CO

JA [illegible]	JA [illegible]	API #	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-H L HUFFMAN LTD				RECEIVED: 12/08/80 JA: TX			
81[illegible]265	25011	4210500000	108	W R BAGGET NO 1-44 (#34707)	NW OZONA (CANYON SAND)	21.2	EL PASO NATURAL GAS
-H-M OIL CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]091	23159	4248131935	103	LOU ALICE ELLIS #1-C	TWIN BASIN (6700)	400.0	TENNESSEE GAS PIPELI
-HARKEN OIL & GAS INCORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]921	16023	4210130227	102	GILBREATH UNIT #1-R	TIPPEN SW (CONGL 6900)	255.5	LONE STAR GAS CO
-HENRY PETROLEUM CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]219	24457	4231732093	103	HOLCOMB #1	TEX-HAMON (DEAN)	27.5	ADOBE OIL & GAS CORP
81[illegible]218	24456	4211531317	103	KIMBRELL #1	TEX-HAMON (DEAN)	24.5	ADOBE OIL & GAS CORP
81[illegible]217	24455	4211531316	103	KOEHLER #1	TEX-HAMON (DEAN)	26.3	ADOBE OIL & GAS CORP
-HILLIARD OIL & GAS INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]178	24101	4204730775	102	JAMES DAWSON NO 1	FLOWELLA (FRIO 8300) FIE	270.0	TENNESSEE GAS PIPELI
-HOME PETROLEUM CORPORATION				RECEIVED: 12/08/80 JA: TX			
81[illegible]366	25411	4236530718	103	DAN GUS OWENS UNIT NO 1	CARTHAGE SOUTH (TRAVIS P	33.0	UNITED GAS PIPE LINE
81[illegible]286	25131	4228730654	103	J R PORTER JR ET AL UNIT #1	GIDDINGS (AUSTIN CHALK)	223.0	CLAJON GAS CO
81[illegible]287	25130	4228730632	103	LEE IRICK #1	GIDDINGS (AUSTIN CHALK G	765.0	CLAJON GAS CO
81[illegible]289	25132	4228730592	103	MILTON E REIM #1	GIDDINGS (AUSTIN CHALK G	278.0	CLAJON GAS CO
-HOOVER & BRACKEN ENERGIES				RECEIVED: 12/08/80 JA: TX			
81[illegible]049	22575	4221131139	103	CLEVELAND #1-88	WILDCAT	100.0	NORTHERN NATURAL GAS
-HOPKINS & TATE				RECEIVED: 12/08/80 JA: TX			
81[illegible]323	25209	4240130681	103	E H PEPPER UNIT WELL NO 2	OAK HILL (COTTON VALLEY)	412.0	TEXAS EASTERN TRANSM
-HUGHES & HUGHES				RECEIVED: 12/08/80 JA: TX			
81[illegible]226	24031	4228730669	103	SLIVA #1 UNIT	GIDDINGS (AUSTIN CHALK)	180.0	CLAJON GAS CO
-HYDROCARBON ENERGIES INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]135	23566	4210332181	103	UNIVERSITY NO 1-48 WELL #25729	MCELROY	22.0	PHILLIPS PETROLEUM C
-INDEPENDENT EXPLORATION CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]119	23400	4236731678	102	STROUD #2 85317	BUCKNER (BEND)	56.0	JAMES P DUNIGAN INC
-INEXCO OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
81[illegible]089	23126	4221530987	102	C L MARTINEZ ET AL NO 1	GUADALUPE (CAVAZOS) FIEL	550.0	VALERO INTERSTATE TR
-INTEGRAL ENERGY CORP				RECEIVED: 12/08/80 JA: TX			
8107931	16773	4205700000	102	STATE TRACT 9 WELL #1-A-U	PORT LAVACA E (MARG)	0.0	
-J CLEO THOMPSON				RECEIVED: 12/08/80 JA: TX			
81[illegible]332	25244	4243500000	103	MAYER NO 3 - RRC #074317	SAWYER CANYON FIELD	101.0	NORTHERN NATURAL GAS
-J M HUBER CORPORATION				RECEIVED: 12/08/80 JA: TX			
81[illegible]020	21712	4223330339	105	MAGNOLIA HERRING NO 14 RC	WEST PANHANDLE	36.0	COLORADO INTERSTATE
-JACKIE D NELSON				RECEIVED: 12/08/80 JA: TX			
81[illegible]083	23052	4236531026	103	J H LAWLESS H-1A PER #059361	BETHANY (BLOSSOM)	54.0	UNITED GAS PIPE LINE
81[illegible]062	23049	4236531027	103	W E LAWLESS Z-1A PER #059364	BETHANY (BLOSSOM)	72.0	UNITED GAS PIPE LINE
-JOHN M CLARK				RECEIVED: 12/08/80 JA: TX			
81[illegible]976	19582	4232300000	108	BURR A 1	M F JAKE LAWLESS	2.6	VALERO TRANSMISSION
-J3 OIL CO INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]249	24948	4208903117	103	E J GRACEY #2	ROCK ISLAND N (FRIO 2765	25.0	VALERO TRANSMISSION
81[illegible]340	25306	4239131351	103	HYNES MINERAL TRUST #2	REFUGIO-FOX (6300)	0.0	UNITED GAS PIPELINE
-K L H OIL & GAS INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]222	24664	4204932298	103	WELDON LEE NO 1 (87665)	BBBCC BLK 3 (MARBLE FALL	985.5	ODESSA NATURAL CORP
-KADANE OIL CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]179	24105	4209731464	102	RAGSDALE WELL NO 1	HANDY WEST (K-3)	11.0	C C G P LIMITED
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
81[illegible]067	22881	4221131117	103	RISLEY #2-31	GRANITE WASH	750.0	PIONEER NATURAL GAS
-KBO				RECEIVED: 12/08/80 JA: TX			
81[illegible]037	22216	4213300000	108	MCCRACKEN #1 RRC #14247	PENN (RANGER)	0.0	ODESSA NATURAL CORP
81[illegible]036	22215	4213300000	108	MCCRACKEN #2 RRC #14247	PENN (RANGER)	0.0	ODESSA NATURAL CORP
81[illegible]035	22214	4213300000	108	MCCRACKEN #3 RRC #14247	PENN (RANGER)	0.0	ODESSA NATURAL CORP

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J...	Jo...KT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-KEITH D GRAHAM				RECEIVED: 12/08/80 JA: TX			
81...8226	24684	4244131471	103	BIGHAM 130 #1 ID-15604	AUDAS-GRAHAM (CAPPS LIME	12.0	LONE STAR GAS CO
81...8225	24683	4244131472	103	BIGHAM 130 #2 ID-15604	AUDAS-GRAHAM (CAPPS LIME	16.0	LONE STAR GAS CO
81...8224	24682	4244131549	103	BIGHAM 130 #3 ID-15604	AUDAS-GRAHAM (CAPPS LIME	12.0	LONE STAR GAS CO
81...8229	24687	4244131241	103	M SHAFFER A #2 ID-13611	AUDAS-GRAHAM (CAPPS LIME	26.0	LONE STAR GAS CO
81...8230	24688	4244130891	103	SHAFFER A #1 ID-13611	AUDAS-GRAHAM (CAPPS LIME	27.0	LONE STAR GAS CO
81...8228	24686	4244131361	103	TEXFEL-WESSELS A #1 ID-15211	AUDAS-GRAHAM (CAPPS LIME	25.0	LONE STAR GAS CO
81...8227	24685	4244131360	103	TEXFEL-WESSELS A #2 ID-15211	AUDAS-GRAHAM (CAPPS LIME	26.0	LONE STAR GAS CO
-KENAI OIL AND GAS INC				RECEIVED: 12/08/80 JA: TX			
81...7892	12179	4232331226	102	CENTRAL POWER & LIGHT #1 77728	SERBAN (CRETACEOUS LO)	500.0	SUNGAS GATHERING CO
81...7906	15593	4232331407	102	ONEIL #1 84349	SERBAN (CRETACEOUS LO)	500.0	SUNGAS GATHERING CO
-KERR-MCGEE CORPORATION				RECEIVED: 12/08/80 JA: TX			
81...8152	23651	4223330802	103	COCKRELL NO 21	PANHANDLE	7.0	GETTY OIL CO
81...8153	23652	4223330801	103	COCKRELL NO 24	PANHANDLE-HUTCHINSON	10.0	GETTY OIL CO
-KETAL OIL PRODUCING CO				RECEIVED: 12/08/80 JA: TX			
81...8321	25201	4208130914	103	1 A BIRD D #7	MEADOW CREEK (CANYON)	177.0	SUN OIL CO
-KILGORE BROTHERS				RECEIVED: 12/08/80 JA: TX			
81...7890	11118	4204900000	108	MACK HENRY NO 10 67564	BLAKE (CADDO)	10.2	SIOUX PIPELINE CO
81...7891	11120	4204900000	108	MACK HENRY NO 12 80587	BROWN COUNTY REG M/F	11.8	SIOUX PIPELINE CO
-KILROY CO OF TEXAS				RECEIVED: 12/08/80 JA: TX			
81...8129	23516	4250331089	102	J G BENAVIDES NO 1	LOPENO N E (WILCOX 7650)	1095.0	TRANSCONTINENTAL GAS
-KNOX INDUSTRIES INC				RECEIVED: 12/08/80 JA: TX			
81...8341	25309	4238331521	103	TURNER B #1	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
81...8342	25310	4238331522	103	TURNER B #2	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
-KOMANCHE OIL & GAS				RECEIVED: 12/08/80 JA: TX			
81...8147	23603	4206500000	103	COBB #9 03291	WEST PANHANDLE	7200.0	NORTHERN NATURAL GAS
-L&M OIL CO				RECEIVED: 12/08/80 JA: TX			
81...7867	07415	4238300000	103	C P SMITH #3 RRC #71933	BOONESVILLE BEND CONGL	120.0	CITIES SERVICE OIL C
-LANGHAM PETROLEUM EXPLORATION CORP				RECEIVED: 12/08/80 JA: TX			
81...7970	19361	4221330251	103	DAY ESTATE WELL NO 1 86569	TRI-CITIES-TRAVIS PEAK L	130.0	TEXAS UTILITIES FUEL
-LEAGUE MINERAL CORP				RECEIVED: 12/08/80 JA: TX			
81...8197	24236	4249700000	103	LINDSEY-WATERS UNIT NO 1	BOONSVILLE (BEND CONGLOM	55.0	NATURAL GAS PIPELINE
-LEAR PETROLEUM EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
81...7951	18494	4239530213	102	F W WHEELER #1	CAMP COOLEY	750.0	UNITED TEXAS TRANSMI
-LEEDE OIL & GAS INC				RECEIVED: 12/08/80 JA: TX			
81...8351	25353	42105327o4	103	UNIVERSITY 50 #13	FARMER (SAN ANDRES)	10.0	J L DAVIS
81...8337	25289	4210532594	103	UNIVERSITY 50 #8	FARMER (SAN ANDRES)	10.0	J L DAVIS
81...8347	25348	4210532768	103	UNIVERSITY 50A #13	FARMER (SAN ANDRES)	10.0	J L DAVIS
81...8348	25349	4210532769	103	UNIVERSITY 50A #14	FARMER (SAN ANDRES)	10.0	J L DAVIS
81...8349	25350	4210532770	103	UNIVERSITY 50A #15	FARMER (SAN ANDRES)	10.0	J L DAVIS
81...8350	25351	4210532771	103	UNIVERSITY 50A #16	FARMER (SAN ANDRES)	10.0	J L DAVIS
-LINGEN EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
81...8211	24375	4224931120	102	R TELLER #1 ID #85550	QUINTO CREEK (4600)	145.0	VALERO INTERSTATE TR
-LOGUE AND PATTERSON INC				RECEIVED: 12/08/80 JA: TX			
81...7897	13758	4248100000	103	JOE E VITERA EST #1	MENEFEE	186.0	TRANSCONTINENTAL GAS
-MCCORMICK OPERATING CO				RECEIVED: 12/08/80 JA: TX			
81...8136	23647	4203730196	102	B E LEWIS #1	SILOAM (SMACKOVER) FIELD	600.0	NATURAL GAS PIPELINE
-MCCULLOCH OIL CORP OF TEXAS				RECEIVED: 12/08/80 JA: TX			
81...8033	22123	4221131182	103	PYEATT #3-19	HEMPHILL GRANITE WASH	408.0	ARKANSAS LOUISIANA G
-MEADCO PROPERTIES				RECEIVED: 12/08/80 JA: TX			
81...8170	24053	4223500000	103	#3 E SUGG 13 RRC#07763	TAOS (CANYON)	38.0	NORTHERN NATURAL GAS
81...8169	24052	4223531431	103	#4 E SUGG 13 RRC#07763	TAOS (CANYON)	22.0	NORTHERN NATURAL GAS

JOB NO	DATE RCT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-MELLON ENERGY CO				RECEIVED: 12/08/80 JA: TX			
81.7932	16774	4232130820	102	A B RICHERS ET AL UNIT 1 ID #014240	HAMMAN (10865)	200.0	DOW CHEMICAL CO
-MELBOURNE OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
81.8371	25420	4229530760	103	AKERS #1 ID #88311	MAMMOTH CREEK NORTH (CLE	183.0	
-MGF OIL CORP				RECEIVED: 12/08/80 JA: TX			
81.8096	23184	4231732126	103	BLOCKER #1 (25897)	SPRABERRY (TREND AREA)	29.5	PHILLIPS PETROLEUM C
81.8113	23329	4236530671	103	CRENSHAW -A- NO 3	BETHANY (GLEN ROSE 3550)	38.5	UNITED GAS PIPELINE
81.8112	23328	4236530662	103	CRENSHAW -A- WELL NO 2	BETHANY (GLEN ROSE 3550)	72.5	UNITED GAS PIPELINE
81.8231	24712	4210532810	103	HELBING 18 #2 45878	OZONA (CANYON SAND)	540.0	NORTHERN NATURAL GAS
81.8314	25176	4207130980	103	M E MAYES NO 1 RRC #12721	MAYES WEST (F-2)	73.0	WINNIE PIPELINE CO
81.8095	23183	4231732118	103	NAIL WELL NO 1 25920	SPRABERRY (TREND AREA)	18.0	NORTHERN NATURAL GAS
-MINERAL DEVELOPMENT CO LTD				RECEIVED: 12/08/80 JA: TX			
81.8069	22924	4220930909	103	MINERAL DEVELOP CO FEE NO 1 - T	ALDINE (GOODYKOONTZ #1)	365.0	HOUSTON PIPE LINE CO
-MITCHELL ENERGY CORPORATION				RECEIVED: 12/08/80 JA: TX			
81.7985	20573	4249731624	103	DALY-ALDERSON #2 85790	BOONSVILLE (BEND CONGL G	100.0	NATURAL GAS PIPELINE
81.7988	20593	4249731590	103	ELMER ROBINSON #3	BOONSVILLE (BEND CONG GA	180.0	NATURAL GAS PIPELINE
81.8339	25296	4249700000	108	L O CARLISLE #1 10472	CHICO WEST (CONGL 5700)	4.6	CITIES SERVICE CO
81.7987	20589	4249731600	103	LLOYD HINKLE #2	BOONSVILLE (BEND CONG)	185.0	NATURAL GAS PIPELINE
81.7944	17869	4229330421	103	MUSE-DUKE #1 79645	PERSONVILLE N (COTTON VA	250.0	SOUTHWESTERN GAS PIP
81.7945	17869	4223732784	103	P M GRACE #4	BOONSVILLE (BEND CONGL G	200.0	LONE STAR GAS CO
81.8010	21252	4236731697	103	R T LAND #2	RENO (CONG)	60.0	NATURAL GAS PIPELINE
81.8338	25294	4249700000	108	T C W B #3	CAP YATES (CONSOLIDATED	5.6	NATURAL GAS PIPELINE
81.8015	21518	4249731465	103	W D HILLIN #1	BOONSVILLE (BEND CONG)	175.0	NATURAL GAS PIPELINE
81.7986	20586	4249731716	103	W R HIPP #3	BOONSVILLE (BEND CONGL)	235.0	NATURAL GAS PIPELINE
-MOBIL OIL CORP				RECEIVED: 12/08/80 JA: TX			
81.7947	17984	4246100000	108	PEGASUS PENNSYLVANIAN UNIT #20-9	PEGASUS PENNSYLVANIAN	0.1	EL PASO NATURAL GAS
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED: 12/08/80 JA: TX			
81.8159	23946	4229732187	103	BLOCK 86 UNIT NO 3	CLAYTON (BLOCK 86 SD)	99.6	NATURAL GAS PIPELINE
81.8151	23843	4234931096	103	DOCKERY UNIT NO 1	CHENEYBORO (COTTON VALLE	54.8	
8108111	23902	4235330875	103	J D MADDOX NO 1	WILDCAT	87.6	
81.8150	23840	4234931132	103	J L HAMILTON UNIT NO 1	CHENEYBORO (COTTON VALLE	54.8	
81.8309	25165	4221932865	103	MAPLE-WILSON #102	SLAUGHTER	5.1	AMOCO PRODUCTION CO
81.8308	25164	4221932846	103	MAPLE-WILSON #91	SLAUGHTER	5.1	AMOCO PRODUCTION CO
81.8305	25161	4233531627	103	MARY FOSTER NO 129	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
8108306	25162	4233531626	103	MARY FOSTER NO 130	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
81.8307	25163	4233531625	103	MARY FOSTER NO 131	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
81.8232	24716	4216531590	103	RUSSELL (7000 CLEARFORK) UNIT #213	RUSSELL (CLEARFORK 7000)	22.6	PIONEER NATURAL GAS
81.8233	24717	4216531591	103	RUSSELL (7000 CLEARFORK) UNIT #214	RUSSELL (CLEARFORK 7000)	15.7	PIONEER NATURAL GAS
81.8234	24719	4216531587	103	RUSSELL (7000 CLEARFORK) UNIT #219	RUSSELL (CLEARFORK 7000)	3.3	PIONEER NATURAL GAS
-MOLE OPERATING COMPANY INC				RECEIVED: 12/08/80 JA: TX			
81.7895	13469	4222100000	103	LEONARD NO 1-X (75772)	BARBARA (STRAWN)	2.0	LONE STAR GAS CO
81.7896	13469	4222100000	103	LEONARD NO 2 (78700)	BARBARA (STRAWN)	2.0	LONE STAR GAS CO
-MONSANTO CO				RECEIVED: 12/08/80 JA: TX			
*81.7936	17622	4248530993	107	RODGERS #1 #75102	RODGERS (ELLENBERGER)	1058.0	INTRATEX GAS CO
-MOTE RESOURCES INC				RECEIVED: 12/08/80 JA: TX			
81.7992	20620	4249700000	103	CARY VOLLINTINE NO 2	ALVORD (CADDO CONGLOMERA	23.0	NATURAL GAS PIPE LIN
81.7990	20618	4249700000	103	CHARLIE A GREGG NO 1	ALVORD (CADDO CONGLOMERA	24.0	NATURAL GAS PIPE LIN
81.7989	20617	4249700000	103	LESLIE HEIRS NO 1	ALVORD (CADDO CONGLOMERA	25.0	NATURAL GAS PIPE LIN
81.7994	20622	4249700000	103	MARY C WATERS NO 1	BOONSVILLE (BEND CONGL G	48.0	NATURAL GAS PIPE LIN
81.7993	20621	4249700000	103	USA SMITH WELL NO 1	ALVORD (CADDO CONGLOMERA	26.0	NATURAL GAS PIPE LIN
81.7991	20619	4249700000	103	VOLLINTINE LAND & CATTLE CO NO 1	ALVORD (CADDO CONGLOMERA	10.0	NATURAL GAS PIPE LIN
-MUELLER ENGINEERING CORP				RECEIVED: 12/08/80 JA: TX			

J.D. #	DISTRICT	API NO	SEC	D	WELL NAME
810606	20939	4242700000	108		J J HOWELL #1
-NATURAL ENERGY PRODUCTION CO					RECEIVED: 12/08/80 JA: TX
810628	25095	4249700000	103		EARLY (86523)
-NORTH AMERICAN ROYALTIES INC					RECEIVED: 12/08/80 JA: TX
810617	24083	4222731884	102		A R WILLIAMS #1 (25657)
*810799	20636	4232130948	102		S CORNELIUS #1 WELL (ID #88834)
-NORTHEAST TEXAS PRODUCTION CO					RECEIVED: 12/08/80 JA: TX
810607	23096	4220300000	108		CLARK #1 WELL #40377
810606	23095	4220300000	108		FRANK DAVIS #1 WELL #17049
-NUCORP ENERGY INC					RECEIVED: 12/08/80 JA: TX
810619	24199	4228730556	103		GIDDINGS A UNIT #1
810619	24201	4228730609	103		GIDDINGS B UNIT #1
-OILWELL OPERATORS INC					RECEIVED: 12/08/80 JA: TX
810633	25245	4217900000	108		HARRAH #16 00294
-OLSEN ENERGY INC					RECEIVED: 12/08/80 JA: TX
810605	22793	4249531158	103		WALTON 3 #1
-ORIGINALA INC					RECEIVED: 12/08/80 JA: TX
810654	25356	4223733021	103		WILLIE RUTH RICHARDS ETAL #19
-PAN-TEX PRODUCTION CO					RECEIVED: 12/08/80 JA: TX
*810806	22832	4249700000	108		G C SHAUNTY #09923
810806	22836	4233700000	108		J GILBERT #21256
*810806	22837	4249700000	108		J N ELROD #1 08703
*810806	22838	4249700000	108		J N ELROD #3 09637
810806	22833	4249700000	108		NEAL ROWLAND #10038
*810806	22834	4249700000	108		R P MALONE 09570
810806	22624	4249700000	108		T J WAGGONER ESTATE - 29125
-PANTHER OIL CO					RECEIVED: 12/08/80 JA: TX
810825	24976	4221932842	103		PANTHER C NO 12
-PARAFFINE OIL CORP					RECEIVED: 12/08/80 JA: TX
810833	25241	4205730990	103		P H WELDER 9 7-L
-PARAGON RESOURCES INC					RECEIVED: 12/08/80 JA: TX
810811	23332	4248131839	103		HUDGINS BESSIE ESTATE #1
-PARKER & PARSLEY INC					RECEIVED: 12/08/80 JA: TX
810828	25125	4233331596	103		STATE A WELL NO 1
810826	25124	4232930850	103		TXL A WELL NO 1
-PENNZOIL COMPANY					RECEIVED: 12/08/80 JA: TX
810827	25063	4216500000	108		ODC A WELL
-PENNZOIL PRODUCING COMPANY					RECEIVED: 12/08/80 JA: TX
810814	23737	4250531193	103		JENNINGS NO 44
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 12/08/80 JA: TX
810790	15146	4246101199	106		N PEMBROOK SPRABERRY UNIT #74-01
810834	25329	4223300000	108		COCKRELL RANCH #86
810793	17150	4223330742	103		DUBOISE NO 2
810790	15290	4220500000	108		ERADO NO 1
810805	22654	4236500000	108		LOVIS A #1
810792	17108	4217900000	108		PHIL PAMPA UNIT NO 08-08
810795	16067	4217900000	108		PHIL-PAMPA UNIT 08-04
-PIONEER PRODUCTION CORPORATION					RECEIVED: 12/08/80 JA: TX
810826	25054	4221131222	103		LINDLEY #3
-PNS CO					RECEIVED: 12/08/80 JA: TX
810790	14844	4225500000	102		WILLIAM H PYLE JR NO 1
-R L ADKINS CORP					RECEIVED: 12/08/80 JA: TX

FIELD NAME	PROD	PURCHASER
LACOPITA (6400)	12.0	TENNESSEE GAS PIPELI
BOONSVILLE BEND CONGL GA	0.0	NATURAL GAS PIPELINE
ISAAC (PENN UPPER)	50.0	GETTY OIL CO
WADSWORTH S (10200)	1000.0	HOUSTON PIPE LINE CO
WOODLAWN (RODESSA)	5.0	MISSISSIPPI RIVER TR
WOODLAWN (RODESSA)	0.5	MISSISSIPPI RIVER TR
GIDDINGS (AUSTIN CHALK)	49.6	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	128.5	CLAJON GAS CO
PANHANDLE	4.0	KERR-MCGEE CORP
HENDERSON	225.0	EL PASO NATURAL GAS
CARY-MAG (CONGLOMERATE)	82.0	TEXAS UTILITIES FUEL
ALVORD (ATOKA CONGL)	15.0	CITIES SERVICE CO
BOWIE SW (CONGL)	8.0	CITIES SERVICE CO
ALVORD (ATOKA CONGL)	1.0	CITIES SERVICE CO
ALVORD (CADDO CONGL)	1.0	CITIES SERVICE CO
ALVORD (CADDO CONGL)	3.0	CITIES SERVICE CO
ALVORD (CADDO CONGL)	12.0	CITIES SERVICE CO
BOONSVILLE (BEND CONGL)	8.0	LONE STAR GAS CO
LEVELLAND (SAN ANDRES)	7.3	AMOCO PRODUCTION CO
KATIE WELDER (N-9)	70.0	FLORIDA GAS TRANSMIS
HUNGERFORD E (3200)	200.0	TEXAS EASTERN TRANSM
AMIGO (SAN ANDRES)	10.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
FELMAC	19.0	PIONEER NATURAL GAS
JENNINGS W	100.0	NATURAL GAS PIPELINE
SPRABERRY (TREND AREA)	0.4	NORTHERN NATURAL GAS
PANHANDLE HUTCHINSON	2.5	GETTY OIL CO
PANHANDLE HUTCHINSON	22.0	EL PASO NATURAL GAS
WEST PANHANDLE	20.0	EL PASO NATURAL GAS
CARTHAGE SW HILL	9.7	UNITED GAS PIPE LINE
PANHANDLE	0.3	GETTY OIL CO
PANHANDLE GRAY	18.0	GETTY OIL CO
CANADIAN EAST (DOUGLAS)	255.0	PIONEER NATURAL GAS
ATKINSON (KLINGEMAN) FIE	75.0	

JD NO	JA INIT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
81[illegible]6200	24991	42151310[illegible]6	103	WICKHAM A #1	WICKHAM (PALO PINTO)	72.0	PALO DURO PIPELINE C
-R LACY INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]3093	23172	4220330516	103	PRENDERGAST WELL #3 #87045	WASKOM (COTTON VALLEY)	292.0	ARKANSAS LOUISIANA G
81[illegible]8092	23170	4220330515	103	VERHALEN WELL #6 #82869	WASKOM (COTTON VALLEY)	108.0	ARKANSAS LOUISIANA G
-RAIDER OIL CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]6013	21414	4224931115	103	RISINGER ET AL NO 1	SAN DIEGO EAST (RISINGER	91.3	TENNESSEE GAS TRANSM
-RAMSAY CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]8076	22937	4247931947	103	MONARY NO 1	LAREDO (LOBO)	91.0	
-RIAL OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
81[illegible]6074	23001	4214930461	102	CHERRY UNIT NO 1 RRC #	GIDDINGS (AUSTIN CHALK)	73.0	W WILSON CORP
81[illegible]8012	21405	4214930420	102	SHAKESPEARE UNIT #1 #12631	GIDDINGS (AUSTIN CHALK)	182.0	W WILSON CORP
81[illegible]8073	23000	4214930434	102	SYLER NO 1 RRC #12773	GIDDINGS (AUSTIN CHALK)	63.9	W WILSON CORP
81[illegible]8011	21400	4238331433	103	UNIVERSITY 8-C #1 #08134	BARNHART	57.6	
-RICKS EXPLORATION CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]6047	22567	4235720985	102	LAMASTER 1113-A	RICKS (MORROW UP)	75.0	HIGH PLAINS NATURAL
-RIO PETROLEUM INC				RECEIVED: 12/08/80 JA: TX			
81[illegible]8021	21716	4216730685	103	#1 STATE OF TEXAS UNIT	DICKINSON (FRIO 8000)	160.0	CORONADO TRANSMISSIO
-RK PETROLEUM CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]6072	22998	4231732043	103	ANCHOR #1	SPRABERRY TREND AREA	12.8	NORTHERN NATURAL GAS
81[illegible]8314	25193	4231732147	103	CAMPBELL NO 1 WELL----#25958	SPRABERRY (TREND AREA)	21.9	PHILLIPS PETROLEUM C
-ROUMAN PETROLEUM CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]8255	24973	4213331937	103	MAYNARD NO 1	FOSTER (MARBLE FALLS)	23.0	ODESSA NATURAL CORP
-SANCHEZ-OBRIEN MINERALS CORP				RECEIVED: 12/08/80 JA: TX			
81[illegible]7964	20265	4247932553	102	S J MARTIN NO 4-A API-42-479-32553	MORITAS CREEK (WILCOX 95	500.0	TENNESSEE GAS PIPELI
-SANFORD P FAGADAU				RECEIVED: 12/08/80 JA: TX			
81[illegible]8017	21647	4223732651	103	BILLY HUTTO UNIT NO 1 WELL	BOONESVILLE (BEND CONGL	100.0	LONE STAR GAS CO
-SAXON OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
81[illegible]7922	16637	4241330717	103	COUPE #1	HENRY-SPECK (CANYON)	25.5	NORTHERN NATURAL GAS
81[illegible]8303	25158	4238300000	103	GARDNER NO 1	BENEDUM (SPRABERRY)	8.8	PHILLIPS PETROLEUM C
81[illegible]7923	16639	4228730306	103	JENKE #1	GIDDINGS (AUSTIN CHALK)	7.3	PGP GAS PRODUCTS INC
81[illegible]7924	16641	4244130921	103	RUBY FAYE YOUNG #5	TAYLOR COUNTY REGULAR	5.1	UNION TEXAS PETROLEU
81[illegible]7925	16644	4238331360	103	TURNER A #3	SPRABERRY (TREND AREA)	30.0	NORTHERN NATURAL GAS
81[illegible]7926	16645	4238331389	103	TURNER B #2	SPRABERRY (TREND AREA)	16.0	NORTHERN NATURAL GAS
81[illegible]7928	16649	4238331357	103	UNIVERSITY 10-9 #2	SPRABERRY (TREND AREA)	28.0	NORTHERN NATURAL GAS
81[illegible]7927	16646	4238331355	103	UNIVERSITY 9-A-9 #1	SPRABERRY (TREND AREA)	21.0	NORTHERN NATURAL GAS
81[illegible]7929	16654	4238331152	103	WEATHERBY H #1	SPRABERRY (TREND AREA)	13.9	NORTHERN NATURAL GAS
81[illegible]7930	16655	4238331153	103	WEATHERBY H #2	SPRABERRY (TREND AREA)	11.0	NORTHERN NATURAL GAS
-SEELY OIL CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]8043	22512	4249731622	103	MCCANN #1 85573	BOONSVILLE (BEND CONGL)	275.0	LONE STAR GAS CO
81[illegible]8064	23053	4249731201	103	RAY HUDSON #1 ID #86335	BOONSVILLE (BEND CONGL)	270.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]8320	25198	4221530857	103	A A MCALLEN NO 56	MCALLEN RANCH (VICKSBURG	300.0	VALERO INTERSTATE TR
81[illegible]8066	23043	4221530912	102	DIXIE MORTGAGE-PAWELEK GU #2	MCCOOK E (VICKSBURG 1120	600.0	NATURAL GAS PIPELINE
81[illegible]8372	25486	4222131180	103	FEE 221	GLAIZER NW (MORROW UPPER	72.0	PHILLIPS PETROLEUM C
81[illegible]7979	19941	4221131099	103	HOBART RANCH #470	HEMPHILL (GRANITE WASH)	300.0	CITIES SERVICE GAS C
81[illegible]8374	25488	4247532002	103	SEALY SMITH FOUNDATION #168	MONAHANS (CLEAR FORK)	20.1	EL PASO NATURAL GAS
81[illegible]8373	25487	4213533326	103	TXL NORTH UNIT #697	TXL (TUBB)	34.3	SHELL ETAL
-SMITH PRODUCTION CO				RECEIVED: 12/08/80 JA: TX			
81[illegible]8046	22552	4205100000	102	H M TYSON NO 1 WELL	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 12/08/80 JA: TX			
81[illegible]7869	10999	4209530426	102	MALCORINE W STASNEY #2	WILDCAT	91.0	
81[illegible]7889	10999	4209530428	103	MALCORINE W STASNEY #2	WILDCAT	91.0	

JD NO	JA KI	API NO	SEC	J WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHLAND ROYALTY CO				RECEIVED: 12/08/80 JA: TX			
81 8356	25359	4243500000	108	R M HALBERT #2	SONORA	12.0	EL PASO NATURAL GAS
81 8357	25360	4210500000	108	MOODY ESTATE #1-53	OZONA	18.8	NORTHERN NATURAL GAS
81 8355	25358	4238300000	108	O F BOYD 31 #1	CALVIN DEAN	8.8	UNION TEXAS PETROLEU
81 8359	25362	4238300000	108	ONA WELLS #1	CALVIN DEAN	7.0	UNION TEXAS PETROLEU
81 8358	25361	4243530261	108	SHURLEY C #1	SHURLEY RANCH	17.0	EL PASO NATURAL GAS
-SOUTHWESTERN GAS EXPLORATION				RECEIVED: 12/08/80 JA: TX			
81 8034	22213	4249731422	103	W T SMITH #1	BOONSVILLE (BEND CONG GA	60.0	
-SUE-ANN OPERATING COMPANY				RECEIVED: 12/08/80 JA: TX			
81 7904	15177	4208931035	102	KRENEK B NO 1	BUCK SNAG (3800)	110.0	TENNESSEE GAS PIPELI
-SUGARBERRY OIL & GAS CORP				RECEIVED: 12/08/80 JA: TX			
81 8182	24110	4241330680	103	CASE #1	VELREX (HENDERSON UPPER)	27.0	CRA INC
81 8157	23926	4241300000	103	CASE #2-C	VELREX (6260 CISCO)	255.0	CRA INC
81 8183	24111	4241330692	103	CASE #2-T	VELREX (HENDERSON UPPER)	27.0	CRA INC
-SULLIVAN-WELLS CO				RECEIVED: 12/08/80 JA: TX			
81 8236	24150	4234130589	103	SULLIVAN FEE WELL NO 101	PANHANDLE WEST	1095.0	PHILLIPS PETROLEUM C
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 12/08/80 JA: TX			
81 8295	25140	4233531605	103	ANDERSON -A- NO 8	JAMESON NORTH (STRAWN)	37.0	LONE STAR GAS CO
81 8024	21623	4208100000	108	CENTRAL NATIONAL BANK -A- NO 5	JAMESON (STRAWN)	12.0	LONE STAR GAS CO
81 8296	25143	4208130878	103	CENTRAL NATIONAL BANK 13	LYGAY	73.0	LONE STAR GAS CO
*8107976	19832	4221932751	103	COBLE B WELL NO 57	LEVELLAND	5.0	AMOCO PRODUCTION CO
81 8209	24325	4242731354	102	D LAUREL NO 11	SUN NORTH	38.0	
81 7958	19063	4249731435	103	J L WOMACK NO 6	BOONSVILLE (BEND CONGL)	657.0	NATURAL GAS PIPELINE
81 8293	25137	4208100000	108	JAMESON STRAWN SAND 5-25	JAMESON (STRAWN)	5.5	LONE STAR GAS CO
81 8054	22064	4213533189	103	PAUL MOSS B WELL NO 188	COWDEN SOUTH (CANYON 879	44.0	ODESSA NATURAL GAS C
81 8023	21617	4213300000	108	PAUL MOSS UNIT WELLS NO 99	COWDEN SOUTH	1.0	ODESSA NATURAL CORP
81 8053	22063	4213533192	103	PAUL MOSS WELL NO 187	COWDEN SOUTH (8790 CANYO	84.0	ODESSA NATURAL CORP
81 8294	25139	4233531638	103	V T MCCABE -B- NO 32	JAMESON NORTH (STRAWN)	50.0	LONE STAR GAS CO
8108088	23122	4233500000	108	V T MCCABE -B- WELL NO 28	JAMESON NORTH (STRAWN)	7.0	LONE STAR GAS CO
81 8292	25135	4204730579	103	W P WRIGHT NO 1	FLOWELLA	200.0	FLORIDA GAS TRANSMIS
-T E D ENTERPRISES INC				RECEIVED: 12/08/80 JA: TX			
81 8196	24222	4220131025	103	PINE VILLAGE UNIT WELL NO 1	NORTH DYERSDALE (CM-1)	58.0	HOUSTON PIPE LINE
-TARTAN PRODUCTION CO				RECEIVED: 12/08/80 JA: TX			
81 7946	18025	4240900000	102	HENDRICKSON A NO 1	BERRY (6100 E)	220.0	TEXAS EASTERN TRANSM
-TEE OPERATING CO				RECEIVED: 12/08/80 JA: TX			
81 8022	21760	4215731062	102	NOVAK NO 1-A	EAST TAVENER (7950) PROP	900.0	
81 8022	21760	4215731062	103	NOVAK NO 1-A	EAST TAVENER (7950) PROP	900.0	
-TENNECO OIL COMPANY				RECEIVED: 12/08/80 JA: TX			
8107982	20108	4239330638	103	MCMORDIE 1-6	MENDOTA NW (GRANITE WASH	356.4	PIONEER NATURAL GAS
8107975	19574	4239330649	103	MCMORDIE 2-89	ST CLAIR (GRANITE WASH)	47.0	MICHIGAN WISCONSIN P
81 7866	07305	4237105540	108	MILLARD HOLMES NO 21	MILLARD (QUEEN)	0.9	LARCO GAS CORP
-TEXACO INC				RECEIVED: 12/08/80 JA: TX			
81 8335	25287	4221932784	103	I P DELOACHE #4	LEVELLAND	2.9	AMOCO PRODUCTION CO
81 8336	25288	4221932785	103	I P DELOACHE #6	LEVELLAND	2.9	AMOCO PRODUCTION CO
81 8143	23724	4235531475	103	J D CHAPMAN #124	CHAPMAN RANCH (6700)	182.5	TEXAS EASTERN GAS TR
81 8189	24177	4213532916	103	WEST JORDAN UNIT # 6-15	JORDAN	2.5	PHILLIPS PETROLEUM C
81 8188	24175	4213532908	103	WEST JORDAN UNIT #3-9	JORDAN	6.2	PHILLIPS PETROLEUM C
-TEXAS ENERGY EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
81 8146	23794	4202531193	103	TEX ENERGY EX #1 R W WELDER #87454	MEDIO CREEK EAST (4730)	1715.0	DELHI GAS PIPELINE C
81 8042	22507	4224900000	103	TEX ENERGY EXPL #1 H J MOSSER	SUE (5150)	1.0	TRUNKLINE GAS CO
81 8102	23283	4221500000	103	TEX ENERGY EXPL #1 PEREZ	E LA REFORMA VICKSBURG (	569.0	VALERO INTERSTATE TR
81 8059	22795	4224931100	103	TEX ENERGY EXPL #1 PFEIFFER 86826	TOM GRAHAM (4520)	105.0	VALERO TRANSMISSION

81-8163	23284	4221530996	103	TEX ENERGY EXPL #1-T HINOJOSA	E LA REFORMA FRIO (6750)	164.0	VALERO INTERSTATE TR
-TEXAS OIL & GAS CORP				RECEIVED: 12/08/80 JA: TX			
8107903	14780	4223931403	102	FENNER E #2	FENNER (4120)	125.0	TRUNKLINE GAS CO
81-8175	24071	4224931055	103	MINTON B #1	FALFURRIAS (NAOMI 7100)	100.0	UNITED GAS PIPELINE
81-8258	24984	4239300000	103	STELLA KILLEBREW #1	PARSELL (UPPER MORROW)	2000.0	UNITED GAS PIPELINE
81-8041	22412	4226130557	103	STEWART B #2	SANTA ROSA (10700)	600.0	TEXAS EASTERN TRANSM
81-8259	24985	4223500000	103	WINTERBOTHAM B #3	DOVE CREEK (CANYON C)	37.0	COLUMBIA GAS TRANSMI
81-8284	25119	4245100000	103	WINTERBOTHAM E #1 ID #08267	DOVE CREEK (WOLFCAMP)	110.0	CRA INC
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 12/08/80 JA: TX			
81-8299	25149	4250131716	103	BENNETT RANCH UNIT WELL #310	WASSON	3.1	SHELL OIL CO
81-8298	25148	4250131813	103	BENNETT RANCH UNIT WELL #316	WASSON	6.7	SHELL OIL CO
81-8145	23740	4221932786	103	C E RATLIFF #1	LEVELLAND/SAN ANDRES	36.5	AMOCO PRODUCTION CO
81-7996	20786	4221932741	103	CENTRAL LEVELLAND UNIT #248	LEVELLAND	4.4	AMOCO PRODUCTION CO
81-8235	24722	4222732070	103	M C HYDEN #5	LUTHER SE (SILURIAN-DEVO	38.0	GETTY OIL CO
-TOMMY LITTLEPAGE				RECEIVED: 12/08/80 JA: TX			
81-8187	24154	4250300000	103	BRAZOS RIVER 10-A #19899	YOUNG COUNTY REGULAR	6.0	SUN GAS GATHERING CO
81-8188	24050	4250300000	103	PUGH LEASE #19961	YOUNG COUNTY REGULAR	40.0	SUN GAS GATHERING CO
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED: 12/08/80 JA: TX			
*81-8215	24451	4241330855	103	UNIVERSITY 15 #1	UNIVERSITY 54 (CANYON)	180.0	CRA INC
-W R EDWARDS JR				RECEIVED: 12/08/80 JA: TX			
81-8237	24765	4223330822	103	BARNHILL WELL NO 1o-1	PANHANDLE HUTCHINSON CO	0.0	PANHANDLE PRODUCING
81-8261	24993	4223330725	103	LITTLE RASCALS NO 29	PANHANDLE HUTCHINSON COU	160.0	PANHANDLE PRODUCING
-W W WALTON JR				RECEIVED: 12/08/80 JA: TX			
81-8038	22263	4240931298	103	BESS MCFALL ET AL NO 2-C (ID #8638*	HIBERNIA (4900)	73.0	HOUSTON PIPELINE CO
-WALSH AND WATTS INC				RECEIVED: 12/08/80 JA: TX			
8107886	06672	4223300000	108	TXL H #3 12684	PANHANDLE	2.0	PHILLIPS PETROLEUM C
-WALTER EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
81-8115	23355	4236332080	103	EVELYN KING NO 1	DEATON (CONGLOMERATE)	0.0	TEXAS UTILITIES FUEL
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 12/08/80 JA: TX			
81-8167	24047	4210332207	103	P J LEA ET AL NO 107	LEA (SAN ANDRES)	1.0	EL PASO NATURAL GAS
81-8165	24043	4210332206	103	P J LEA ET AL NO 108	LEA (TUBB)	17.0	EL PASO NATURAL GAS
81-8166	24044	4210300000	103	TUBB NO 4	SAND HILLS (TUBB)	111.0	EL PASO NATURAL GAS
-WAYMAN W BUCHANAN				RECEIVED: 12/08/80 JA: TX			
81-8263	25008	4236731202	103	AREY NO 1	WEATHERFORD (ATOKA UPPER	0.1	BUCKNER GAS CO
81-8318	25189	4246131552	103	ERSKINE NO 1	SPRABERRY (TREND AREA)	18.3	PHILLIPS PETROLEUM C
81-8315	25185	4236731697	103	GREENMAN B NO 3-C	PEASER (BIG SALINE)	14.3	LONE STAR GAS CO
-WILLIAM PERLMAN				RECEIVED: 12/08/80 JA: TX			
8108378	27777	4210500000	108	FIELDS 51 NO 2	SAWYER (CANYON)	20.0	EL PASO NATURAL GAS
8108377	27772	4210500000	108	GENERAL CRUDE ET AL 12 NO 1	WILDCAT	0.0	EL PASO NATURAL GAS
8108375	27758	4210500000	108	GENERAL CRUDE ET AL 8 NO 1A	WILDCAT	0.0	EL PASO NATURAL GAS
8108376	27765	4210532228	108	L M HUDSPETH MEM HOSP F NO 183759	SAWYER (CANYON)	20.0	EL PASO NATURAL GAS
8108379	27781	4210500000	108	LILLIAN M HUDSPETH MEM HOSP B NO 1	WHITEHEAD (STRAWN)	20.0	EL PASO NATURAL GAS
-WORLD PRODUCERS INC				RECEIVED: 12/08/80 JA: TX			
8107939	17646	4236731287	102	ELLIS B #3	MOBY DICK (STRAWN)	300.0	NATURAL GAS PIPELINE
8107940	17648	4236731580	102	F R JONES ESTATE #1	MOBY DICK (STRAWN)	150.0	NATURAL GAS PIPELINE
8107941	17649	4236731440	102	L C ROY BYRD #1	MOBY DICK (STRAWN)	60.0	NATURAL GAS PIPELINE
8107942	17650	4236731540	102	L C ROY BYRD #2	MOBY DICK (CONGL)	50.0	NATURAL GAS PIPELINE
8107946	17902	4236731598	102	L S BYRD #3	MOBY DICK (STRAWN)	40.0	NATURAL GAS PIPELINE
-WTG EXPLORATION INC				RECEIVED: 12/08/80 JA: TX			
81-7955	18581	4210532430	103	MILLER #1	OZONA (CANYON SAND)	146.0	NORTHERN NATURAL GAS
-WY-VEL CORP				RECEIVED: 12/08/80 JA: TX			
81-8110	23300	4206530625	103	BURNETT #3 RRC #04270	PANHANDLE	4.0	PHILLIPS PETROLEUM C

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J.D. #	Jur. Sect	API #	Sec.	Well Name	Field Name	Prod	Purchaser
810835O	25237	4217900000	108	D F MCKINNEY (00659) #1	PANHANDLE GRAY COUNTY	0.8	KERR-MCGEE CORP
810329	25235	4217900000	108	D F MCKINNEY (00659) #2	PANHANDLE GRAY COUNTY	3.2	KERR-MCGEE CORP
810328	25234	4217900000	108	D F MCKINNEY (00659) #4	PANHANDLE GRAY COUNTY	3.2	KERR-MCGEE CORP
-ZAPATA EXPLORATION CO				RECEIVED: 12/08/80 JA: TX			
810125	23489	4270430127	102	S/L 68099 WELL NO 1-U	BRAZOS AREA 446L SE/4 (E	1.0	VALERO TRANSMISSION

OTHER PURCHASERS VOLUME NO 1339

810700	TRANSWESTERN PIPELINE CO
810778	EL PASO NATURAL GAS CO
810795	NOR CHEMICAL CO
810856	COLTEXO CORP
810861	CITIES SERVICE COMPANY
810863	NATURAL GAS & PIPE LINE CO OF AMERI
810865	CITIES SERVICE COMPANY
810886	CITIES SERVICE COMPANY
810894	COLTEXO CORP
810928	EL PASO NATURAL GAS COMPANY
810984	EL PASO NATURAL GAS CO
810986	LONE STAR GAS CO
810907	EL PASO NATURAL GAS CO
810908	EL PASO NATURAL GAS CO
810915	LONE STAR GAS CO
810941	AMOCO
810942	AMOCO
810943	AMOCO
810952	AMOCO
810901	NORTHERN NAT GAS CO
810917	AMOCO PRODUCTION CO
810922	EL PASO NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeing the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 30, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1395 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 8, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PRCD	PURCHASER
COLORADO OIL & GAS COMMISSION							
-AMOCO PRODUCTION CO				RECEIVED: 12/08/80 JA: CO			
8108440	80-360	0512308183	108	ADAM GABEL GAS UNIT NC 1	WATTENBERG	19.0	PANHANDLE EASTERN PI
8108442	80-357	0500106403	108	CHAMPLIN 125 AMOCO A NC 1	THIRD CREEK	19.0	PANHANDLE EASTERN PI
8108444	80-335	0512305751	103	CHAMPLIN 366 AMOCO E WELL #1	WATTENBERG	35.0	PANHANDLE EASTERN PI
8108449	80-355	0512307912	108	EARL V BROTEMARKLE 1	WATTENBERG	21.0	PANHANDLE EASTERN PI
8108422	80-148	0512305734	103	ELMER W SCHMIDT UNIT WELL #2	HAMBERT	280.0	PANHANDLE EASTERN PI
8108423	80-347	0512308324	108	EUGENE D MUSE GAS UNIT NO 1-A	WATTENBERG	17.0	PANHANDLE EASTERN PI
8108441	80-358	0500106990	108	GILBERT A DIEDRICHS NC 1	WATTENBERG	19.0	PANHANDLE EASTERN PI
8108451	80-351	0512307251	108	J H CUYKENDALL NO 1	WATTENBERG	12.0	PANHANDLE EASTERN PI
8108450	80-350	0512308109	108	JACKIE HEMPSTEAD 1	WATTENBERG	20.0	PANHANDLE EASTERN PI
8108443	80-356	0512308423	108	JAMES E CALLOW UNIT NC 1	WATTENBERG	19.0	PANHANDLE EASTERN PI
8108424	80-349	0512307205	108	KIEFER POOLING UNIT NC 1	WATTENBERG	16.0	PANHANDLE EASTERN PI
8108447	80-319	0506706314	103	KNIGHT #1E (DAKOTA)	IGNACIO BLANCO	290.0	WESTERN SLOPE GAS CO
8108448	80-321	0506706325	103	KNIGHT #2W (DAKOTA)	IGNACIO BLANCO	270.0	WESTERN SLOPE GAS CO
8108446	80-318	0506706325	103	KNIGHT #2W (MESAVERDE)	IGNACIO BLANCO	270.0	WESTERN SLOPE GAS CO
8108445	80-320	0506706314	103	KNIGHT A #1 (MESAVERDE)	IGNACIO BLANCO	290.0	WESTERN SLOPE GAS CO
8108453	80-364	0512305826	103	MAUDE ANDERSON GAS WELL #2	WATTENBERG	193.0	PANHANDLE EASTERN PI
8108425	80-361	0512307970	108	MAX E SERAFINI NO 1	WATTENBERG	14.0	COLORADO INTERSTATE
8108452	80-348	0512308197	108	ROY MOSER UNIT NO 1	WATTENBERG	14.0	PANHANDLE EASTERN PI
8108405	80-346	0512307836	108	STATE OF COLORADO AD NC 1	WATTENBERG	17.0	PANHANDLE EASTERN PI
8108454	80-345	0512307404	108	STRONG GAS UNIT NO 1	WATTENBERG	21.0	PANHANDLE EASTERN PI
8108439	80-363	0512308130	108	W DOUGLAS REED GAS UNIT NO 1	WATTENBERG	15.0	PANHANDLE EASTERN PI
-BUFFALO OIL CORP				RECEIVED: 12/08/80 JA: CO			
8108419	80-343	0512305850	102	SEYFRIED #1-2	WAITE LAKE	30.0	CRYSTAL GAS RESOURCE
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/08/80 JA: CO			
8108416	80-332	0500107533	103	#1 SINGLETON 42-11	SUN	400.0	KOCH HYDROCARBON CO
-ENERGY MINERALS CORPORATION				RECEIVED: 12/08/80 JA: CO			
8108408	80-352	0512305894	102	#1 COLLINS	WAITE LAKE	93.6	CENTENNIAL II
8108409	80-333	0512305669	102	#1 PETERSON	WAITE LAKE	100.8	PHILLIPS PETROLEUM
8108406	80-322	0512307076	102	#1 STEVE STATE	WAITE LAKE	97.2	PHILLIPS PETROLEUM
8108407	80-323	0512305835	102	#1 YOCAM	WAITE LAKE	25.2	PHILLIPS PETROLEUM
-J-W OPERATING COMPANY				RECEIVED: 12/08/80 JA: CO			
8108438	80-330	0512506404	102	G BRETHAUER #1	ROCK CREEK	10.0	CITIES SERVICE GAS C
8108433	80-331	0512506230	102	J BROPHY #3	OLD BALOY	50.0	KANSAS-NEBRASKA NATL
8108435	80-327	0512506211	102	KITZMILLER GRAZING ASSOC #7	WILDCAT	70.0	KANSAS-NEBRASKA NATL
8108436	80-326	0512506212	102	KITZMILLER GRAZING ASSOC #8	ECKLEY	70.0	KANSAS-NEBRASKA NATL
8108437	80-337	0512506321	102	USA #3	WILDCAT	50.0	KANSAS NEBRASKA NATL
8108434	80-328	0512506302	102	V HARDING #1	WILDCAT	36.0	KANSAS NEBRASKA NATL
8108432	80-329	0512506405	102	W BRETHAUER #1	ROCK CREEK	30.0	CITIES SERVICE GAS C
-JACK ROUSE				RECEIVED: 12/08/80 JA: CO			
8108414	79-732	0508707185	108	CARDINEL-MARTIN #1	PLEASANT RIDGE	19.0	KANSAS-NEBRASKA NATU

JURIS	JA: KS	API NO	SEC	WELL NAME	FIELD NAME	PRICE	PURCHASER
-KANSAS-NEBRASKA NATURAL GAS CO INC		RECEIVED: 12/08/80 JA: CO					
81.8417	80-334	0512506327	102	KORF 2-7	SCHRAMM	58.0	
-L & B OIL CO INC		RECEIVED: 12/08/80 JA: CO					
81.8411	80-315	0500107576	103	COLORADO #5-36 T2S R63W	QUAIL	1400.0	PANHANDLE EASTERN PI
81.8412	80-314	0500107573	103	STATE OF COLORADO #4-36 2S 63W	QUAIL	70.0	PANHANDLE EASTERN PI
-MACEY & MERSHON OIL INC		RECEIVED: 12/08/80 JA: CO					
81.8413	80-312	0512309853	103	LITTLE THOMPSON GAS UNIT #1	WATTENBERG J	90.0	PANHANDLE EASTERN PI
-MOUNTAIN PETROLEUM CORPORATION		RECEIVED: 12/08/80 JA: CO					
81.8416	80-316	0512506399	103	ALLEN 1-8	BEECHER ISLAND	36.0	KANSAS-NEBRASKA NATU
-MKT EXPLORATION COMPANY		RECEIVED: 12/08/80 JA: CO					
81.8421	80-325	0509906119	103	J-C NO 13-6	MCCLAVE	62.0	NUECES CO
81.8420	80-324	0501106094	103	J-C NO 32-11	MCCLAVE	292.0	NUECES CO
-NORTHWEST EXPLORATION COMPANY		RECEIVED: 12/08/80 JA: CO					
81.8430	80-309	0504506232	103	CLOUGH #108	RULISON WASATCH	183.0	NORTHWEST PIPELINE C
81.8428	80-311	0504506229	103	CLOUGH #115	RULISON WASATCH	183.0	NORTHWEST PIPELINE C
81.8427	80-310	0504506207	103	CLOUGH #3	RULISON MESAVERDE	292.0	NORTHWEST PIPELINE C
-NORTHWEST PIPELINE CORPORATION		RECEIVED: 12/08/80 JA: CO					
81.8426	80-262	0506700300	108	BONDAD 33-10 #18	IGNACIO BLANCO	20.1	NORTHWEST PIPELINE C
81.8429	80-341	0506706248	103	DOCAR GAS UNIT #1A	IGNACIO MESAVERDE	0.0	EL PASO NATURAL GAS
81.8431	80-342	0506706249	103	DOCAR GAS UNIT #2A	IGNACIO BLANCO MESAVERDE	113.0	EL PASO NATURAL GAS
-PATRICK A DOHENY		RECEIVED: 12/08/80 JA: CO					
81.8415	80-336	0512109444	103	NO 1 ONEIL	SIOUX	55.0	KANSAS-NEBRASKA NATU
-PROVIDENT RESOURCES INC		RECEIVED: 12/08/80 JA: CO					
81.8418	80-338	0510307972	103	STEELE 9-26-4-102	FOUNDATION CREEK	30.0	NORTHWEST PIPELINE C
WEST VIRGINIA DEPARTMENT OF MINES							
-TUG FORK CORP		RECEIVED: 12/08/80 JA: WV					
*8108465		4704500744	107	A S BEDFORD 1-1025	CHAPMANSVILLE	6.1	TENNESSEE GAS PIPELI
*8108526		4709900350	107	A W PRESTON 1-704	UNION	6.4	TENNESSEE GAS PIPELI
*8108486		4700500595	107	ALLEN & PRYOR 39-660	SCOTT	7.1	TENNESSEE GAS PIPELI
*8108491		4700500603	107	ALLEN & PRYOR 40-671	SCOTT	2.1	TENNESSEE GAS PIPELI
*8108487		4700500685	107	ALLEN & PRYOR 43-701	SCOTT	1.3	TENNESSEE GAS PIPELI
*8108457		4700500943	107	BEDFORD 20-1150	CROOK	1.0	TENNESSEE GAS PIPELI
*8108494		4709900510	107	C E COUNTS 1-764	GRANT	5.7	TENNESSEE GAS PIPELI
*8108497		4709900519	107	C T FRALEY 2-768	GRANT	8.6	TENNESSEE GAS PIPELI
*8108490		4700500111	107	CASSINGHAM 21-403	SCOTT	16.1	TENNESSEE GAS PIPELI
*8108469		4700500530	107	CASSINGHAM 41-632	SCOTT	1.8	TENNESSEE GAS PIPELI
*8108514		4703900864	107	E D SPILMAN 1-626	WASHINGTON	9.2	TENNESSEE GAS PIPELI
*8108518		4709900748	107	F E MATHEWSON 3-815	GRANT	1.7	TENNESSEE GAS PIPELI
*8108525		4709900410	107	F W THOMPSON 1-728	UNION	10.3	TENNESSEE GAS PIPELI
*8108523		4709903310	107	FERGUSON & EXCELSOR 1-686	UNION	13.5	TENNESSEE GAS PIPELI
*8108522		4709900349	107	FERGUSON-SELLARDS 1-702	UNION	4.5	TENNESSEE GAS PIPELI
*8108503		4703900628	107	FRED SUPPLE 1-554	WASHINGTON	11.4	TENNESSEE GAS PIPELI
*8108520		4709900644	107	G B JACKSON 1-793	UNION	8.2	TENNESSEE GAS PIPELI
*8108501		4709901000	107	GUYAN OIL 10-967	STONEWALL	3.1	TENNESSEE GAS PIPELI
*8108502		4709900005	107	GUYAN OIL 4-543	STONEWALL	1.6	TENNESSEE GAS PIPELI
*8108521		4709900255	107	GUYAN OIL 9-619	STONEWALL	3.1	TENNESSEE GAS PIPELI
*8108467		4704500767	107	H M PATTERSON 3-1090	LOGAN	14.3	TENNESSEE GAS PIPELI
*8108477		4704500771	107	H M PATTERSON 4-1099	LOGAN	2.9	TENNESSEE GAS PIPELI
*8108479		4704500775	107	H M PATTERSON 5-1109	LOGAN	7.9	TENNESSEE GAS PIPELI
*8108475		4704500789	107	H M PATTERSON 6-1137	LOGAN	3.6	TENNESSEE GAS PIPELI

J - I	JA - NT	API NO	SEC - T	WELL NAME	FIELD NAME	PROD	PURCHASER
*8108449		4709900290	107	HOARD BALDWIN 31-664	STONEWALL	2.8	TENNESSEE GAS PIPELI
*8108500		4709900279	107	HOARD-BALDWIN 30-657	STONEWALL	3.1	TENNESSEE GAS PIPELI
*8108456		4704500490	107	ISLAND CREEK MINING 16-927	CHAPMANSVILLE	13.4	TENNESSEE GAS PIPELI
*8108492		4709900495	107	J N HAUSER 1-755	GRANT	16.2	TENNESSEE GAS PIPELI
*8108493		4709900546	107	J N HAUSER 2-770	GRANT	19.6	TENNESSEE GAS PIPELI
*8108517		4709900580	107	J N HAUSER 3-775	GRANT	5.0	TENNESSEE GAS PIPELI
*8108463		4704500791	107	JOHN JUSTICE 1-1134	CHAPMANSVILLE	3.5	TENNESSEE GAS PIPELI
*8108469		4704500467	107	LAWSON HRS A 1-1023	LOGAN	6.2	TENNESSEE GAS PIPELI
*8108470		4704500779	107	LAWSON HRS A 2-1120	LOGAN	10.5	TENNESSEE GAS PIPELI
*8108471		4704500860	107	LAWSON HRS 3-1138	LOGAN	2.3	TENNESSEE GAS PIPELI
*8108476		4704500848	107	LAWSON HRS 7-1199	CHAPMANVILLE	5.7	TENNESSEE GAS PIPELI
*8108465		4704500859	107	LAWSON HRS 8-1202	CHAPMANSVILLE	14.3	TENNESSEE GAS PIPELI
*8108481		4700500598	107	LITTLE COAL LAND CO B 27-666	SCOTT	8.5	TENNESSEE GAS PIPELI
*8108482		4700500917	107	LITTLE COAL LAND CO 40-1131	WASHINGTON	10.6	TENNESSEE GAS PIPELI
*8108486		4700500809	107	LITTLE LAND COAL CO 39-779	WASHINGTON	2.8	TENNESSEE GAS PIPELI
*8108516		4709900813	107	LOUISA COLLINS 5-844	GRANT	1.2	TENNESSEE GAS PIPELI
*8108474		4704500846	107	M BLANKENSHIP 1-1145	LOGAN	8.7	TENNESSEE GAS PIPELI
*8108466		4704500584	107	MARTHA MCKENY 1-1017	CHAPMANVILLE	5.9	TENNESSEE GAS PIPELI
*8108527		4709900918	107	N B MAYNARD 1-899	UNION	1.1	TENNESSEE GAS PIPELI
*8108519		4709900611	107	NOAH MAYNARD 1-785	GRANT	4.7	TENNESSEE GAS PIPELI
*8108515		4703901626	107	OLLIE ARNOLD 1-904	WASHINGTON	19.2	TENNESSEE GAS PIPELI
*8108484		4700500364	107	PEYTONA COAL CO 30-470	SHERMAN	14.3	TENNESSEE GAS PIPELI
*8108464		4700503720	107	PEYTONA COAL CO 32-475	SHERMAN	3.7	TENNESSEE GAS PIPELI
*8108485		4700500454	107	PEYTONA COAL CO 34-568	SHERMAN	4.3	TENNESSEE GAS PIPELI
*8108483		4700500908	107	PEYTONA COAL CO 37-1073	SHERMAN	14.0	TENNESSEE GAS PIPELI
*8108456		4700500899	107	POND FORK 6-1015	CROOK	4.8	TENNESSEE GAS PIPELI
*8108495		4709900433	107	R & T P MAYNARD 3-741	GRANT	10.4	TENNESSEE GAS PIPELI
*8108496		4709900419	107	R & T P MAYNARD 4-742	GRANT	20.4	TENNESSEE GAS PIPELI
*8108498		4709900484	107	R & T P MAYNARD 5-759	GRANT	4.4	TENNESSEE GAS PIPELI
*8108472		4704500246	107	R J BLANKENSHIP 1-1022	LOGAN	4.3	TENNESSEE GAS PIPELI
*8108478		4704500759	107	R J BLANKENSHIP 2-1026	LOGAN	5.1	TENNESSEE GAS PIPELI
*8108480		4704500769	107	R J BLANKENSHIP 3-1104	LOGAN	8.1	TENNESSEE GAS PIPELI
*8108473		4704500772	107	R J BLANKENSHIP 4-1110	LOGAN	5.4	TENNESSEE GAS PIPELI
*8108455		4700500036	107	S M WHEELER 1-394	SCOTT	2.2	TENNESSEE GAS PIPELI
*8108505		4703900294	107	SILVER COAL LAND CO 1-453	WASHINGTON	12.1	TENNESSEE GAS PIPELI
*8108509		4703900781	107	SILVER COAL LAND CO 10-592	WASHINGTON	9.7	TENNESSEE GAS PIPELI
*8108512		4703900794	107	SILVER COAL LAND CO 11-598	WASHINGTON	10.5	TENNESSEE GAS PIPELI
*8108513		4703900840	107	SILVER COAL LAND CO 12-617	WASHINGTON	5.3	TENNESSEE GAS PIPELI
*8108506		4703900324	107	SILVER COAL LAND CO 2-469	WASHINGTON	6.5	TENNESSEE GAS PIPELI
*8108507		4703900371	107	SILVER COAL LAND CO 3-478	WASHINGTON	7.3	TENNESSEE GAS PIPELI
*8108508		4703900397	107	SILVER COAL LAND CO 4-485	WASHINGTON	6.3	TENNESSEE GAS PIPELI
*8108504		4703900470	107	SILVER COAL LAND CO 5-493	WASHINGTON	8.1	TENNESSEE GAS PIPELI
*8108510		4703900673	107	SILVER COAL LAND CO 6-560	WASHINGTON	11.1	TENNESSEE GAS PIPELI
*8108511		4703900747	107	SILVER COAL LAND CO 9-582	WASHINGTON	4.9	TENNESSEE GAS PIPELI
*8108524		4709900309	107	SMITH-LINDSEY 1-652	UNION	1.0	TENNESSEE GAS PIPELI
*8108459		4704500509	107	T H HARVEY 4-954	CHAPMANSVILLE	8.9	TENNESSEE GAS PIPELI
*8108460		4704500527	107	T H HARVEY 6-976	CHAPMANSVILLE	6.4	TENNESSEE GAS PIPELI
*8108461		4704500528	107	T H HARVEY 7-977	CHAPMANSVILLE	5.2	TENNESSEE GAS PIPELI
*8108462		4704500567	107	T H HARVEY 8-1004	CHAPMANSVILLE	16.7	TENNESSEE GAS PIPELI

** U.S. GEOLOGICAL SURVEY - METAIRIE,LA

-ANADARKO PRODUCTION COMPANY RECEIVED: 12/08/80 JA: LA 3

JD NO	JA NO	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
81.8394	GO-1706	1770340336	102	EAST CAMERON BLOCK 104 NO A-5	EAST CAMERON	3650.0	TRUNKLINE GAS CO
-CNG PRODUCING COMPANY				RECEIVED: 12/08/80 JA: LA 3			
*8108402	GO-1547	1771240185	102	G-11S1	SHIP SHOAL	2044.0	CONSOLIDATED GAS SUP
-EXXON CORPORATION				RECEIVED: 12/08/80 JA: LA 3			
81.8395	GO-1629	1771540205	102	OCS-G 1255 NO B-11	SOUTH TIMBALIER	1600.0	TRUNKLINE GAS CO
*8108397	GO-1567	1770240621	102	OCS-G 2560 NO A-9	WEST CAMERON	4000.0	COLUMBIA GAS TRANS C
81.8383	GO 1685	1770940406	102	OCS-G 3331 NO A-10	EUGENE ISLAND	6000.0	COLUMBIA GAS TRANS C
-GULF OIL CORPORATION				RECEIVED: 12/08/80 JA: LA 3			
*8108392	GO-1668	1770940326	102	OCS-G 0983 #G-5	EUGENE ISLAND	365.0	SEA ROBIN PIPELINE C
81.8398	GO-1673	1771540332	102	OCS-G 3336 WELL NO D-12D	SOUTH TIMBALIER	36.0	TEXAS EASTERN TRANSM
-KERR-MCGEE CORPORATION				RECEIVED: 12/08/80 JA: LA 3			
81.8389	GO-1659	1771100779	102	OCS - 0345 WELL NO 11-B	SHIP SHOAL	74.0	TRANSCONTINENTAL GAS
81.8394	GO-1660	1771100704	102	OCS 0333 WELL NO B-B	SHIP SHOAL	302.0	TRANSCONTINENTAL GAS
-MARATHON OIL COMPANY				RECEIVED: 12/08/80 JA: LA 3			
81.8396	GO-1529	1771040816	102	EUGENE ISLAND BLOCK 349 WELL NO B-2	EUGENE ISLAND	55.0	TEXAS EASTERN TRANSM
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 12/08/80 JA: LA 3			
81.8404	GO 1701	1771140394	102	SHIP SHOAL 86 #1	SHIP SHOAL	0.0	
*8108390	GO-1703	1771340067	102	SOUTH PELTO 10 #12-A	SOUTH PELTO	1.8	TRANSCONTINENTAL GAS
-OCEAN PRODUCTION CO				RECEIVED: 12/08/80 JA: LA 3			
81.8385	GO-1616	1771340068	102	OCS-G 072 NO 348	SOUTH PELTO	50.0	TRANSCONTINENTAL GAS
-SHELL OIL CO				RECEIVED: 12/08/80 JA: LA 3			
81.8386		1770740292	102	OCS-G 1187 JA-1 (FORMERLY NO 4)	SOUTH MARSH ISLAND	500.0	SEA ROBIN PIPELINE C
81.8381	GO-1699	1772340061	102	OCS-G 1614 NO D-2	SOUTH PASS	4.0	SOUTHERN NATURAL GAS
-SONAT EXPLORATION COMPANY				RECEIVED: 12/08/80 JA: LA 3			
81.8401	GO-1521	1770340198	102	OCS-G 3287 A-5	EAST CAMERON	2300.0	SOUTHERN NATURAL GAS
81.8387	GO-1522	1770340196	102	OCS-G 3287 A-5D	EAST CAMERON	1314.0	SOUTHERN NATURAL GAS
-TENNECO OIL COMPANY				RECEIVED: 12/08/80 JA: LA 3			
81.8380	GO 1448	1770540295	102	VERMILION 218 B-2 WELL	VERMILION	821.2	TENNESSEE GAS PIPELI
-TRANSOCEAN OIL INC				RECEIVED: 12/08/80 JA: LA 3			
81.8382	GO-1658	1770040334	102	OCS 0526 #A-3	WEST CAMERON AREA	0.0	TENNESSEE GAS PIPELI
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/08/80 JA: LA 3			
81.8403	GO-1690	1770540368	107	OCS 0297 NO 34	VERMILION	7.2	TRUNKLINE GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 12/08/80 JA: TX 3			
81.8393	GO-1674	4271140458	102	OCS-G-2427 #A-3	EAST ADDITION HIGH ISLAN	1500.0	MICHIGAN-WISCONSIN P
-SHELL OIL CO				RECEIVED: 12/08/80 JA: TX 3			
81.8388	GO 1650	4270340010	102	OCS-G 3086 JA-1	MATAGORDA ISLAND	1410.0	TRANSCONTINENTAL GAS
-TENNECO OIL COMPANY				RECEIVED: 12/08/80 JA: TX 3			
81.8391	GO 1459	4270900000	102	HIGH ISLAND BLOCK 281 A-6	HIGH ISLAND	365.0	TENNESSEE GAS PIPELI
-TRANSCO EXPLORATION COMPANY				RECEIVED: 12/08/80 JA: TX 3			
81.8384	GO-1624	4270940418	102	OCS-G 3243 A-3	HIGH ISLAND	1500.0	TRANSCONTINENTAL GAS
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/08/80 JA: TX 3			
81.8400	GO-1645	4271140443	102	OCS-G 3485 A-4	EAST HIGH ISLAND	1278.0	

OTHER PURCHASERS VOLUME NO 1340

8108390	FLORIDA GAS
8108392	TEXAS EASTERN TRANSMISSION CORP
8108397	NORTHERN NATURAL GAS CO
8108402	COLUMBIA GAS TRANSMISSION CORP
8108455	INDUSTRIAL GAS CORP
8108456	INDUSTRIAL GAS CORP
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8108470	INDUSTRIAL GAS CORP
8108471	INDUSTRIAL GAS CORP
8108472	INDUSTRIAL GAS CORP
8108473	INDUSTRIAL GAS CORP
8108474	INDUSTRIAL GAS CORP
8108475	INDUSTRIAL GAS CORP
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8108527	INDUSTRIAL GAS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before January 30, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1306 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 3209, 3250, and 3518]

State of California Department of Water Resources, Sequoia Energy Corp., North Kern Water Storage District; Applications for Preliminary Permit

January 9, 1981.

Take notice that the State of California Department of Water Resources, Sequoia Energy Corporation, and North Kern Water Storage District (Applicants) filed on June 16, 1980, July 11, 1980, and October 2, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project Nos. 3209, 3250, and 3518, to be known as Isabella Powerplant located on Kern River in Kern County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with California Department of Water Resources should be directed to: Ronald B. Robie, Director, Department of Water Resources, P.O. Box 338, Sacramento, California 95814. Correspondence with Sequoia Energy Corporation should be directed to: Lee Trent, President, Sequoia Energy Corporation, 20317 Arminta Street, Canoga Park, California 91306. Correspondence with the North Kern Water Storage District should be directed to: Mr. C. H. Williams, Engineer-Manager, North Kern Water Storage District, 1415 18th Street, Room 705, Bakersfield, California 93302. 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 project, as proposed by the State of California Department of Water Resources and North Kern Water Storage District, would consist of: (1) a U.S. Army Corps of Engineers' earthfill dam, Isabella Dam, and outlet works; (2) a power plant with an 8,000-kW generator and associated turbine-generator; (3) an outlet structure extension; (4) an access road; and (5) a 2,000-foot transmission line. The proposed project would utilize the normal releases to the river from the main outlet works below the dam and would not interfere with the normal operation of Isabella Lake. The State of California Department of Water Resources estimates that the average annual energy output would be 13,400 MWh. The North Kern Water Storage District estimates that the average annual energy output would be 17,000 MWh.

The project, as proposed by Sequoia Energy Corporation, would consist of: (1) a U.S. Army Corps of Engineers' earthfill dam, Isabella Dam, and outlet works; (2) a powerplant with a 2.3-MW generator; (3) a penstock; and (4) an approximately 1,000-foot 69-kV transmission line. The proposed project would operate from the discharge of the dam. The Applicant estimates that the average annual energy output would be 11,500 MWh.

Purpose of Project—The power generated from the project proposed by the State of California Department of Water Resources would be used to help meet the pumping requirements of the State Water Project.

The power generated from the project proposed by Sequoia Energy Corporation would be sold to Southern California Edison Company or to a number of other users, including a municipal utility.

The power generated from the project proposed by the North Kern Water Storage District would be used to meet their pumping requirements and would possibly be sold to a utility company.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time they would conduct engineering studies, secure geologic data, make comparative studies, perform preliminary designs and estimate costs, do a feasibility analysis, assess environmental impacts, and prepare a FERC license application. The State of California Department of Water Resources estimates the cost of the studies to be $160,000. Sequoia Energy Corporation estimates the cost of the studies to be $50,000. The North Kern Water Storage District estimates the cost of the studies to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permitee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate

action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 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 Projects Nos. 3209, 3250, and 3518. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1397 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-381]

Indiana and Michigan Electric Co.; Extension of Time

January 6, 1981.

On December 30, 1980, Commission Staff Counsel filed a request for an extension of time to file comments on a settlement agreement filed December 15, 1980, in the above-docketed proceeding. In support of this request, the motion states that Staff Counsel, who was not a party to the settlement negotiations, was not aware that a settlement was to be filed in this proceeding and only recently received a copy of the document. The motion further states that additional time is required because Staff Counsel's technical witness is unavailable at this time. The motion finally states that all parties to this proceeding support this request for an extension of time.

Upon consideration, notice is hereby given that an extension of time for the filing of reply comments is granted to and including January 20, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1385 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER76-716]

Indiana and Michigan Electric Co.; Filing

January 5, 1981.

The filing company submits the following:

Take notice that on December 24, 1980, the Indiana and Michigan Electric Company submitted for filing in response to protests by the cities of Anderson and Auburn, Indiana and the Indiana and Michigan Municipal Distributors Association certain revisions to its revised cost of service and revised rates earlier submitted on November 3, 1980, pursuant to Commission Opinion No. 79.

Any person desiring to be heard or to protest said filing should file a 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 and 1.10). All such protests should be filed on or before January 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1384 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3724-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 9, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3724 to be known as Deadwood Dam Hydroelectric Project located at the United States Department of the Interior, Water and Power Resources Service's (WPRS) Deadwood Dam on the Deadwood River in Valley 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, MA 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse with a total rated capacity of 6,500 kW and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 28.2 million kWh.

Purpose of Project—Project energy would be sold to a local utility.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, 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 $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commissioin will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," OR "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3724. 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 N. Capitol St., NE, Washington D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, 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. 81-1387 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3729-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 8, 1981.

Take notice that Mitchell Energy Company, Inc. (Application) 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. 3729 to be known as the Cle Elum Dam Hydroelectric Project located on Cle Elum River in Kittitas 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be located at the existing U.S. Water and Power Resources Service's Cle Elum Dam and would consist of a power plant with a rated capacity of 14,707 kW. The Applicant estimates that the average annual energy output would be 41.46 million kWhs.

Purpose of Project—Applicant states that during the permit period a power purchase agreement with a local utility will be negotiated.

Proposed Scope and Cost of Studies under Permit—Applicant seeks a preliminary permit for a period of 24 months during which it would conduct environmental, engineering and economic studies to determine the feasibility of constructing and operating the proposed project. Applicant estimates that the cost of the feasibility studies would be about $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 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). This application was filed as a competing application to the Kittitas County Public Utility District No. 1 and the City of Ellensburg's application for the Elum Dam Hydroelectric Project No. 3485, filed September 18, 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 Rule of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 19, 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. 3729. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1388 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3731-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 9, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3731 to be known as the Meeks Cabin Dam Project located on the Blacks Fork River in Sublette County, Wyoming. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the United States Water and Power Resources Service. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116.

Project Description—The proposed project would utilize the United States Water and Power Resources Service's existing Meeks Cabin Dam and Reservoir and would consist of: (1) a proposed powerhouse located just below the dam on the west bank of the Blacks Fork River, having units with a total installed capacity of 2,300 kW; and (2) appurtenant works.

The Applicant estimates that the average annual energy output would be 7,800,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments," "Notice of Intent To File Competing Application," "Competing Application," "Protest," or "Petition To Intervene," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3731. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1389 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3732-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 8, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3732 to be known as Upper Deer Dam Project located on Boise River in Canyon 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam, owned by the United States Water and Power Resources Service, and would consist of a powerhouse with a total installed capacity of 8,800 kW.

The Applicant estimates that the average annual energy output would be 38,574,500 kWh.

Purpose of Project—Power generated by the project would be sold to the Idaho Power Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of work to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 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 section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 19, 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 Poject No. 3732. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1390 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3734-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

January 7, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3734 to be known as Mud Mountain Dam Project located on White River in King 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam owned by the United States Corps of Engineers and would consist of a powerhouse with a total installed capacity of 5.8 MW.

The Applicant estimates that the average annual energy output would be 25,294,500 kWh.

Purpose of Project—Power generated by the project would be sold to Puget Sound Power and Light Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of the studies, Applicant would decide to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of the studies to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 12, 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. 3734. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1391 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3737-000]

Mitchell Energy Co., Inc., Application for Preliminary Permit

January 9, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3737 to be known as Lower Deer Dam Project located on Boise River in Canyon 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. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing government dam owned by the United States Water and Power Resources Service and would consist of a powerhouse with a total installed capacity of 7800 kW.

The Applicant estimates that the average annual energy output would be 34,453,000 kWh.

Purpose of Project—Power generated by the project would be sold to the Idaho Power Company or another local utility.

Proposed Scope and Cost of Studies under Permit—The work to be performed under the preliminary permit would include an economic analysis, preliminary engineering, and study of environmental impacts. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and preparation of application for license to construct and operate the project. Applicant estimates that the cost of studies to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest

may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 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. 3737. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1302 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3262-000]

Modesto Irrigation District; Application for Preliminary Permit

January 7, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3262 to be known as the Canyon Creek Project located on Canyon Creek 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. Lee Delano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352. 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 diversion dam, to be reconstructed; (2) an existing 6-mile long water conduit (part of the abandoned Pacific Gas and Electric Company's Junction City Project) to be rehabilitated; (3) approximately 1000 feet of new penstock; (4) a new powerhouse with a rated capacity of 1060 kW; and (5) related electrical appurtenances to connect to an existing 12-kV overhead transmission line at the powerhouse site.

The Applicant estimates that the average annual energy output would be 9.3 million kWhs.

Purpose of Project.—The Applicant proposes to use the power output to meet its present and future electrical energy requirements within its service area.

Purposed Scope and Cost of Studies under Permit.—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include economic feasibility, topographical mapping, engineering and environmental data, and cost estimates. A work plan and schedule for new dam construction was filed as part of the application. Land would be disturbed at each abutment during subsurface investigation that would include soil borings. No new roads would be required for the proposed studies. Applicant states that precautions would be taken to minimize disturbances during testing and that each disturbed area would be restored to its existing conditions as closely as possible. The cost of the studies under the permit has been estimated by the Applicant to be about $75,000.

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 presumed to have no comments.

T3Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before March 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any 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, protests, or petition to intervene must be received on or before March 2, 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. 3262. Any comments, notices of intent, competing applications,

protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1393 Filed 1-14-81; 8:45]

BILLING CODE 6450-85-M

[Project No. 3605-000]

Mohawk Paper Mills, Inc., Application for Preliminary Permit

January 8, 1981.

Take notice that Mohawk Paper Mills, Inc. (Applicant) filed on October 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3605 to be known as the Mohawk Paper Mills Project located on the Fourth Branch of the Mohawk River in Saratoga County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dr. P. A. Forni, Executive Vice President, Mohawk Paper Mills, Inc., Box 497, Cohoes, New York 12047. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed run-of-the-river project would consist of existing project works, including: (1) a two-section concrete dam structure, one section about 150 feet long and 8 feet high with a spillway crest elevation of 31.feet m.s.l. extending from the west (left) bank of the Fourth Branch of the Mohawk River to an unnamed island about 200 feet wide, and a second dam section about 550 feet long and varying from 3 to 7 feet high with a spillway crest elevation of 31.0 feet m.s.l.; (2) a reservoir of negligible storage at surface elevation 31.0 feet m.s.l.; (3) a second concrete State-owned dam, 1,575 feet long and 15 feet high at spillway crest elevation 48.7 feet m.s.l.; (4) a second reservoir of negligible storage; (5) a section of the "Old Champlain Canal" to serve as a headrace (under Option 2) about 1,100 feet long, 30 feet wide, and 8 feet deep; (6) a concrete flow control structure 10 feet wide and 8 feet high at the head of the "Old Champlain Canal"; and (7) other appurtenances. New project works would include, under Option 1, a powerhouse (with an installed capacity of 1,360 kW) which would be constructed at the west (left) abutment of the west section of the two-section dam structure. Under Option 2, a penstock would be constructed connecting the "Old Champlain Canal" to a powerhouse (with an installed capacity of 2,220 kW) which would be constructed near the powerhouse location described in Option 1, but would be located about 180 feet downstream in the abandoned Kings Canal adjacent to the river. The Applicant estimates that the average annual energy output under Option 1 would be about 12,446,000 kWh, and, under Option 2, about 11,878,000 kWh.

Purpose of Project.—Project energy would be partially utilized by the Applicant for internal manufacturing processes, with the remainder being sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for FERC license. Applicant estimates cost of studies under the permit would not exceed $67,250.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 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. 3605. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory

Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1394 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-40-000]

James M. Tidwall, d.b.a. Spring Creek Enterprises; Filing of Petition for Review

Issued: January 7, 1981.

Take notice that James M. Tidwall, d.b.a. Spring Creek Enterprises on January 5, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before January 26, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before January 26, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1386 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3491]

Upper Cumberland Electric Membership Corp., Application for Preliminary Permit

January 8, 1981.

Take notice that Upper Cumberland Electric Membership Corporation (Applicant) filed on September 22, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3491 to be known as Burgess Falls Dam located on the Falling Water River in Putnam County, Tennessee. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Roy Polk—General Manager, Upper Cumberland Electric Membership Corporation, Highway 53 Bypass, P.O. Box 159, Carthage, Tennessee 37030. 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 dam approximately 336 feet long and 36 feet high; (2) an Ogei crest spillway, 180 feet long, with seven slide gates approximately 5 feet high and 20 feet wide; (3) an existing reservoir with a surface area of 150 acres at a maximum pool elevation of 886 feet m.s.l.; (4) a proposed powerhouse with an estimated capacity of 3,000 kW; and (5) appurtenant facilities.

The Applicant estimates annual output of the proposed project would be 12.4 million kWh. No Federal lands are being utilized.

Purpose of Project.—Supplement Applicant's base energy requirements and aid TVA in stabilizing the steadily increasing electric costs due to higher fuel costs.

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 proposes to conduct economic and environmental studies, prepare application for necessary state and Federal permits and develop preliminary final designs for the project. Applicant estimates cost of the proposed studies to be $30,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, local agencies that receive this notice through direct mailing from the Commission are invited to submit coments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 19, 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 has made in response to this notice of application for preliminary permit for Project No. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1388 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-33-000]

Advanced Sales Corp.; Filing of Petition for Review

Issued: January 7, 1981.

Take notice that Advanced Sales Corp. on December 3, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before January 26, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before January 26, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1385 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3522-000]

Atlantic Power Development; Application for Preliminary Permit

January 8, 1981.

Take notice that Atlantic Power Development Corporation (Applicant) filed on October 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3522 to be known as Locks and Dam 4 located on the Monogahela River in Washington County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas F. Nolan IV, Attorney at Law, 401 C Street, NE., Washington, D.C. 20002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Locks and Dam 4 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 11,500 kW; (2) a transmission line; and (3) appurtenant facilities. Project energy would be transmitted to existing distribution lines located within 1 mile of the project.

The Applicant estimates that the average annual energy output would be 64,500 MWh.

Purpose of Project—Project energy would be sold to the local electric public utility.

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 prepare studies of the hydraulic, construction, economic and environmental aspects of the project. Applicant states that it may be necessary to conduct test borings at the power plant and to construct a short access road to the area of the test boring sites along the bank of the river. Depending upon the outcome of the studies, Applicant would decide whether to prepare an application for FERC license. Applicant estimates the cost of the studies under the permit would be $108,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comment—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 19, 1981, either the competing application itself of a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to

intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 19, 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. 3522–000. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy, Regulatory Commission, 825 North Capitol Street., NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, 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. 81-1366 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-508]

Boston Edison Co.; Order Denying Reconsideration

Issued: January 7 1981.

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

On November 19, 1980, Boston Edison Company (Edison) filed a "Petition for Reconsideration by Boston Edison Company of the Commission's Order Providing for Maximum Five-Month Suspensions of the S–6 and Contract Demand Rates." Edison asserts that revised studies compiled by the company demonstrate that a maximum suspension of the proposed rates will produce harsh and inequitable results.

On December 9, 1980, the Reading Municipal Light Board filed an answer to Edison's petition urging the Commission to deny the petition on the grounds that it is procedurally impermissible, without merit and contrary to an orderly process for considering and deciding disputed issues in rate proceedings.

We have recently revised the question of Edison's suspension and denied rehearing of our original suspension decision. The suspension decision is a discretionary one which must be made within the statutory time limits on the basis of a "first cut" preliminary analysis. We do not find it appropriate or conducive to orderly or efficient administrative procedures to reconsider such decisions on the basis of subsequent analyses of the rate filing made by the participants to the proceeding, including Commission trial staff. This is particularly so where, as here, we have already reviewed the suspension period on rehearing. We shall therefore deny Edison's petition for reconsideration.

The Commission orders:

(A) The petition for reconsideration filed by Boston Edison in this docket on November 19, 1980 is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1367 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3766-000]

Colorado River Water Conservation District; Application for Preliminary Permit

January 7, 1981.

Take notice that Colorado River Water Conservation District (Applicant) filed on November 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3766 to be known as Ruedi Project located on the Ruedi Reservoir in Eagle and Pitkin Counties, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roland C. Fischer, Secretary–Engineer, Colorado River Water Conservation District, P. O. Box 1120, Glenwood Springs, Colorado 81601. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize an existing government dam and would consist of a powerhouse contgaining two turbine-generators with a total rated capacity of 11 MW. Applicant would also construct an after bay to be formed by a 40-foot high, 200-foot long dam located approximately 2,500 feet downstream. The after bay, with a storage capacity of 230 acre-feet would levelize the fluctuation in out flow from the proposed powerhouse, which is to be operated as a peaking facility. The Applicant estimates that the average annual energy output would be up to 22 million kWh which would save the equivalent of 36,100 barrels of oil or 10,200 tons of coal.

Purpose of Project.—Power generated by the project would be sold to either Public Service Company of Colorado or Colorado-Ute Electric Association, Inc.

Proposed Scope and Cost of Studies Under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, geogolical investigations, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of work to be performed under this preliminary permit would be $180,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit

comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to the Ruedi Project, Project No. 3225 on June 24, 1980, by Harrison Western Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before February 23, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "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. 3766. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1368 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-20-000]

Commerce Energy Resources, Inc.; Applications for "Small Producer" Certificates [1]

January 8, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 22, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS81-20-000	10/24/80	Commerce Energy Resources, Inc., P.O. Box 590, Spencer, WV 25276.
CS81-21-000	11/9/80	Pottam Exploration Co., 1515 Arapahoe Street, Suite 580, One Park Central, Denver, CO 80202.
CS81-22-000	11/19/80	Pauline Harding, Rt. 2, Box 13, Wellston, OK 74881.
CS81-23-000	11/21/80	David Schaenen, 2811 Poly Drive, Billings, MT 59102
CS81-24-000	11/28/80	Arlen Boyd Henneman, 3105 Gregory Drive, Billings, MT 59102.
CS81-25-000	12/1/80	Columbine Exploration Corp., 817 17th Street, Ste. 718, Denver, CO 80202.
CS81-26-000	12/8/80	Crady Davis Co., 4545 South High Street, Englewood, CO 80110.
CS81-27-000	12/5/80	Amarillo National Bank, Amarillo, TX., Surviving Trustee of O. H. Shaller Trust A and Claude Shaller, Memorial Trust, 11th Floor Plaza One, Amarillo, TX.
CS81-28-000	12/11/80	Angus Oil Corp., Suite 281, Century Center Plaza, Oklahoma City, OK 73102.
CS81-29-000	12/12/80	Zeta 1980 S T Joint Venture, P.O. Box 5061, Westport, CT 06880.
CS81-30-000	12/15/80	Hendrik's Gollad, Inc., 11221 Katy Freeway, Suite 200, Houston, TX 77079.
CS81-31-000	12/15/80	L. Irvin Barnhart, 2121 Sage Road No. 333, Houston, TX 77056.
CS81-32-000	12/15/80	Paul F. Barnhart, Jr., 2121 Sage Road No. 333, Houston, TX 77056.
CS81-33-000	12/15/80	Estate of Harry B. Barnhart, Jr., 2121 Sage Road No. 333, Houston, TX 77056.
CS81-34-000	12/15/80	Barnhart 1974 Partnership, 2121 Sage Road No. 333, Houston, TX 77056.
CS81-35-000	12/16/80	Quaker Run Drilling Program, 1028 First Federal Plaza, Rochester, NY 14614.
CS81-36-000	12/18/80	Charles Alfred Williams, 1370 Berkeley Way, Ukiah, CA 95482.
CS81-37-000	12/19/80	Marilyn L. Yates, Route 5, Box 100F, Midland, TX 79701.
CS81-38-000	12/22/80	Thomas E. Hickey, P.O. Box 2148, Sante Fe, NM 87501.
CS81-39-000	12/22/80	Barbara B. Sweeney, P.O. Box 2148, Sante Fe, NM 87501.
CS81-40-000	12/29/80	Carolyn Neighbors Hart, 2 Rip Van Winkle, Houston, TX 77024.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS81-41-000	12/29/80	Nancy Neighbors Becker, 4701 Crestway, Austin, TX 78731.
CS81-42-000	12/29/80	Dirks Petroleum Corp., 1309 South Shepherd, Houston, TX 77019.
CS81-43-000	12/29/80	Eric Schwartz, P.O. Box 2148, Sante Fe, NM 87501.
CS81-44-000	12/30/80	Dr. Irwin Zim, P.O. Box 2148, Sante Fe, NM 87501.
CS81-45-000	12/30/80	J. Roger Friedman, P.O. Box 2148, Sante Fe, NM 87501.

[FR Doc. 81-1389 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3388-000, and Project No. 3656-000, Project No. 3701-000]

Cook Electric Co., City of Tenino and Pacific Hydro, Inc., Yakima-Tieton Irrigation District; Applications for Preliminary Permit

January 7, 1981.

Take notice that Cook Electric Company (Cook), City of Tenino and Pacific Hydro, Inc. (Pacific Hydro), and Yakima-Tieton Irrigation District (Yakima) (Applicants) filed on August 26, 1980, November 3, 1980, and November 7, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 3388, 3656, and 3701 to be known as Tieton Project located on the Tieton River in Yakima County, Washington. The applications are on file with the Commission and are available for public inspection. Correspondence with Cook Electric Company should be directed to: Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Correspondence with City of Tenino and Pacific Hydro, Inc. should be directed to: Robert H. Sherman, P.O. Box 572, Yelm, Washington 98597. Correspondence with Yakima-Tieton Irrigation District should be directed to: Warren E. Dickman, Yakima-Tieton Irrigation District, Route 6, Box 193, Yakima, Washington 98908. 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 No. 3388 would consist of: (1) the possible replacement of the two existing 72-inch steel pipes in the existing Water and Power Resources Services' Tieton Dam with two 72-inch steel penstocks; (2) a powerhouse containing two generating units, each rated at 4989 kW; (3) a 19.5-mile long transmission line; and (4) appurtenant facilities. Applicant estimates that the annual generation would be 44.2 million kWh.

Project No. 3656 would consist of: (1) an intake structure through the existing Water and Power Resources Services' (WPRS) Tieton Dam; (2) a 40,000-foot long canal; (3) a 4800-foot long syphon; (4) two penstocks; (5) a powerhouse containing two generating units, each rated at 20,000 kW; (6) a 5-mile long transmission line; and (6) appurtenant facilities. Applicant estimates the annual generation would be 183.2 million kWh.

Project No. 3701 would consist of: (1) a 30-foot wide by 40-foot long indoor powerhouse located at the existing valve house at the toe of Tieton Dam, and containing two generating units, each rated at 8,000 kW; and (2) a 5-mile long transmission line. Applicant estimates that the average annual energy output would be 64.25 million kWh.

Purpose of Project.—Cook and Pacific Hydro propose to sell energy produced at the projects to local utilities and Yakima proposes to either utilize the energy produced internally or sell the energy to a local utility.

Proposed Scope and Cost of Studies Under Permit.—Applicants seek issuance of a preliminary permit for a period of 36 months, during which time each Applicant would perform hydrological, engineering, environmental, and feasibility studies on the projects and prepare applications for FERC licenses. Cook, Pacific Hydro, and Yakima estimate costs of studies under their permit would be $18,000, $44,600, and $50,000 respectively.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before March 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 12, 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 Nos. 3388, 3656 and 3701. 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, Divison of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street,

NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1370 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3408-000]

Cook Electric Co.; Application for Preliminary Permit

January 8, 1981.

Take notice that Cook Electric Company (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3408 to be known as Middle Snake River Project (at Milner Dam) located on the Snake River in Twin Falls and Jerome Counties, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls, Idaho 83301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure (a slide gate or a butterfly valve); (2) a 120-foot long, 6-foot diameter penstock serving; (3) a powerhouse with a rated capacity of 725 kW. The proposed project would operate during non-irrigation season using water otherwise spilled over Milner Dam. The Applicant estimates that the average annual energy output would be 3.175 million kWhs. Also, please take note that Twin Falls Canal Company and North Side Canal Company (owners of Milner Dam) have filed an application for a preliminary permit, FERC Project No. 2899, to study the feasibility of constructing a powerhouse with a rated capacity of 50.25 MW, using the existing South Side Canal as a power canal. The public notice of the application for Project No. 2899 has been given separately. Cook Electric Company states in its application that even when the owners of Milner Dam "build their power plants it is anticipated that a minimum of 150 cfs will be wasted over the dam."

Purpose of Project—Applicant proposes to sell the project power to the Twin Falls Canal Company, the North Side Canal Company, or the Idaho Power Company, under Section 210 of the Public Utility Regulatory Policies Act of 1978.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would study the feasibility of the proposed projects. The cost of the feasibility study is estimated by the Applicant to be about $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 23, 1981, either the competing application itself or a notice of intent to a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments," "Notice of Intent To File Competing Application," "Competing Application," "Protest," or "Petition To Intervene," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3408. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1371 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3421 and Project No. 3645]

Eastern States Energy & Resources, Inc. and East Kentucky Power Cooperative, Inc.; Applications for Preliminary Permits

January 7, 1981.

Take notice that Eastern States Energy & Resources, Inc. (ESER) and East Kentucky Power Cooperative, Inc. (EKPC) (Applicants) filed on September 2, 1980 and November 3, 1980, respectively, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3421 and 3645 to be known as Cave Run Dam Project located at the U.S. Army Corps of Engineers' Cave Run Dam and Reservoir, a flood control project, on the Licking River in Bath and Rowan Counties near Salt Lick and Farmers,

Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with ESER should be directed to: Mr. Jeffrey M. Kossak, ESQ, Suite 1900, 14 Wall Street, New York, New York 10005. Correspondence with EKPC should be directed to: Mr. Richard H. Breckenkamp, East Kentucky Power Cooperative, Inc., P.O. Box 707, Winchester, Kentucky 40391. 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 projects of ESER and EKPC would both consist of: (1) a proposed intake section; (2) a proposed powerhouse located on the eastern bank of the river; (3) proposed transmission lines; and (4) appurtenant facilities. ESER estimates the capacity of their proposed project to be 7.5 MW, and the annual energy output to be 35 GWh. EKPC estimates the capacity of their proposed project to be 10 MW, and the annual energy output to be 26.5 GWh.

Purpose of Project.—ESER would most probably sell its energy to Kentucky Power Company. EKPC would utilize its energy within its own power system.

Proposed Scope and Cost of Studies under Permit.—Both applicants have requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The costs of the aforementioned activities along with obtaining the agreements with other Federal, State and local agencies are estimated to be $57,500 for Project No. 3421 while Project No. 3645 would cost between $200,000 to $300,000.

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 Permitee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before March 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before March 23, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3421 and 3645. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1372 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-22-000]

Gilbert's Corner Exxon; Filing of Petition for Review

Issued: January 7, 1981.

Take notice that Gilbert's Corner Exxon on November 13, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before January 26, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before January 26, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.49(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1373 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 8, 1981.

JD NO	JA DKT	API NO	SEC C WELL NAME	FIELD NAME	PROD	PURCHASER
**********						
WEST VIRGINIA DEPARTMENT OF MINES						
**********						
-MOUNTAINEER 1979-B			RECEIVED: 12/09/80 JA: WV			
8108528		4708524482 102	D ANDERSON-VANCAMPEN H-924	CLAY DISTRICT	330.0	CONSOLIDATED GAS SUP
**********						
** U.S. GEOLOGICAL SURVEY - CASPER,WY						
**********						
-AMOCO PRODUCTION CO			RECEIVED: 12/08/80 JA: MT 5			
8108610	M554-C	2500921111 103	ELK BASIN MADISON UNIT 2 WELL #304	ELK BASIN	6.7	MONTANA-DAKOTA UTILI
-CHERRY CREEK OIL CO			RECEIVED: 12/08/80 JA: MT 5			
8108619	M 576-C	2503521462 103	CHERRY CREEK OIL #1-22 TRIBAL	BIG ROCK GAS FIELD	30.0	FOUREM CO
-FALCON-COLORADO EXPLORATION INC			RECEIVED: 12/08/80 JA: MT 5			
8108593	M533-C	2507121719 103	1-21 FEDERAL	SWANSON CREEK	10.0	MONTANA-DAKOTA UTILI
8108594	M534-C	2507121720 103	1-25 MILLER	SWANSON CREEK	5.0	MONTANA-DAKOTA UTILI
8108595	M535-C	2507121721 103	1-33 FEDERAL	SWANSON CREEK	17.0	MONTANA-DAKOTA UTILI
8108596	M536-C	2510521171 102	1-33 STUFF	SWANSON CREEK	2.0	MONTANA-DAKOTA UTILI
-GEORESOURCES INC			RECEIVED: 12/08/80 JA: MT 5			
8108566	W-416-C	2501121273 102	1 - 27 FEDERAL		1.6	MONTANA - DAKOTA UTI
8108565	W-413-C	2501121274 102	1-4 FEDERAL		2.0	MONTANA-DAKOTA UTILI
-MIDLANDS GAS CORPORATION			RECEIVED: 12/08/80 JA: MT 5			
*8108598	M538-C	2507121625 103	0102 FEDERAL 1	BOWDOIN	37.0	KANSAS-NEBRASKA NATU
*8108599	M539-C	2507121640 103	0251 FEDERAL 1		58.0	KANSAS-NEBRASKA NATU
*8108600	M 540-C	2507121642 102	0570 FEDERAL 1		58.0	KANSAS-NEBRASKA NATU
*8108563	M-345-C	2507121646 102	0960 FEDERAL 1		126.0	KANSAS-NEBRASKA NATU
*8108601	M 541-C	2507121644 102	0970 FEDERAL 1		49.0	KANSAS-NEBRASKA NATU
*8108569	M-441-C	2507121482 108	1451 FEDERAL 143531	BOWDOIN	18.0	KANSAS-NEBRASKA NATU
*8108602	M542-C	2507121624 103	2213 FEDERAL 2	BOWDOIN	78.0	KANSAS-NEBRASKA NATU
*8108603	M543-C	2507121649 103	2712 FEDERAL #1		102.0	KANSAS-NEBRASKA NATU
8108554	NDM 248-C	2507121578 108	2961 FEDERAL 1-28	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
*8108604	M544-C	2507121668 103	3412 FEDERAL 1		101.0	KANSAS-NEBRASKA NATU
-AL-AQUITAINE EXPLORATION LTD			RECEIVED: 12/08/80 JA: ND 5			
8108564	ND 389-C	3300700318 102	US 1-22	W/C	45.0	
-BELCO PETROLEUM CORPORATION			RECEIVED: 12/08/80 JA: ND 5			
8108538	ND 125-C	3305300602 102	ROUGHRIDER FEDERAL 1-32 00602	ROUGHRIDER	20.0	KOCH OIL CO
8108539	ND 126-C	3305300645 102	ROUGHRIDER FEDERAL 6-22 00645	ROUGHRIDER	153.0	KOCH OIL CO
8108537	ND 124-C	3305300593 102	ROUGHRIDER 1-28 00593	ROUGHRIDER	136.0	KOCH OIL CO
-BWAB INC			RECEIVED: 12/08/80 JA: ND 5			
8108609	ND 553-C	3300700541 102	FEDERAL 8-14X	FOUR EYES FIELD	912.5	WESTERN GAS PROCESSO
-KOCH INDUSTRIES INC			RECEIVED: 12/08/80 JA: ND 5			
8108571	W-462-C	3300700331 102	KORDON-FEDERAL #10-6M	FOUR EYES	225.0	MONTANA-DAKOTA UTILI
-SHELL OIL CO			RECEIVED: 12/08/80 JA: ND 5			
8108529	ND 33-C	3305300873 102	USA 11-21-35	MONDAK	29.0	MONTANA DAKOTA UTILI
8108542	ND 191-C	3305300839 102	USA 11-31-25	MONDAK	24.0	MONTANA DAKOTA UTILI

JD NO	DOCKET	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8108543	ND 193-D	3305300925	102		USA 12-35-40	MONDAK	80.0	MONTANA DAKOTA UTILI
8108544	ND 194-D	3305300792	102		USA 14-33-10	MONDAK	14.5	MONTANA DAKOTA UTILI
8108545	ND 195-D	3305300856	102		USA 22-24-27	MONDAK	38.0	MONTANA DAKOTA UTILI
8108546	ND 196-D	3305300924	102		USA 23-33-41	MONDAK	30.0	MONTANA DAKOTA UTILI
8108547	ND 197-D	3305300870	102		USA 32-1-37	MONDAK	25.0	MONTANA DAKOTA UTILI
8108548	ND 199-D	3305300926	102		USA 34-27-39	MONDAK	9.5	MONTANA DAKOTA UTILI
8108549	ND 200-D	3305300874	102		USA 41-15-32	MONDAK	5.0	MONTANA DAKOTA UTILI
8108550	ND 44-D	3305300872	102		USA 42-18-36	MONDAK	43.0	MONTANA DAKOTA UTILI
8108551	ND 279-D	3305300855	102		USA 43-11	CARTWRIGHT	150.0	MONTANA DAKOTA UTILI
8108552	ND 201-D	3305300858	102		USA 43-15-28	MONDAK	13.0	MONTANA DAKOTA UTILI
8108561	ND 302-D	3305300968	102		USA 44-31-31	MONDAK	19.5	MONTANA DAKOTA UTILI
8108559	ND 283-D	3305300947	102		USA-CHAMBERS 21-29	SQUAW GAP	26.2	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY					RECEIVED: 12/08/80 JA: ND 5			
8108612	ND559-D	3300700419	102		DAVID USA #2-25	BIG STICK	220.0	WESTERN GAS PROCESSO
8108551	ND 560-D	3300700453	102		DAVID USA #3-25	BIG STICK	511.0	WESTERN GAS PROCESSO
8108553	ND 220-D	3300700418	102		DAVID USA 1-25	BIG STICK	300.0	WESTERN GAS PROCESSO
8108613	ND561-D	3300700400	102		STUART USA #5-7	BIG STICK	245.0	WESTERN GAS PROCESSO
-TEXACO INC					RECEIVED: 12/08/80 JA: ND 5			
8108588	ND 523-D	3305300913	102		SILURIAN UNIT 10 WELL NO 1	CHARLSON	270.0	MONTANA DAKOTA UTILI
8108557	ND 271-D	3305300911	103		SILURIAN UNIT 9 WELL NO 1	CHARLSON	184.0	MONTANA DAKOTA UTILI
-AMOCO PRODUCTION CO					RECEIVED: 12/08/80 JA: WY 5			
8108576	W-487-D	4904120269	102		RYCKMAN CREEK UNIT WELL #26	RYCKMAN CREEK	677.0	NORTHWEST PIPELINE C
8108556	W 270-D	4904120085	102		RYCKMAN CREEK UNIT WELL #7	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8108606	W548-D	4903721168	102		U S A AMOCO Q WELL #1	SENTINEL RIDGE	144.0	CITIES SERVICE GAS C
8108532	W 54-D	4903721197	103		USA AMOCO R WELL #1	SIBERIA RIDGE	56.0	CITIES SERVICE GAS C
8108531	W 53-D	4903721235	103		USA AMOCO S WELL #1	TIERNEY	71.0	CITIES SERVICE GAS C
-BELCO PETROLEUM CORPORATION					RECEIVED: 12/08/80 JA: WY 5			
8108607	W549-D	4903500000	103		ELBU 25-32	EAST LA BARGE	4.0	NORTHWEST PIPELINE C
8108618	W575-D	4903520569	103		ELBU 32-33 20569	EAST LABARGE UNIT	0.0	NORTHWEST PIPELINE C
8108577	W-497-D	4903520315	103		GRBU 65-14 20315	FRONTIER	0.0	NORTHWEST PIPELINE C
8108617	W569-D	4903520484	103		NLBU 27-17 20484	NORTH LA BARGE UNIT	0.0	NORTHWEST PIPELINE C
8108611	W555-D	4903520551	103		RED HILL 1-18 20551	GREEN RIVER BEND	0.0	NORTHWEST PIPELINE
-BURLINGTON NORTHERN INC					RECEIVED: 12/08/80 JA: WY 5			
8108541	W 159-D	4900525324	103		22-9 FEDERAL	PORCUPINE-TURNER	90.0	PHILLIPS PETROLEUM C
-C & K PETROLEUM INC					RECEIVED: 12/08/80 JA: WY 5			
*8108608	W550-D	4903721347	102		LINCOLN ROAD UNIT NO 7		150.0	
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 12/08/80 JA: WY 5			
8108592	W528-D	4903720832	107		#6 HIGGINS 22-14	HIGGINS	290.0	COLORADO INTERSTATE
-CIG EXPLORATION INC					RECEIVED: 12/08/80 JA: WY 5			
8108534	W 104-D	4903720947	102		HAYSTACK UNIT 1-28	HAYSTACK UNIT	320.0	COLORADO INTERSTATE
8108572	W-477-D	4901320768	103		LESTER #1-32	MADDEN	1222.0	COLORADO INTERSTATE
-CRYSTAL OIL COMPANY					RECEIVED: 12/08/80 JA: WY 5			
8108574	W-482-D	4900320508	102		FEDERAL #11-2	DOBIE CREEK	91.3	MONTANA DAKOTA UTILI
-DAVIS OIL COMPANY					RECEIVED: 12/08/80 JA: WY 5			
8108589	W-524-D	4903721463	102		C A T FEDERAL #1	HAY RESERVOIR	721.4	PANHANDLE EASTERN PI
8108615	W563-D	4900921332	102		CARTER FEDERAL NO 1	WELL DRAW	17.2	PHILLIPS PETROLEUM C
8108616	W564-D	4903721515	102		EAST STORM SHELTER #1	WILDCAT	18.2	PANHANDLE EASTERN PI
8108567	W-420-D	4900525112	103		HAHN FEDERAL #6	JAYSON	4.4	PHILLIPS PETROLEUM C
8108575	W-483-D	4903721444	102		HAY RESERVOIR NO 28	HAY RESERVOIR	63.0	PANHANDLE EASTERN PI
8108560	W-289-D	4901920517	102		HELDT DRAW UNIT #64	TABLE MOUNTAIN	26.0	PHILLIPS PETROLEUM C
8108590	W525-D	4900525340	103		HIRSCH FEDERAL NO 2	HILIGHT	28.0	PHILLIPS PETROLEUM C
8108533	W 95-D	4901920513	103		INDIAN CREEK UNIT II #35	INDIAN CREEK	16.0	PHILLIPS PETROLEUM C

JD NO	JA JRI	API NO	SEC	J	WELL NAME	FIELD NAME	PROD	PURCHASER
8108597	W537-0	4900720476	102		PORTER FEDERAL #1	WILDCAT	56.0	COLORADO INTERSTATE
8108591	W 526-0	4903721496	102		RALPH FEDERAL #1	WILDCAT	19.4	PANHANDLE EASTERN PI
8108614	W562-0	4900525449	103		W D FEDERAL #1	HILIGHT	169.4	PHILLIPS PETROLEUM C
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 12/08/80 JA: WY 5			
8108536	W 112-0	4900921574	103		CONNER FEDERAL NO 21-31	MIKES DRAW	4.0	
8108535	W 111-0	4900921575	103		CONNER FEDERAL NO 41-31	NORTH MIKES DRAW	6.0	
8108540	W 155-0	4900525397	103		DELPHA FEDERAL NO 12-25	PORCUPINE	66.0	
8108562	W-341-0	4900921643	103		TRAINER FEDERAL NO 44-33	MIKES DRAW	7.0	
8108552	W 217-0	4900921645	103		WELL DRAW FEDERAL 33-29	WELL DRAW	26.0	PHILLIPS PETROLEUM C
-ELF AQUITAINE INC					RECEIVED: 12/08/80 JA: WY 5			
8108605	W 547-0	4901920511	102		LITTLE BUGHER DRAW UNIT NO 1	LITTLE BUGHER DRAW	73.0	MCCULLOCH GAS TRANSM
-ENERGETICS INC					RECEIVED: 12/08/80 JA: WY 5			
8108555	W 266-0	4903721483	102		FEDERAL 32-28 WY NO 49-037-21483	MONUMENT BUTTE IV UNIT	220.0	COLORADO INTERSTATE
-FELMONT OIL CORPORATION					RECEIVED: 12/08/80 JA: WY 5			
8108578	W-503-0	4900921564	103		FEDERAL FAUSTO 1-33	MIKES DRAW	0.0	PHILLIPS PETROLEUM C
8108583	W-508-0	4900921238	103		FEDERAL 1-34	MIKES DRAW	0.0	PHILLIPS PETROLEUM C
8108586	W-511-0	4900921753	103		FEDERAL 20-1	SCOTT	15.0	PHILLIPS PETROLEUM C
8108581	W-506-0	4900921726	103		FEDERAL 31-1	FEDERAL 31-1	15.0	PHILLIPS PETROLEUM C
8108582		4900921671	103		FEDERAL 31-2	SCOTT	15.0	PHILLIPS PETROLEUM C
8108584	W-509-0	4900921656	103		FEDERAL 34-2	MIKES DRAW	9.0	PHILLIPS PETROLEUM C
8108580	W-505-0	4900921658	103		JOHNSON FEDERAL 2-27	MIKES DRAW	0.0	PHILLIPS PETROLEUM C
8108579	W-504-0	4900921704	103		SOUTHLAND FEDERAL 28-1	MIKES DRAW	5.0	PHILLIPS PETROLEUM C
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 12/08/80 JA: WY 5			
8108570	W-447-0	4903721318	102		CHAMBERS FEDERAL NO 1-24	ECHO SPRINGS	0.0	COLORADO INTERSTATE
-TEXACO INC					RECEIVED: 12/08/80 JA: WY 5			
8108568	W-423-0	4903721482	103		GOVT R M DONLEY (NCT-1)#1	BRUFF	548.0	MOUNTAIN FUEL SUPPLY
8108585	W-510-0	4903721546	102		GOVT R M DONLEY (NCT-2) NO 1	BRUFF	402.0	MOUNTAIN FUEL SUPPLY
-TEXACO GAS EXPLORATION CORP					RECEIVED: 12/08/80 JA: WY 5			
8108587	W-520-0	4903721555	103		FEDERAL 21-20 WELL	WEST DESERT SPRINGS	18.0	
-WILLIAM MOSS PROPERTIES INC					RECEIVED: 12/08/80 JA: WY 5			
8108573	W-478-0	4900720365	103		FEDERAL #20-18-93	STANDARD DRAW	100.0	COLORADO INTERSTATE

OTHER PURCHASERS VOLUME NO 341

8108563	MONTANA-DAKOTA UTILITIES CO
8108569	MONTANA DAKOTA CO
8108598	MONTANA DAKOTA UTILITIES CO
8108599	MONTANA DAKOTA UTILITIES CO
8108600	MONTANA DAKOTA UTILITIES CO
8108601	MONTANA DAKOTA UTILITIES CO
8108602	MONTANA DAKOTA UTILITIES CO
8108603	MONTANA DAKOTA UTILITIES CO
8108604	MONTANA DAKOTA UTILITIES CO
8108606	NORTHWEST PIPELINE CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determninations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the **Federal Register.**

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-1374 Filed 1-14-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1726-3]

Data Collection Activities

The purpose of this notice is to identify certain data collection activities to be undertaken by the United States Environmental Protection Agency (EPA) during the six month period January 1, 1981 through June 30, 1981 for specific industrial point source categories. Prior notifiction will alert affected industries that potential questionnaires, analytical sampling surveys or self monitoring surveys are forthcoming and enable them to participate in the rulemaking activities.

The following list of industrial categories is organized by type of data collection activity, i.e., economic assessment, analytical sampling, or technical assessment. Data collected through these surveys will be used in supporting and establishing effluent limitation guidelines as required under Sections 301, 304, 306 and 307 of the Clean Water Act.

These data collection activities will be reviewed by the Office of Management and Budget (OMB) in light of the Federal Reports Act (144 U.S.C. 3501 et. seq.) and in accordance with OMB Clearance No. 158-R-0160. This list of information gathering activities is published twice yearly in the **Federal Register.**

Several data collection activities mentioned in this notice were contained in EPA's **Federal Register** notice of Data Collection Activities dated July 18, 1980. Data collection activities repeated in this notice did not commence during the previous reporting period.

Questions concerning economic surveys should be directed to the appropriate project officer at the following address: U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Office of Analysis and Evaluation (WH-586), 401 M Street SW., Washington, D.C. 20460.

Questions concerning technical or analytical sampling surveys should be directed to the appropriate project officer at the following address: U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Effluent Guidelines Division (WH-552), 401 M Street SW., Washington, D.C. 20460.

Dated: January 9, 1981.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

Economic Assessment

Copper Forming Industry; Estimated Number of Plants in Sample: 180; Approximate Response Burden in Total Manhours Per Plant: 20; Project Officer: Robert Ellis (202) 755-2484.

Electrical and Electronic Components; Subcategory: Semiconductors, Electron Tubes; Estimated Number of Plants in Sample: 380; Approximate Response Burden in Total Manhours Per Plant: 8; Project Officer: Renee Rico (202) 426-2617.

Synthetic Fuels; Subcategory: LOW-BTU Gasification; Estimated Number of Plants in Sample: 35; Approximate Response Burden in Total Manhours Per Plant: 10; Project Officer: Susan Green (202) 755-2484.

Analytical Sampling

Asbestos Self-Sampling; Estimated Number of Plants in Sample: 300; Approximate Response Burden in Total Manhours Per Plant: 6; Project Officer: Dean Neptune (202) 426-7770.

Iron and Steel; Estimated Number of Plants in Sample: 20; Approximate Response Burden in Total Manhours Per Plant: 10; Project Officer: Edward Dulaney (202) 426-2586.

Iron and Steel (Self-Sampling of Wastewater); Estimated Number of Plants in Sample: 20; Approximate Response Burden in Total Manhours Per Plant: 150; Project Officer: Edward Dulaney (202) 426-2586.

Offshore Oil and Gas; Estimated Number of Plants in Sample: 20; Approximate Response Burden in Total Manhours Per Plant: 15; Project Officer: Teresa Wright (202) 426-4617.

Plastics Molding and Forming; Estimated Number of Plants in Sample: 30; Approximate Response Burden in Total Manhours Per Plant: 18; Project Officer: Robert W. Hardy (202) 426-2586.

Technical Assessment

Aluminum Forming (Includes Request for Historical Monitoring Data); Estimated Number of Plants in Sample: 20; Approximate Response Burden in Total Manhours Per Plant: 3; Project Officer: Janet K. Goodwin (202) 426-2586.

Cane Sugar Refining (Includes Request for Historical Monitoring Data); Subcategory: Crystalline and Liquid Cane Sugar Refining; Estimated Number of Plants in Sample: 25; Approximate Response Burden in Total Manhours Per Plant: 20; Project Officer: Mark Mjoness (202) 426-2707.

Coil Coating; Estimated Number of Plants in Sample: 15; Approximate Response Burden in Total Manhours Per Plant: 3; Project Officer: Rex Reges (202) 426-2586.

Electrical and Electronic Components; Subcategories: Semiconductors, Electron Tubes; Estimated Number of Plants in Sample: 380; Approximate Response Burden in Total Manhours Per Plant: 8; Project Officer: Frank H. Hund (202) 426-2582.

Foundries; Estimated Number of Plants in Sample: 500; Approximate Response Burden in Total Manhours Per Plant: 1; Project Officer: John G. Williams (202) 426-2586.

Iron and Steel (Includes Request for Historical Monitoring Data); Subcategories: Hot Forming, Cold Forming, Blast Furnances; Estimated Number of Plants in Sample: 20; Approximate Response Burden in Total Manhours Per Plant: 10; Project Officer: Ed Dulaney (202) 426-2586.

Nonferrous Metals Forming; Estimated Number of Plants in Sample: 1500; Approximate Response Burden in Total Manhours Per Plant: 2; Project Officer: Patricia E. Williams (202) 426-2586.

Nonferrous Metals Manufacturing; Subcategory: Secondary Silver, Gold and Other Precious Metals; Estimated Number of Plants in Sample: 240; Approximate Response Burden in Total Manhours Per Plant: 1; Project Officer: Patricia E. Williams (202) 426–2586.

Offshore Oil and Gas (Includes Request for Historical Monitoring Data); Estimated Number of Plants in Sample: 100; Approximate Response Burden in Total Manhours Per Plant: 20; Project Officer: Teresa Wright (202) 426–4617.

Pesticide Chemicals (Includes Request for Historical Monitoring Data); Subcategories: Formulator/Packager; Estimated Number of Plants in Sample: 200; Approximate Response Burden in Total Manhours Per Plant: 20; Project Officer: George M. Jett (202) 426–2497.

Pharmaceutical Manufacturing (Includes Request for Solvent and In-Plant Treatment Information); Estimated Number of Plants in Sample: 60; Approximate Response Burden in Total Manhours Per Plant: 30; Project Officer: Joseph S. Vitalis (202) 426–2497.

Pharmaceutical Manufacturing (Includes Request for Raw Waste Loading Information); Estimated Number of Plants in Sample: 35; Approximate Response Burden in Total Manhours Per Plant: 30; Project Officer: Joseph S. Vitalis (202) 426–2497.

Poultry Processing Phase II; Estimated Number of Plants in Sample: 100; Approximate Response Burden in Total Manhours Per Plant: 16; Project Officer: Dan Lent (202) 426–2707.

Synthetic Fuels: Subcategory: LOW–BTU Gasification; Estimated Number of Plants in Sample: 35; Approximate Response Burden in Total Manhours Per Plant: 60; Project Officer: Allison Phillips (202) 426–4617.

[FR Doc. 81-1382 Filed 1-14-81; 8:45 am]

BILLING CODE 6560-29-M

[RD–FRL 1726–2]

Review of the Department of Energy's Conservation and Solar Energy Program; Section 11 Report

AGENCY: Environmental Protection Agency.

ACTION: Request for public comment on final report.

SUMMARY: The Environmental Protection Agency (EPA) announces the release of the Section 11 Report to the President and Congress under the direction of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577). The Report is the product of a year long analysis of the Department of Energy's (DOE) Conservation and Solar Energy Program. Public comments on the document are solicited.

DATES: Comments should be received by February 15, 1981.

ADDRESSES: Copies of the Report may be obtained from the Center for Environmental Research Information, US E.P.A. Office of Research and Development Publications, Cincinnati, OH 45268. Comments on the Report should be addressed to: Section 11 Coordinator (RD–681), Office of Environmental Engineering and Technology, EPA, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Gregory Ondich, at the EPA, Washington DC address above, or by telephone at (202) 426–9434.

SUPPLEMENTARY INFORMATION: Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93–577) directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal nonnuclear research and development program to evaluate "(1) the adequacy of attention to energy conservation methods and (2) the adequacy of attention to environmental protection and the environmental consequences of the application of energy technologies."

The 1980 Section 11 Report focuses on these concerns within the context of DOE'S Conservation and Solar Energy Program. Findings and Recommendations are based upon analysis conducted by EPA as well as upon public commentary. Through a series of five regional workshops held during June and July, and a public national hearing held on September 24 and 25, 1980, EPA received useful comments which have been given careful consideration. Attendees represented state and local governments, public interest groups, public utility commissions, environmentalists, businesses, labor, Congressional committee staff, the Department of Energy, the Office of Management and Budget, and universities.

The 1979 Section 11 Report found several aspects of DOE's planning and management systems that appeared to give inadequate attention to Conservation and Solar programs. These issues, plus several issues which relate specifically to energy conservation and renewable energy resources, formed the basis of the 1980 analysis. The 1980 Report examined DOE adequacy of attention to energy conservation from three perspectives: the resource allocation process, the implementation and management process, and evaluation information on program effectiveness.

Exploration of the resource allocation process generated the recommendation that DOE utilize several decision-making tools—including an end-use sector framework, a least-cost energy criterion, and an oil-import premium—in balancing resources among various energy supply enhancement and demand reduction technologies.

The section on implementation and management discusses specific issues on a program by program basis within DOE's Conservation and Solar Energy Programs. These include better integration of existing DOE Solar and Conservation Programs, closer coordination of current information dissemination programs, appropriate management of DOE administered state and local programs, (including the Weatherization Assistance Program, the Institutional Buildings Conservation Program, the Residential Conservation Service and others) and appropriate management of research and development activities (such as innovation programs, procurement/financial assistance, and others.)

The section on program evaluation discusses the need for increased use of evaluation within DOE and outlines the institutional and methodological barriers to its use. The need for a department-wide evaluation policy and the need for data on actual program effectiveness are both examined.

The 1981 Section 11 review process will again be directed toward energy conservation and renewable energy resources. Attention will be given to DOE's response to the findings and recommendations of EPA's 1980 Section 11 Report.

Written public comments concerning the substance of the 1980 Section 11 Report or the proposed 1981 activities are requested.

Steven R. Reznek,

Deputy Assistant Administrator, Office of Environmental Engineering and Technology.

January 6, 1981.

[FR Doc. 81-1253 Filed 1-14-81; 8:45 am]

BILLING CODE 6560-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA–REP–10–OR–1]

Oregon, Radiological Emergency Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: This is a notice that the State of Oregon has submitted their radiological emergency plan to the Federal Emergency Management

Agency (FEMA) for its review and approval. The Plan includes local governments near to the Portland General Electric Company Trojan Nuclear Power Plant in Columbia County, Oregon.

DATE: December 12, 1980. (Date plan received by FEMA.)

FOR FURTHER INFORMATION CONTACT: Mr. Neale V. Chaney, Regional Director, FEMA Region X, 130 228th Street, S.W., Bothell, Washington 98011 (206) 481–8800.

NOTICE: This provides notice, pursuant to 44 CFR 350.8 of the proposed FEMA Regulations, "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, that the State Radiological Emergency Plan was received on December 12, 1980, by the Federal Emergency Management Agency Region X Office.

The Plan includes plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone. For the Trojan Plant, plans are included for Columbia County.

Copies of the Plan are available for review and copying at the FEMA Region X Office. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule, which covers exemption from the fee, is set out in Subpart C of 44 CFR Part 5. Reproduction fees are $.10 a page for this document. (As the cost will be over $25.00, the fee is to be paid in advance.)

Comments on the plan may be submitted in writing to Mr. Neale V. Chaney, Regional Director, at the above address, within 30 days. FEMA Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. This meeting is scheduled for January 12, 1981 at 7:30 p.m. in the Rainier High School Auditorium, Rainier, Oregon.

Neale V. Chaney,

Regional Director, FEMA Region X.

January 6, 1981.

[FR Doc. 81-1379 Filed 1-14-81; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Intent to Grant Patent License—RFP Available

A—Development and marketing of AZQ as an anti-tumor agent—RFP No. NCI-CM-17285. The Division of Cancer Treatment, National Cancer Institute (NCI) is seeking an appropriate organization to engage in a cost-sharing agreement for the joint development of the drug, AZQ, which is 2,5-bis(1-aziridinyl)-3,6-dioxo-1,4-cyclohexadiene-1, 4-cyclohexadiene-1,4-dicarbamic acid diethyl ester, as an agent for the therapy of human cancer. This compound shows promise in experimental tumor systems with reproducible activity against a number of solid tumors (murine and xenografts) as well as leukemias. In addition, AZQ has significant activity against experimental brain tumors. AZQ is currently undergoing Phase II clinical trials. The NCI has an approved IND from the Food and Drug Administration for AZQ. As in the case with most other anti-tumor drugs, the potential market for AZQ, should it reach that stage, is considered to be low in comparison to the market level considered to be financially advantageous by the pharmaceutical industry. Since the market is considered small, it is deemed essential to the public need that the Government maintain its involvement with the drug. It is planned that a written agreement will be consummated with a competitively selected organization to share in the future development of AZQ. The U.S. Government owns the U.S. patent rights to the use of AZQ as an anti-cancer agent (U.S. Patent #4,146,622), and anticipates granting a license to the successful organization in consideration for the significant sharing in further development of the drug in the preclinical and clinical stages. Respondents to the request for proposal (RFP) indicated below should include any request for license (exclusive or nonexclusive) that the offeror may require for the Government under Patent No. 4,146,622 in accordance with CFR 101–4.104–2 or 41 CFR 101–4.104–3. It is anticipated that the selected firm will use the data developed jointly with the NCI to process a New Drug Application with the Food and Drug Administration should such action be deemed worthwhile based on the clinical results obtained. This should lead to the eventual sale of the formulated drug by the selected firm to fill the nation's requirements. The Government does not intend any reimbursement for services rendered. Cost recovery and profit earned, if any, will be by means of sales of AZQ by the successful offeror.

RFP NCI-CM-17285 will be available on December 29, 1980, by request to the Treatment Contracts Section, Research Contracts Branch, National Cancer Institute, Blair Building, Room 228, National Institutes of Health, Bethesda, Maryland 20205, ATTN: Harold J. Thiessen, II. Request must cite the RFP number. Requests for copies of the solicitation will be honored if received within 20 calendar days after issuance of the solicitation. Requests received after this period will be filed on a first-come, first-served basis until the supply is exhausted. Proposals are due on March 16, 1981.

Authority: 45 CFR 6.3 and 41 CFR 101–4.

Dated: January 2, 1981.

Julius B. Richmond, M.D.,

Assistant Secretary for Health.

[FR Doc. 81-1502 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-85-M

Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of activated prothrombin-complex concentrate in patients with hemophilia A and inhibitor antibodies to factor VIII.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing a Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than March 16, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, National Center for Health Care Technology, Room 17A–29, Parklawn Building, Rockville, Maryland 20857 (301) 443–4990.

Dated: January 8, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-1323 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-85-M

Offices of Human Development Services

White House Conference on Aging Technical Committee; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference of Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on Retirement Income will hold their next meeting on Wednesday, January 28, 1981 and Thursday, January 29, 1981 from 9:00 am until 5:00 pm both days. The meeting will be held in Room 503-A, Hubert H. Humphrey Building, 200, Independence Avenue, S.W., Washington, D.C. 20201.

The purpose of the meeting will be to discuss the Committee's final report.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: January 9, 1981.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 81-1538 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

Consumer Affairs Council; Meeting

SUMMARY: This notice announces the date and time of the next regular HHS Consumer Affairs Council meeting. The meeting scheduled for January 8, 1981 was cancelled. All are welcome to attend as observers and participate in an open discussion period that will be held during the last 15 minutes of the meeting. If you would like an agenda, please contact Susan L. Randolph.

DATE: Friday, January 16, 1981, 2-3 p.m.

ADDRESS: 200 Independence Ave., S.W., Room 529A, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Susan L. Randolph, Assistant, Office of Consumer Affairs, 200 Independence Ave., SW., Room 622E, Washington, D.C. 20201, (202) 245-0409.

Dated: January 7, 1981.

Belle B. O'Brien,

Assistant to the Secretary for Consumer Affairs.

[FR Doc. 81-1539 Filed 1-14-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-24199]

Alaska Native Claims Selection

The document entitled "Terms and Condition for Land Consolidation and Management in the Cook Inlet Area" was ratified by Pub. L. 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1978, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369, 1390) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On January 12, 1979, Interim Conveyance No. 146 was issued to Cook Inlet Region, Inc., for approximately 7,388.56 acres of the surface estate together with all sand and gravel in lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)), (ANCSA) and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 11 N., R. 12 W
That portion of Tract "A" further described as (protracted):
Sec. 18, SE¼;
Sec. 19, E½NW¼, NE¼, N½SE¼;
Sec. 20, all.
Containing approximately 1,120 acres.
T. 13 N., R. 10 W.
That protion of Tract "A" further described as (protracted):
Sec. 11, E½;
Sec. 12, all west of west (right) bank of Beluga River excluding E½NE¼ NW¼SE¼, NW¼NE¼SE¼, and U.S. Survey 3901;
Sec. 13, all west of west (right) bank of Beluga River;
Sec. 14, all;
Secs. 22 to 27, inclusive, all;
Sec. 34, all, excluding U.S. Survey 3596 and U.S. Survey 3963;
Sec. 35, all, excluding lots 1 and 2 of U.S. Survey 3962.
Containing approximately 6,268.56 acres.
Aggregating approximately 7,388.56 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-29602, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically list are prohibited.

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 1 C5, D4) An easement for an existing trail fifty (50) feet in width beginning at road right-of-way 33939 in the Native conveyance in Sec. 13, T. 13 N., R. 10 W., Seward Meridian, continuing easterly to State land. The uses allowed are those listed above for a fifty (5) foot wide trail easement.

(EIN 3 D1, L) An easement for an existing road sixty (60) feet in width traversing Native land in Secs. 18 and 20, T. 11 N., R. 12 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., reserving the easements identified above. The revised conveyance document will remain subject to all other rights, terms, conditions, and convenants contained in Interim Conveyance No. 146.

In accordance with Departmental regulation 432 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party known or unkown who is adversely affected by

this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until February 17, 1981, to file an appeal.

Any party known of unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-1353 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24198]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Pub. L. 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Secton II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1978, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369, 1390) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On January 12, 1979, Interim Conveyance No. 147 was issued to Cook Inlet Region, Inc., for approximately 280,011.61 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152) as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 11 N., R. 12 W.
A portion of Tract A more particularly described as (protracted):
Sec. 18, W½, NE¼;
Sec. 19, W½NW¼.
Containing approximately 560 acres.

T. 11 N., R. 13 W.
A portion of Tract A more particularly described as (protracted):
Sec. 12, all;
Sec. 13, E½, NW¼, E½SW¼;
Sec. 24, NE¼NE¼.
Containing approximately 1,240 acres.

T. 12 N., R. 10 W.
A portion of Tract A more particularly described as (protracted):
Secs. 5 and 6, all.
Containing approximately 1,280 acres.

T. 12 N., R. 14 W.
More particularly described as (protracted):
Secs. 1 to t, inclusive, all;
Secs. 6, 7, and 8, all, excluding Chakachatna River;
Secs. 9 to 15, inclusive, all;
Secs. 16 to 21, inclusive, all, excluding Chakachatna River;
Secs. 22 and 27 all;
Sec. 28, all, excluding Chakachatna River;
Secs. 30, 34, and 35, all.
Containing approximately 16, 475 acres.

T. 12 N., R. 15 W.
Tracts A and B.
Containing 21,195.22 acres.

T. 13 N., R. 10W.
That portion of Tract A further described as (protracted):
Sec. 1, all, excluding NE¼NW¼ and the Beluga River;
Secs. 2, 3, and 10, all, excluding Beluga River;
Sec. 11, W½;
Sec. 15, all.
Containing approximately 2,630 acres.

T. 13 N., R. 14 W.
All.
Containing 23,008 acres.

T. 13 N., R. 15 W.
Tracts A and B.
Containing 18,524.80 acres.

T. 14 N., R. 10 W.
More particularly described as (protracted):
Secs. 4 through 9, all;
Secs. 17 through 20, all;
Secs. 29 through 32, all.
Containing approximately 8,866 acres.

T. 14 N., R. 11 W.
More particularly described as (protracted):
Secs. 1 through 5, all;
Secs. 6 and 7, all west of the west (right) bank of Beluga River;
Sec. 8, E½, NW¼ and all lands west of the west (right) bank of the Beluga River;
Secs. 9 through 16, all;
Sec. 17, all west of the west (right) bank of the Beluga River;
Secs. 18 and 19, all;
Sec. 20, all west of the west (right) bank of the Beluga River;
Secs. 21 through 27, all;
Secs. 28 and 29, all west of the west (right) bank of the Beluga River;
Secs. 30 and 31, all;
Sec. 32, N½, N½N½SW¼, SE¼NE¼ SW¼, SW¼NW¼SW¼, S½SW¼, and SE¼;
Sec. 33, all west of the west (right) bank of the Beluga River;
Secs. 34, 35, and 36, all.
Containing approximately 20,222 acres.

T. 14 N., R. 13 W.
Tract B.
Containing 11,425.20 acres.

T. 14 N., R. 14 W.
All.
Containing 22,946 acres.

T. 15 N., R. 10 W.
That portion of Tract A further described as (protracted):
Sec. 5, all;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 and 9, all;
Secs. 16 through 21, all;
Secs. 28 through 33, all.
Containing approximately 10,142 acres.

T. 15 N., R. 11 W.
Tract A and U.S. Survey 3952, excluding lower Beluga Lake and U.S. Survey 3953.
Containing approximately 22,871.39 acres.

T. 15 N., R. 12 W.
Tract A, excluding Beluga Lake, Lower Beluga Lake, Beluga River and Chichantna River;
U.S. Survey 3948.
Containing approximately 20,675 acres.

T. 15 N., R. 13 W.
More particularly described as (protracted):
Sec. 1, all, excluding Beluga Lake and Coal Creek;
Secs. 2, 6, and 7, all excluding Beluga Lake;
Sec. 12, all, excluding NE¼NE¼, Beluga Lake, and Coal Creek;
Sec. 13, all, excluding Beluga lake and Chichantna River;
Secs. 15 to 18, inclusive, all, excluding Beluga Lake;
Secs. 19 and 20, all;
Secs. 21, 22, and 23, all, excluding Beluga Lake;
Sec. 24, all, excluding Beluga lake and Chichantna River;
Secs. 25 through 33, all;
Secs. 34, 35, and 36, all, excluding Chichantna River.
Containing approximately 13,179 acres.

T. 15 N., R. 14 W.
All.
Containing 22,882 acres.

T. 16 N., R. 11 W.
More particularly described as (protracted):

Secs. 20 and 21, all;
Secs. 25 through 36, all.
Containing approximately 8,893 acres.
T. 16 N., R. 12 W.
That portion of Tract A further described as (protracted):
Sec. 7, all;
Secs. 16 through 22, all;
Secs. 25 through 29, all;
Sec. 30, all, including U.S. Survey 3947;
Secs. 31 through 36, all.
Containing approximately 12,614 acres.
T. 16 N., R. 13 W.
That portion of Tract A further described as (protracted):
Secs. 1 through 9, all;
Sec. 12, E½;
Secs. 13 and 14, all;
Sec. 15, S½;
Secs. 16 through 30, all;
Sec. 31, all, excluding Beluga lake and Ne¼Ne¼SW¼;
Secs. 32, 33, and 34, all, excluding Beluga Lake;
Sec. 35, all, excluding NE¼NE¼NE¼ and Beluga Lake;
Sec. 36, all.
Containing approximately 20,383 acres.
Aggregating approximately 280,383 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file AA–29600, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 3 D1, L) An easement for an existing road sixty (60) feet in width from Trading Bay traversing Native lands in Section 18, T. 11 N., R. 12 W., Seward Meridian; Sections 12 and 13, T. 11 N., R. 13 W., Seward Meridian; Sections 5, 6, 7, 8, 16, 17, 21, 22, and 27, T. 12 N., R. 14 W., Seward Meridian to the Chakachatna River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

When this decision becomes final, a revised conveyance doucment will be issued to Cook Inlet Region, Inc., reserving the easement identified above. The revised conveyance document will remain subject to all other rights, terms conditions and convenants contained in Interim Conveyance No. 147.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until February 17, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely unless an appeal is timely filed with the Alaska Native Claims Appeals Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alask 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-1354 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-24201]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Pub. L. 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1978, Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369, 1390) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region Inc., any easement he could have lawfully reserved prior to conveyance, and to issue immediately thereafter a revised conveyance reflecting such reservation.

On January 12, 1979, Interim Conveyance No. 148 was issued to Cook Inlet Region, Inc., for approximately 9,363.94 acres of the subsurface estate of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)), (ANCSA) and Sec. 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152) as amended by Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) and are described as follows:

Seward Meridian, Alaska (Unsurveyed)

T. 12 N., R. 10 W.,
A portion of Tract A, more particularly described as (protracted):
Sec. 7, all, including U.S. Survey 4545, excluding W½SW¼SW¼NE¼, E½SE¼SE¼MW¼, Viapan Lake, Tukallah Lake and three Mile River;
Sec. 16, all;
Sec. 17, all, excluding U.S. Survey 3411, Lots 1 and 2 of U.S. Survey 4543, U.S. Survey 4542, Viapan Lake;
Sec. 18, all, excluding Viapan Lake;
Sec. 19, all;
Sec. 20, all, excluding Lots 1 and 2 of U.S. Survey 4543, U.S. Survey 3411, Lots 1 and 2 of U.S. Survey 4679;
Sec. 30, all, including Lots 1 and 2 of U.S. Survey 4544, excluding U.S. Survey 2089, U.S. Survey 1865, U.S. Survey 3364;
Sec. 31, all, excluding U.S. Survey 1865.
Containing approximately 2,565.53 acres.

T. 14 N., R. 10 W.,
More particularly described as (protracted):
Secs. 16, 21, 28, and 33, all.
Containing approximately 2,560 acres.

T. 14 N., R. 11 W.,
More particularly described as (protracted):
Secs. 6 and 7, all east of the east (left) bank of the Beluga River;
Sec. 8, that portion of the SW¼ east of the east (left) bank of the Beluga River;
Secs. 17, 20, 28, 29, and 33, all east of the east (left) bank of the Beluga River.
Containing approximately 2,175 acres.

T. 15 N., R. 10 W.,
That portion of Tract A further described as (protracted):
Sec. 6, W½;
Sec. 7, W½, excluding U.S. Survey 3953.
Containing approximately 570.50 acres.

T. 15 N., R. 13 W.,
More particularly described as (protracted):
Sec. 12, NE¼NE¼, excluding Beluga Lake.
Containing approximately 30 acres.

T. 16 N., R. 13 W.,

A portion of Tract A more particularly described as (protracted):
Sec. 10, all, excluding Coal Creek Lake;
Sec. 11, all, excluding U.S. Survey 3969 Lot 1, U.S. Survey 3967 Lots 1, 7, 8, 9, 10,11, and Coal Creek Lake, including U.S. Survey 3969 Lots 2 and 3, and U.S. Survey 3967 Lots 2, 3, 4, 5, 6;
Sec. 12, W½, excluding Coal Creek Lake;
Sec. 15, N½, excluding Coal Creek Lake and U.S. Survey 3968;
Sec. 31, NE¼NE¼SW¼;
Sec. 35, NE¼NE¼NE¼.
Containing approximately 1,462.91 acres.
Aggregating approximately 9,363.94 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above described lands with no Sec. 17(b) easements reserved. The revised conveyance document will remain subject to all other rights, terms, conditions, and convenants contained in Interim Conveyance No. 148.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until February 17, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of apeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81-1355 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

[F-35872]

Alaska; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of proposed withdrawal.

SUMMARY: This republication corrects information published on September 18, 1980, in the **Federal Register.**

EFFECTIVE DATE: January 15, 1981.

FOR FURTHER INFORMATION CONTACT: Beau McClure, 202–343–6511, or Bob Sorenson, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

This publication corrects two paragraphs of the proposed withdrawal in FR Doc. 80–28831 appearing on page 62214, in the issue of Thursday, September 18, 1980.

The second and third paragraphs on page 62214 should be combined to read as follows:

"Pursuant to the Act of February 28, 1958, Public Law 85–337 (43 U.S.C. 156), and to Section 204(c)(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752, Congress will make the withdrawal for Fort Greely by an Act of Congress. The Secretary of the Interior will not make the final decision on this proposed withdrawal."

This republication does not alter any of the previous information published in connection with the proposed withdrawal.

Robert E. Sorenson,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-1405 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Eugene District Advisory Council will be held on February 17, 1981.

The meeting will begin at 9:00 a.m. and conclude at 12:00 Noon, Pacific Standard Time, in Room 227 in the Federal Building at 211 East 7th, Eugene, Oregon.

The main subject on the agenda will be review of progress in forming land use alternatives, a part of the Bureau's comprehensive planning system. Available for the Council's review will be drafts of the "bracketing" alternatives "A", which maximizes protection and enhancement of natural values, and "D", which maximized production of timber. The Council will also discuss subjects for its future attention and make arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12:00 p.m. on February 17, 1981 or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon 97401, by February 10, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

J. Branson Smith,

Acting District Manager.

Dated: January 7, 1981.

[FR Doc. 81-1464 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

Grand Junction District Multiple Use Advisory Council; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting in accordance with Public Law 94–579 and 43 CFR Part 1780.

SUMMARY: The Grand Junction District Multiple Use Advisory Council will meet February 17, 1981 at 9:00 a.m. to discuss the Glenwood Springs Resource Management Plan (RMP).

DATE: February 17, 1981, 9.00 a.m.

ADDRESS: 50629 Highway 6 and 24, West Glenwood Springs, Colorado.

FOR FURTHER INFORMATION CONTACT: Dave Jones, 764 Horizon Drive, Grand Junction, Colorado 81501, Phone: 303–243–6552.

SUPPLEMENTARY INFORMATION: The Council will assist the Glenwood Springs Resource Area Manager and RMP Team Leader by offering recommendations and suggestions for defining the scope and number of

alternatives to be displayed in the plan. The council will also be requested to provide input and comment on a draft decision criteria to be used in selecting a preferred alternative for the Resource Area.

The meeting is open to the public; anyone wishing to make a presentation to the Council should contact the District Manager at least five days prior to the meeting.

Dave Jones,

District Manager, Grand Junction District.

[FR Doc. 81-1465 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

Redding District Multiple Use Advisory Council; Meeting

January 10, 1981.

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Redding District Multiple Use Advisory Council will be held on Wednesday and Thursday, February 18 and 19, 1981, beginning at 8:00 a.m. on both days at the Bureau of Land Management Office, 355 Hemsted Drive, Redding, California.

The agenda for the meeting will include:

February 18, Wednesday

1. Field trip to Trinity County Area, for an on-the-ground orientation to District programs and planning issues.

February 19, Thursday

1. Follow-up discussion of February 18, field trip.
2. Continuing orientation to District issues and programs.
   a. FY-81 Annual Work Plan
   b. Mt. Dome Environmental Statement
   c. Planning Criteria for Planning update
   d. Surface Management Regulations
   e. Wilderness Study Status
   f. Deer Mitigation Proposal for Cottonwood Creek Dam Project
   g. Future Meeting and Agenda Topics

The meeting is open to the public. Interested persons may make oral statements to the Council or file a written statement that can be considered by the Council. The public is invited to accompany the Council on the field trip, however, transportation will only be furnished for the Advisory Council.

Public statements will be heard between 1:00 and 2:00 p.m., on February 19, 1981, or as pre-arranged with the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection during normal business hours within 30 days following the meeting.

Stanley D. Butzer,

Redding District Manager.

[FR Doc. 81-1346 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579, Sec. 603 as amended; 90 Stat. 2743-2794) that a meeting of the Ukiah District Advisory Council will be held on February 12, 1981.

The meeting will begin at 9 a.m. at Financial Federal Public Meeting Room, 700 South State Street, Ukiah, California. The proposed agenda is:

1. Report on Cow Mountain Prescribed Burn.
2. Update on state in-lieu selections.
3. Update on wilderness.
4. Access/exchange of isolated parcels.
5. Recommendations on timber management.
6. BLM priority issues.
7. Open discussions of other public lands issues as requested by Council members.

All Advisory Council meetings are open to the public. Oral statements of no more than 10 minutes specifically addressing agenda items may be addressed to the Council by the public from 3:30 p.m. to 4:30 p.m., or written statements may be filed with the District Manager by February 11 for consideration by the Council. Only new information, not heretofore presented, will be accepted by the Council.

Edwin G. Katlas,

Acting District Manager.

January 9, 1981.

[FR Doc. 81-1350 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; River Running Recreation Use Permits and Allocations; Updated Criteria and Procedures

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of updated criteria and procedures for river running recreation use permits and allocations.

SUMMARY: In 1974, the Utah State Director for the Bureau of Land Management establishment criteria for issuing commercial permits and for setting amounts of use (allocations). Noncommercial permits were also required so that use could be managed within acceptable limits. These criteria have been in effect from 1974 through 1980. The purpose and intent of these procedures is to update and clarify existing criteria, policy and guidelines.

Notice is hereby given that pursuant to Section 102(a)(8) of the Federal Land Policy and Management Act of 1976, the Land and Water Conservation Fund Act, as amended, and 36 CFR 1 and 43 CFR 2920, 8370 and 9230, the following sets forth criteria and procedures for river running recreation use permits and allocations for the portions of the Colorado, Green, Dolores and San Juan Rivers managed by the Moab District. These procedures become effective upon date of publication and supersede previous criteria found in Federal Register, Vol 41, No. 73—Wednesday, April 14, 1976. They will remain in effect unless modified by future publications in the Federal Register or superseded by river management regulations published by the Secretary of the Interior.

I. General Information

A. Noncommercial

The Moab District manages portions of the Colorado, Green, Dolores and San Juan Rivers. So that use can be managed within acceptable limits for protection of the environment, noncommercial float trip permits are required on the following rivers and may be obtained from the offices listed.

Grand Resource Area, Sand Flats Road, P.O. Box M, Moab, Utah 84532, Phone: (801) 259-6111, Ext. 211

San Juan Area Office, 284 S. 1st W., Monticello, Utah 84535, Phone: (801) 587-2201

Price Area Office, P.O. Box AB 900 North 7th East, Price, Utah 84501, Phone: (801) 637-4584

Colorado River

Westwater Canyon, Cisco Landing to Castle Creek

Dolores River

Utah line to Colorado River, Confluence

San Juan River

Montezuma Creek to Clay Hills Crossing

Green River

Desolation/Gray Canyon

A separate permit is required for each noncommercial trip being planned.

The following requirements apply to noncommercial permit applicants. This means that trip participants must equally share the costs. No one may receive a salary, gratuity, or increase his or her net worth or amortize equipment costs on a noncommercial trip. Trips by organized groups, strictly educational groups, youth groups, research groups, etc., will be considered on a case-by-case basis and must meet the spirit and

intent of a noncommercial trip as stated above.

B. Commerical

Commercial river permits are issued annually by the Moab District Office. Each permittee receives a permit based on his established allocation. Requests for subsequent years' use may not exceed previous allocated use, and may only be for those areas the permittee was permitted the previous year. The only exceptions will be Cisco Landing to Castle Creek on the Colorado River and Nefertiti Rapid to Swasey's Rapid on the Green River. A permittee may apply for unlimited amount of passenger days. However, until the river management plan for the Colorado River above Castle Creek is completed, no *new* permits for use on this portion will be issued. In summary, it is the BLM policy in Utah to only issue permits to outfitters who held permits the previous year. If a permit lapses because of failure to apply in a timely manner, or is cancelled for cause, (in accordance with 41 IBLA 132, dated June 14, 1979) the outfitter will be treated as a new applicant. Until management plans which determine proper carrying capacity and use distribution are completed on these rivers, BLM will not be issing any new commercial recreation use permits.

C. Search and Rescue

The cost of any search and rescue operation must be borne by the person(s) for whom this service is rendered. This includes the cost of aircraft rental.

D. Trespass

When a trespass situation is identified, the management response is to levy a trespass fee against the pemittee, to inform the operator that he will not be issued any type of permit on the river for a specified period of time, and, in some cases, to obtain the assistance of State Park Rangers to issue citations for violation of the State boating regulations. Prosecution under federal law may follow. This improved management response has reduced river pirate operations during the last few years, but it has not eliminated the problem. Other methods, such as following up on complaints from legitimate permit holders and talking to passengers on suspect trips, could be employed to help stop the pirate problem.

E. Conditions of Use

ALL COMMERCIAL USERS are required to adhere to and/or are governed by the following conditions:

1. No value may be accrued to the permit.

2. Nonrefundable rental fees must be paid in advance at the rate of $120/100 multi-day passenger days and $50/100 daily passenger days based on the allocation given with the permit.

3. The permit may not transferred, sublet or entered into third party agreements without BLM approval.

4. Allocations may be reduced for failure to make substantial use for two or more consecutive years.

5. Commercial river runners are, as part of their permit, subject to the State and Coast Guard boating laws and regulations as applicable to use on the waterways in Utah.

6. For protection of the environment and potential wild river values, the following maximum party sizes per trip are established.

Colorado River Westwater Canyon—25 persons, Green River Desolation-Gray Canyon—25 persons, Dolores River—25 persons, San Juan River—25 persons, Colorado River Rose Ranch to Castle Creek—No party size limitation.

Green River—Nefertiti Rapid to Swasey's Rapid—no party size limit.

7. Camp areas may be closed when necessary to protect the related ecosystems and resources, or prevent litter buildup.

8. For protection of the environmental values and safety of the passengers, special stipulations in addition to those listed above are made part of the permit. A complete list of these stipulations can be obtained from BLM Moab District, P.O. Box 970, Moab, Utah 84532.

ALL NONCOMMERCIAL USERS are required to adhere to and/or are governed by the following conditions:

1. Check in with river rangers at launch sites for Westwater, Desolation-Gray and San Juan Rivers.

2. Group Size Limits: Only one launch per group per day is allowed with a maximum group size of:

Colorado River: Westwater—25 people (reservations required), Cisco Landing to Castle Creek—No limit.

Green River: Desolation/Gray Canyon—25 people (reservations required), Nefertiti Rapid to Swasey's Rapid—No limit.

San Juan River: 25 people.

Dolores River: (Utah State line to confluence)—25 people.

3. State laws regarding boating safety must be complied with. The laws most applicable to BLM rivers are the following:

a. Each person must wear a Type I, II, III, or V Coast Guard approved personal floatation device *at all times* while on the river (except on designated flat water sections as defined in the Utah State Boating Act, as amended) which must be in serviceable condition at the time of launch. Type I or V are preferable.

b. Each vessel must have an extra oar, paddle, or a spare motor as applicable, and an extra life jacket.

c. Each group must carry a bail bucket or bilge pump except for kayaks, canoes, sport yaks, or self bailing inflatables.

4. Each group must carry a first aid kit or kits adequate to meet the size and needs of the group involved.

5. Each group must carry a repair kit or kits adequate to meet the size and needs of the group.

6. Each group must carry an air pump or pumps adequate to meet the size and needs of the group.

7. Litter of any kind may not be discarded in the rivers, along the shore, or in adjacent canyons. Burn or carry out all burnables. Carry out all unburnable material including cans, bottles, leftover food, egg shells, melon rinds, pop tops, cigarette butts, and foil base wrappers.

8. All trips must carry portable toilets. The only exception to this will be kayak, sport yak, or white water canoe trips without a support boat, and daily trips on Westwater. All portable toilet waste must be carried out of Westwater and Desolation/Gray Canyons and deposited in an authorized sewage disposal facility. On other rivers, if toilet waste is buried, it will be done in a hole at least two feet deep and ten feet above the water line, 50 feet laterally from high water line, and 300 feet from any camping area. If chemicals are used, they must be biodegradable.

9. The use of gas or propane stoves is strongly encouraged for cooking. Fire pans must be used for all campfires. Carry out unburned charcoal or deposit in main current of river. All unburnable litter must be removed from the fire pan before charcoal is put in the river. Build fires only below high water line away from any vegetation or combustible material. If fires are built, use only driftwood from along the river bank below high water line. Do not cut or burn live trees or standing dead trees and snags.

10. Wash dishes away from the river and use only biodegradable soap. Do not bathe or wash in any tributary streams.

11. Do not remove, damage, or destroy any archaeological, historical, or ecological resource. To do so is a violation of both federal and state law.

12. The permittee assumes direct responsibility for his group and their conduct. The group leader shall be responsible for the conduct of the parties while within the National

Recreation Area and on BLM administered land and shall enforce the common rules of good conduct with full recognition of the rights and privileges of other visitors who may be using the same facilities or areas.

II. Specific Area Information

A. Green River—Desolation/Gray Canyons

Noncommercial permits will be sent on request after January 1. Permit applications will be accepted between January 1 and March 1. Weekend dates, holidays and the first two weeks of June are high use periods. Applicants should submit first, second and third choices when requesting launch dates. In mid-March, a lottery will be held to determine launch dates when there are more applicants for a date than available launches. Any remaining dates will be issued on a first come, first serve basis. This reservation system is designed to minimize congestion and impacts on the canyon. Failure to cancel reservations at least five days prior to your schedule use will result in future loss of permit privileges.

For the 1981 season, the Desolation/Gray Canyons launch schedule will be as follows:

A. COMMERCIAL

May 1–22—One commercial launch per day.

May 23–September 7—Three commercial launches per day, with the exception that there will be five (5) three (3) day periods during these dates where there will only be one commercial launch per day allowed.

September 8–30—One commercial launch per day.

B. NONCOMMERCIAL

May 15–August 15—Three noncommercial launches per day.

August 16–May 14—One noncommercial launch per day.

Group size will be a maximum of 25 persons per trip for noncommercial trips and 25 persons plus boatman for commercial trips.

A county maintained road paralleling the river on the east side of the river between Nefertiti Rapid and Swasey's Rapid creates special management problems and opportunities in that portion of the canyon. The existence of the road makes it possible for single day float trips to launch on the river at Nefertiti and it also provides access for individuals desiring to fish, swim, tube in the river, picnic, etc. The problems relating to day use float boating, and to the other uses, make it unrealistic to manage this portion using the same approach employed on the wilderness sections of the river. This necessitates a separate management system for day use float boating on the portion of the river between Nefertiti Rapid and Swasey's Rapid. The elements of this system would include the following:

(a). Private use permits will be required for day use when additional use demonstrates the need and additional onsite manpower can be funded.

(b). Commercial permits will be available to operators with a current permit for Desolation and Gray Canyons.

(c). Permits will be considered for special uses such as canoe and kayak schools and other related uses other than commercial allocated outfits.

B. Colorado River—Westwater Canyon

A maximum of six (6) launches per day are allowed on this river segment with an allocation of 10,000 passenger days. These six launches are divided equally between commercial and private use (three commercial and three private launches per day). Each launch is permitted 25 passengers until such time that the respective 5,000 passenger day allocation is reached.

Commercial use reservations are based upon the previous years' use pattern to allow outfitters the opportunity to plan ahead with trip schedules and advertising brochures. These reservations will be conformed by September 30 of each year through the use of a launch calendar. Thereafter, reservation dates may be traded between outfitters by notifying the Grand Resource Area Manager at least 24 hours in advance.

Commercial land reservations will be confirmed based in a formula of one launch per 10 passenger days for one day trips, or 20 passenger days for one day trips, or 20 passenger days for two day trips. Example: An outfitter holding a 200 passenger day permit could be awarded ten (10) launch dates for one day trips plus five (5) launch dates for two day trips.

Beginning October 1st of each year, any confirmed dates may be exchanged for open dates on a first come, first serve basis. Also beginning October 1st of each year, additional launches in excess of the formula may be awarded at the discretion of the Grand Resource Area Manager upon presentation of demonstrated need. Private launch reservations are required two months in advance of the planned launch date. For example:

Applications received in: March for launch dates in: May
Applications received in: April for launch dates in: June
Applications received in: May for launch dates in: July
Applications received in: June for launch dates in: August
Applications received in: July for launch dates in: September

Applicants submit first, second and third choices as competition is keen for some dates. Where necessary, a drawing is held to resolve conflicts. At the close of each application filing month, reservations are posted and sent to each applicant. Ten (10) days following the close of the filing period, unfilled dates may be reserved on a first come, first serve basis. This reservation system is designed to minimize congestion and impacts on the canyon. Failure to cancel reservations at least 3 days prior to your scheduled use will result in future loss of permit privileges.

Permits for private trips and reservations for all trips (commercial and private) are obtained in advance from the BLM Grand Resource Area Manager at P.O. Box M, Moab, Utah 84532.

C. Dolores River (Utah Section)

A permit available from the Bureau of Land Management, Grand Resource Area, P.O. Box M, Moab, Utah 84532 is required for this river segment.

General guidelines for white water river use on the Colorado River also apply to the Dolores River. In addition to the general requirements, there is a 25 people maximum party size and only one launching per party.

Most people prefer to launch just below the Highway Bridge at Gateway, Colorado and takeout just below the Dewey Bridge on the Colorado River. The 31 mile trip takes about two days.

D. San Juan River

The San Juan River flows through southwest Utah from New Mexico and Colorado. The river flows through Glen Canyon National Recreation Area, Bureau of Land Management administered lands and the Navajo Indian Reservation. The Park Service administers the free flowing section of the river from Clay Hills Crossing to approximately the Honaker Trail (39.0 miles). The BLM administers the river from the Honaker Trail to Montezuma Creek (61 miles). The remaining portion of the river in Utah runs through the Navajo Reservation (28.8 miles).

The BLM and the National Park Service (NPS, Glen Canyon National Recreation Area) have entered into a management agreement concerning the management and the permit system along the San Juan River.

Under this agreement, BLM has assumed the responsibility of issuing all private permits for the river (1979) and commercial permits (starting in 1981).

This agreement has set a precedent in the management of public lands. This is the first time NPS has given the recreation management of their lands to another agency.

Beginning with the 1980 River Use Season, a maximum party size of 25 persons per trip for noncommercial trips, and 25 persons plus boatman for commercial trips, was established for the protection of the environment and potential wild river values of the San Juan River from Sand Island to Clay Hills Crossing. A maximum passenger day limit of 75 people per day at Sand Island launch ramp and Mexican Hat launch ramp (12 month use season) has been established for three (3) years (1980 through 1982 river use seasons).

Patrols on the river are carried out jointly by the NPS and BLM. The end result of this agreement is expected to save money on equipment, personnel and the amount of time the visitor spends acquiring and filling out permit forms to run the river.

A permit available from the Bureau of Land Management, San Juan Resource Area, P.O. Box 7, Monticello, Utah 84535, is required for this river.

E. Green River—Labyrinth Canyon

At present, there are no application or permit requirements, use restrictions, or other type of restriction on this river. Trip length averages three days in high water for unmotored craft. Distance floatable between launch and takeout is 68 miles. Shuttle distance is approximately 65 miles via major highway and gravel roads. Air access is at launch (utilizing Green River, Utah airport). Most people prefer to launch at the Green River State Park boat ramp, Green River, Utah, and takeout at the Mineral Canyon boat ramp.

The river has no rapids. Ice flows and frozen sections of river make winter trips impracticable.

FOR INFORMATION WRITE: Area Manager, San Rafael Resource Area, P.O. Drawer AB, Price, Utah 84501.

DATE: Effective January 1, 1981.

ADDRESS: District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: District Manager, Moab District (801) 259-6111.

S. Gene Day,

District Manager.

January 8, 1981.

[FR Doc. 81-1358 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73282 and W-73283]

Wyoming; Invitation for Coal Exploration Licenses; Sohio Western Mining Company

January 5, 1981.

Sohio Western Mining Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration programs concerning Federally owned coal underlying the following-described land in Campbell County, Wyoming:

W-73282—(Hay Creek Area)

Sixth Principal Meridian, Wyoming

T. 52 N., R. 72 W.,
Sec. 3, Lots 2, 3, 4, S½NW¼, and W½SW¼;
Sec. 4, Lots 1–4, S½N½, and S½ (All);
Sec. 5, Lots 1–4, S½N½, and S½ (All);
Sec. 8, All;
Sec. 9, N½NE¼, and NW¼;
Sec. 10, NW¼NW¼;
Sec. 17, All.
T. 53 N., R. 72 W.,
Sec. 33, All;
Sec. 34, S½S½, and NW¼SW¼.
Containing 3,968.84 acres.

W-73283—(North Rawhide Creek Area)

T. 52 N., R. 72 W.,
Sec. 20, All;
Sec. 21, All;
Sec. 27, W½;
Sec. 28, All;
Sec. 29, N½, SW¼, NW¼SE¼;
Sec. 32, N½N½;
Sec. 33, NE¼, and E½SE¼;
Sec. 34, NW¼, NE¼SW¼, and W½SW¼.
Containing 3,520.00 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin known recoverable coal resource area. The purpose of the exploration programs is to determine the quality and quantity of the coal and character of overburden by drilling, sampling and testing.

Detailed descriptions of the proposed drilling programs are available for review during normal business hours in the following offices (under Serial Numbers W-73282 and W-73283): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001 and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of January 12, 1981, and in the **Federal Register**. Any party electing to participate in the exploration programs must send written notice to both the Bureau of Land Management and Sohio Western Mining Company no later than February 17, 1981. The written notices should be sent to the following addresses: Sohio Western Mining Company, Attention: James D. Copen, Building 1, Suite 300, 6825 East Tennessee Avenue, Denver, Colorado 80224, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of the Federal Regulations, § 3410.2-1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-1467 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73268]

Wyoming; Invitation for Coal Exploration License; Sunoco Energy Development Company

January 5, 1981.

Sunoco Energy Development Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Campbell County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 47 N., R. 71 W.,
Sec. 19, Lots 1–4, E½, and E½W½ (All);
Sec. 20, All;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1–4, E½, and E½W½ (All);
Sec. 31, Lots 1–4, E½, and E½W½ (All);
Sec. 32, All;
Sec. 33, All.
T. 47 N., R. 72 W.,
Sec. 24, All;
Sec. 25, E½, E½W½, and NW¼NW¼.
Containing 6,901.65 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is to determine the quality and quantity of the coal, to analyze the character of the overlying rock, and conduct surveying and surface geologic mapping within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-73268): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each

week for two (2) consecutive weeks beginning the week of January 12, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sunoco Energy Development Company no later than thirty (30) days after publication of this invitation in the **Federal Register**. The written notices should be sent to the following addresses: Sunoco Energy Development Company, Attention: Mr. C. R. Williams, Jr., 12700 Park Central Place, Suite 1500, Box 9, Dallas, Texas 75251, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2–1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–1408 Filed 1–14–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service announces that it will hold a public meeting on Monday, January 26, 1981 from 9:30 a.m. to 12:30 p.m. in room 8068 of the main building of the Department of the Interior, 18th and C Streets, N.W., Washington, D.C. to receive information and comments from the public concerning the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to be held February 25 through March 8, 1981 in New Delhi, India.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

SUPPLEMENTARY INFORMATION: A follow-up notice will in the near future set forth proposed negotiating positions for the third regular meeting of the Conference of the Parties which were not published in the **Federal Register** of December 8, 1980 (45 FR 80913). These new proposed negotiating positions will be the object of information and comments at the public meeting announced by this notice.

In addition, information and comments will be received with regard to proposed U.S. positions (which the Service also plans to publish in the near future in a separate **Federal Register** notice) on all proposals to amend the Convention's Appendices I and II (lists of controlled species of plants and animals).

Dated: January 9, 1981.

Joan C. Anthony,

Chief, Management Operations Branch, Federal Wildlife Permit Office.

[FR Doc. 81–1536 Filed 1–14–81; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Identification of Integral Vistas Associated With Federal Class I Areas; Guideline Availability and Preliminary List

AGENCY: National Park Service.

ACTION: Proposed guideline; extension of comment period; notice of guideline availability and preliminary list of integral vistas for the National Park System.

SUMMARY: On December 2, 1980, (45 FR 80084) the Environmental Protection Agency (EPA) promulgated final regulations (40 CFR Part 51—Subpart P) for visibility protection for Federal Class I areas. These regulations provided for the identification of integral vistas by the Federal Land Manager based on guidelines to be established by the Federal Land Manager. These guidelines and a preliminary identification of integral vistas for the National Park Service are provided herein for public review and comment.

In EPA's proposed rulemaking on May 22, 1980 (45 FR 34762) certain draft guidelines were provided by EPA for public review, including a draft guideline on identification of integral vistas. The proposed guideline being announced today is substantially the same as that published by EPA except for minor changes the National Park Service made in response to public comments addressed to EPA in Docket A–79–40. As indicated, this notice also responds to public comments on the draft guideline (entitled "Criteria for Identification of Integral Vistas") addressed to EPA in respone to EPA's request for comments published in the **Federal Register** notice of May 22, 1980 (45 FR 34762).

The purposes of this notice are to announce the availability of the guideline and to provide for additional public review and comment on the guideline before it is finalized. In addition, this notice provides a preliminary list of integral vistas associated with the 48 National Park Service mandatory class I areas where visibility is an important value.

A 30 day comment period is provided. The comment period will not be extended since the guideline and preliminary list of integral vistas must be finalized as soon as possible in order for the Federal Land Manager to provide timely information needed by the states for preparation of State Implementation Plans on visibility. The Clean Air Act requires the states to submit a State Implementation Plan on visibility within 9 months from promulgation of EPA's visibility regulations. EPA's visibility regulations require that where the Federal Land Manager determines that the state should consider protection of integral vistas in its State Implementation Plan, the Federal Land Manager must provide the states with a list of the integral vistas at least 6 months prior to a state's plan submission. This gives the Federal Land Manager only 3 months from promulgation on December 2, 1980 to finalize its guidelines and identify integral vistas to the states. If such a list is not provided within this time frame, the state is not required to consider integral vistas until the State Implementation Plan is reviewed; this three year period could be detrimental to the protection of park vistas.

DATES: Written comments or suggestions must be received by February 17, 1981.

ADDRESS: All written comments are to be submitted to: Ms. Victoria A. Evans, Division of Air Quality (492), U. S. National Park Service, Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria A. Evans, Division of Air Quality (492), U.S. National Park Service, Washington, D.C. 20204, Telephone: (202) 343–4911.

Supporting narrative and photographic materials for the preliminary list of integral vistas are currently compiled and on file in the National Park Service, Air Quality Division, 11011 West 6th Avenue, Denver, Colorado. These materials are available for inspection weekdays from 8:00 a.m. to 4:00 p.m. MST. A reasonable fee may be charged for those materials that are easily reproducible. Please contact Mr. David Shaver at (303) 234–6419 to arrange access to these materials.

SUPPLEMENTARY INFORMATION:

A. Background and Comment Period

Section 169A of the Clean Air Act, 42 U.S.C. 7491, required EPA to promulgate regulations to assure reasonable progress toward the congressionally declared goal of "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." EPA promulgated such regulations on December 2, 1980 (42 FR 80084). These regulations provided for the identification of "integral vistas" by the Federal Land Manager based on the guideline established by the Federal Land Manager consistent with EPA's definition of integral vistas contained in the visibility regulations. These regulations defined "integral vistas" as the view perceived from within the mandatory class I Federal area of a specific landmark or panorama located outside the boundary of the mandatory class I area. These regulations provide the Federal Land Managers with the opportunity to identify integral vistas for "mandatory class I areas where visibility is an important value" as identified in 40 CFR Part 81, Subpart D. The Clean Air Act required the Secretary to identify these mandatory class I areas pursuant to Section 169A(a)(2), and EPA published the Secretary's list of these areas on November 30, 1979 (44 FR 69122).

With respect to the responsibilities under the Clean Air Act affecting units of the National Park Service, the Secretary's authority to carry out these tasks was delegated to the National Park Service on December 11, 1980.

This notice announces the availability of the proposed guidelines entitled "Criteria for Identification of Integral Vistas" and the preliminary list of National Park Service integral vistas for the 48 National Park Service mandatory class I areas where visibility is an important value. The guideline provides the criteria used by the National Park Service in identifying this preliminary list. The guideline document provided today is essentially identical to a document with the same title proposed by EPA at 45 FR 34763 (May 22, 1980) in Docket No. A–79–40 in the proposed rulemaking on visibility protection for Federal Class I areas. The document published here includes two minor changes made in reponse to public comments addressed to EPA in Docket A–79–40.

The guideline was originally developed at EPA's request by a task force representing agencies managing federal lands, including the U.S. Forest Service, the U.S. Fish and Wildlife Service, the National Park Service and the U.S. Bureau of Land Management. Currently only the U.S. Forest Service, the U.S. Fish and Wildlife Service and the National Park Service manage mandatory Federal class I areas.

This notice will provide for an additional 30-day public comment period on the guideline document to be used by the National Park Service. As indicated above, the draft guideline already has been afforded a 90-day public comment period by EPA. On May 22, 1980, (45 FR 34762) EPA published the notice of proposed rulemaking and guideline availability and announced a 75 day comment period. On July 31, 1980 (45 FR 50825) EPA extended the public comment period to August 22, 1980. Two public hearings were held by EPA, one in Washington, D.C. (June 30, 1980) and the second in Salt Lake City, Utah (July 2, 1980) for the purposes of obtaining comments on the proposed regulations and guidelines. The guideline document has been revised as discussed below in response to public comments. Those commentors who have already filed comments in Docket A–79–40 on EPA's draft document of the same title need not comment again since comments from that docket have already been forwarded to the Department and are considered and responded to in this notice.

It is important that a guideline for integral vista identification and a list of such vistas be developed in a timely manner to meet the deadlines imposed by the Clean Air Act and EPA's regulations. Under EPA's December 2, 1980 regulations, the Federal Land Manager must identify a list of intergral vistas at least 6 months prior to the State Implementation Plan submission in order for the list to be considered by the State for incorporation into the visibility revision to the State Implementation Plan. In order for the State to meet the statutory deadline of 9 months for the submittal of a visibility State Implementation Plan, the Federal Land Manager will have to identify integral vistas within 90 days of the effective date of EPA's visibility regulations. Identification of integral vistas is important since the visibility revision to a State Implementation Plan is required to consider the potential for existing and new sources to impair the visibility of integral vistas. In addition, according to 40 CFR Part 51, Subpart P, a proposed new source applicant will have to consider visibility effects upon those integral vistas that have been published in the **Federal Register** at least 6 months prior to the new source applicant's submission of a complete new source permit application.

EPA, in its proposed rulemaking at 45 FR 34775 (May 22, 1980), recommended that the Federal Land Managers should take preliminary steps to prepare for identification of integral vistas. EPA noted that the guideline might change in light of comments received; however, EPA recognized that one important criterion for identification of integral vistas unlikely to be changed by public comment is whether the legislation creating an area specifically mentioned an integral vista as a reason for that area being given special recognition. In response to EPA's recommendation, the National Park Service made conditional application of the guideline in the period following its publication by EPA. This conditional application of the guideline simultaneously functioned as an effective test of the adequacy of the guideline for all NPS class I areas. The conditional application of the guideline was reviewed and after internal deliberation resulted in identification of a preliminary list of integral vistas provided here.

The identification criteria guideline presented in this notice will become effective upon final notice unless public comments are received which provide new and significant information which indicates that changes are needed.

The preliminary list of integral vistas published today will be finalized after further review and consideration of the public comments received.

B. The Proposed Guideline

The "Criteria for Identification of Integral Vistas" for the National Park Service establishes a methodology to aid the Federal Land Manager in identifying and documenting the integral vistas of mandatory class I areas of the National Park System where visibility is an important value. In 40 CFR Part 51.301(n), EPA has defined integral vistas as those views perceived from within the mandatory class I Federal area of a specific landmark or panorama located outside the boundary of the mandatory class I Federal area. In 40 CFR Part 51.304(a) EPA has required that the criteria to identify integral vistas must include, but not be limited to, whether the integral vistas is important to the visitor's visual experience associated with the mandatory class I area.

The guideline provides for identification of vistas which are integral to the visitor experience and to the purposes for which the area was established. By application of the guideline, integral vistas can be identified and described by their

important or characteristic scenic feature(s). Integral vistas are determined for each mandatory class I area on a case-by-case basis to reflect the unique or distinguishing characteristics of individual vistas.

Under EPA regulations integral vistas will be limited to only those associated with existing mandatory Federal class I areas where visibility is an important value. The definition of integral vista in EPA's regulations refers to "in-out" vistas, i.e., where the perception of the integral vista outside class I boundaries occurs from a viewpoint *within* mandatory Federal class I area boundaries.

As noted in the Department of the Interior's letter to EPA of August 29, 1980, filed in Docket A–79–40, it was found that one important element or concept of integral vista significant was not included in EPA's proposed draft guideline for the identification of integral vistas. This criterion was found to be important to the Congressional purpose and management of several class I area vistas managed by the National Park Service. This criterion has now been added to the "Vista Evaluation" under "Significance of Vista" as follows:

"Vista has scientific importance. (This criterion includes all vistas which are marked as "primarily of scientific importance" under PRINCIPAL CONTENT OF VISTA, and may also include vistas marked as primarily of cultural or scenic values). State in the narrative the reasons for scientific importance. For example, a vista may have geologic significance and be important to understanding how or why an area was formed."

The addition of the above quoted criterion, and the omission of a document entitled the "Decision Guide Form", are the only substantive changes in the integral vista guideline from that published by EPA at 45 FR 34762. The Decision Guide Form was omitted because the form could result in arbitrary or inadequately substantiated decisions since the user is instructed to skip many steps in the logic and substantiation process for the selection of integral vistas. This was noted in public comments to EPA from the Department and others.

C. Preliminary List of Integral Vistas

The preliminary list provided below in the Appendix was compiled from the conditional field application of the guideline. For use in this analysis, a search of legislative histories for National Park Service class I areas was conducted by the National Park Service and supplied to class I unit managers. Information on the legislative history for NPS class I areas was also provided with the Department's comments to EPA in Docket A–79–40.

As noted in the Department's comments to EPA on the visibility regulations, the identification of integral vistas does not create a new resources category, but rather serves to identify and recognize an existing important scenic resource associated with the purposes of the class I area, its management objectives and the visitor experience. The Federal Land Manager is responsible for providing adequate documentation to support the identification of integral vistas. In response to public comments received on this notice, additional data may be collected and evaluated prior to the development of a final list.

This preliminary list may be modified after consideration of all public comments. After application of the criteria and evaluation of potential integral visitas, three mandatory National Park Service class I areas have been determined not to contain integral vistas. These areas are Mammoth Cave National Park, Petrified Forest National Park, and Voyageurs National Park. An analysis and evaluation for Glacier National Park has not yet been completed. However, if integral vistas are identified for Glacier National Park, a list will be published at a later date. Photographic and written documentation for the integral vistas on the list proposed today is available for inspection at the National Park Service Air Quality Division Office at 11011 West 6th Avenue, Room 306, Denver, Colorado.

The decision process to identify an integral vista was based solely on consideration of the merits of the scenic resource consistent with the EPA visibility regulations. The identification of integral vistas provides a description of scenic views or landmarks important to the Congressional purposes of the area or to the management and visitor use of the area. This identification of integral vistas will constitute a basis for identifying and evaluating sources which either cause or have the potential to cause visibility impacts on identified integral vistas of mandatory class I NPS areas. The amount of visibility protection to be given to integral vistas will be determined by the states in the new source permit review process and Best Available Retrofit Technology analyses. EPA is responsible for delegating the authority to the states to carry out these programs.

With regard to integral vista protection the Clean Air Act and EPA's visibility regulations allow the states to accommodate energy, economic, and other factors in their new source review process as well as in their determination of what constitutes best available retrofit technology (BART) for existing sources of visibility impairment. In both of these decisions related to integral vista protection the states may balance visibility protection objectives with their energy and economic objectives as long as emissions from the proposed or existing source are such that they can be demonstrated to be consistent with the requirement to make "reasonable progress" toward achieving the long term visibility goal. In determining "reasonable progress" EPA regulations allow the states to consider the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source. The visibility regulations provide the Federal Land Manager the opportunity to contribute to the protection of integral vistas by allowing his or her involvement in any subsequent state permit review or best available retrofit control analysis for sources which affect or may potentially affect visibility.

In addition to its role as Federal Land Manager under the Clean Air Act, the Department of the Interior has other responsibilities including the development of this Nation's mineral resources and the economic use of the public lands and Indian lands. Consequently, with respect to the protection of the integral vistas of class I areas, the Department may express its views on a proposed facility reflecting these various interests, concerns and recommendations as part of the new source review process.

Under EPA regulations, the provisions to protect integral vistas are part of the visibility protection program under 40 CFR Part 51 and are not part of the Prevention of Significant Deterioration program.

According to EPA's visibility regulations, the final list of integral vistas is to be developed by each Federal Land Manager and submitted to the states for consideration and for corporation into the State Implementation Plan. The states, as part of the State Implementation Plan revision process, will provide an opportunity for a public hearing and will provide all interested parties with an opportunity separate from today's to comment on the vistas proposed by the Federal Land Manager. The states will consider the findings of the Federal Land Manager and determine whether to incorporate the identified integral vistas into the State Implementation

Plan. In making this determination, the states' actions will be based upon the Federal Land Manager's substantive and procedural compliance with EPA's definition of integral vista and with the Federal Land Manager's criteria for identification of integral vistas. Only if a vista has been identified by the Federal Land Manager in an unreasonble manner, will that vista not have to be included in the State Implementation Plan. An opportunity will be provided to the Governor to consult with the Federal Land Manager to resolve potential conflicts at this stage.

Additional data collection and analysis for one or more of the visitas listed today may be deemed necessary after further review and in response to public comments. As appropriate, supporting narrative and photographic materials will be subject to further National Park Service review and assessement.

D. The State Process

Section 51.304(a) of EPA's final regulations require that the adoption of integral vista criteria be preceded by reasonable notice and opportunity for public comment on the criteria. Section 51.307 provides that in the review of new sources the states must consider the visibility impacts on integral vistas if the vista has been identified by the Federal Land Manager at least 6 months prior to submittal of a complete permit application, with prior notice and opportunity for public comment. Section 51.304(c) provides that the states must list in the visibility protection component of the State Implementation Plan any integral vista that the Federal Land Manager identifies at least 6 months prior to plan submission. In order for the states to meet the statutory deadline of 9 months (from promulgation of EPA's visibility regulations) for plan preparation, the Federal Land Managers have approximately 90 days to provide the states with their lists of integral vistas.

Under EPA's regulations, once the Federal Land Manager identifies integral vistas the state has the opportunity to review the vista identifications and documentation. The state is then required to incorporate into the State Implementation Plan each integral vista identified by the Federal Land Manager unless the state demonstrates that one or more of the integral vistas identified by the Federal Land Manager should not be included. As part of the State Implementation Plan (SIP) process, the state can reject the Federal Land Manager's identification of integral vistas only if the Federal Land Manager either did not follow correct procedures or applied the criteria in an unreasonable or unsupportable manner. In making any such findings, EPA's regulations require that the state must carefully consider the expertise of the Federal Land Manager in making integral vista identification. An opportunity will be provided to the Governor to consult with the Federal Land Manager to resolve potential conflicts at the State Implementation Plan development stage.

E. Response to Public Comments

The formal record of comments (Docket A–79–40) addressed to EPA on the proposed visibility regulations contained 383 commentors, of which seven written statements pertained to the guideline document for identification of integral vistas. These commentors included three from businesses, two from trade organizations and two from federal officials. One of the two statements from a federal official was from the Secretary of the Interior.

Following are the basic areas of concern set forth in the comments addressing the draft guideline document. Comments were received on:

1. The identification criteria, and
2. The energy and economic consequences that might result from the identification of an integral vista

The Identification Criteria

Several commenters requested the opportunity to comment further on the criteria for identification and that there be public notice and an opportunity to comment on any list of integral vistas selected by the Federal Land Managers. Today's notice is in response to this request as well as in response to the EPA regulations.

Most of the comments, particularly those from the electric utility industry, suggested that the draft guideline did not provide a basis for an objective evaluation of vistas. We believe that the criteria in the guideline document provide for the careful consideration of a range of pertinent factors for which written substantiation is required. These factors include the vista's scientific, cultural, or historic importance, its importance to the preservation and management of the area, and the importance to the visitor enjoyment of the area. The supporting documentation for each area includes a specific description and an evaluation documenting whether or not a vista meets the test as being "integral".

Several commentors suggested that the guidlines should provide for a weighting of factors so that insignifficant factors do not necessarily compel an identification of an integral vista. These commentors suggested that the most weight be given to "concrete" factors, such as clear statements of congressional intent. While enabling legislation for an area may indicate whether Congress singled out a specific vista as important to an area, the absence of a legislative reference does not necessarily imply that there are not significant scenic resources which should be considered for protection. The merits of the scenic resource and its importance to the visitor experience are equally important in determining whether a vista is integral. For example, visitor use of turnouts and trails affording popular or well known scenic views can also objectively demonstrate the importance of the vista.

A few commentors suggested that the Federal Land Manager should rank vistas within an area and those in one area with the vistas in another area. One commentor recommended that this ranking would identify which vistas should be given priority for later evaluation of visibility protection considerations. Application of the guideline establishes whether the vistas considered meet the criteria of importance to the visitor's visual experience or to the purposes for which the area was created. The national parks and the vistas associated with them vary so significantly that it is difficult if not impossible to objectively rank the relative importance of vistas within one area, or those in one area with vistas in another area. A vista either meets the test of "integralness" or it does not. While the sensitivity of individual vistas to varying amounts of visibility impairment may vary, these considerations will be part of any evaluation of whether a visibility impairment constitutes an "adverse" or "significant" effect to the visitor enjoyment of the vista. This analysis is not part of the identification of whether a vista is integral, but rather will be a part of determining the tolerance of individual vistas to varying degrees of impairment during the new source review or retrofit control analyses.

A few commentors suggested that accessibility and natural conditions be taken into account in the identification of integral vistas. Visitor access and natural conditions are not part of the criteria in the guideline, since these factors also will be considered on a case-by-case basis during new source review and best available retrofit technology analysis in any visibility impact findings made by the state, the applicant or the Federal Land Manager. Thus, determinations of visibility impacts on integral vistas will be made

on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and times of visibility impairment and how these factors correlate with (1) times of visitor use of the Federal class I area, and (2) the frequency and timing of natural conditions that reduce visibility.

The Energy and Economic Consequences That Would Follow Identification of an Integral Vista

Several commentors suggested that under EPA's regulations identitication of integral vistas by the Federal Land Manager would be a "federal land grab" and a *de facto* restriction of energy and economic development. This is not the case. Under EPA's visibility regulations concerning integral vista protection, the states have the ultimate decision-making authority over the appropriate measure of protection to be given any integral vista, and may consider and balance competing interests such as energy and economic development. Protection of integral vistas is afforded under Section 169A and requires only that "reasonable progress" be made towards achieving the national visibility goal. The "reasonable progress" standard provides a balancing of competing interests.

The final EPA visibility regulations promulgated on December 2, 1980 differ significantly from provisions proposed by EPA on May 22, 1980. The final regulations made a clear distinction between the protection which must be afforded inside the boundaries of class I areas and the protection which may be provided to integral vistas which extend beyond the boundaries. EPA's final visibility regulations afford protection to integral vistas on the basis of Section 169A of the Clean Air Act, the visibility protection section, and not on the basis of Section 165, the prevention of significant deterioration section. The impact of this distinction is important. As to the integral vistas of a mandatory class I area, Section 169A allows a balancing of various concerns, including energy and economic, in determining the level of protection for integral vistas. As to visibility and other air quality related values *within* a class I area, however, Section 165 establishes a more protective scheme for air quality values during new source review which excludes consideration of economic and energy concerns. EPA's Prevention of Significant Deterioration regulations, 40 CFR 51.18, 51.24, 52.21, and 52.24, and not EPA's final visibility regulations, govern this protection of air quality *within* the boundaries of a class I area. Under the provisions for the Prevention of Significant Deterioration, the Federal Land Manager may demonstrate to the satisfaction of the state that a proposed source would cause an adverse impact upon visibility within the boundaries of a class I areas even though the class I increments are met. In the determination of impacts *within* the class I area boundaries, a state is permitted to consider only the adequacy of the Federal Land Manager's demonstration based solely on air quality factors and cannot consider other factors such as energy or economic factors. Conversely, where the class I increments inside the boundaries are not met, the applicant has an opportunity to demonstrate to the satisfaction of the Federal Land Manager that air quality related values including visibility would not be adversely affected. If the Federal Land Manager is convinced by the demonstration, he or she may recommend to the state that the permit be granted.

Where the Federal Land Manager demonstrates, based solely on air quality factors, that an unacceptable impact on visibility *outside* of class I boundaries but within an integral vista would occur, the state has the authority in the new source permit review and in analyses of best available retrofit technology to consider and balance energy and economic factors, provided that any action a state takes on a proposed new source permit or a best available retrofit technology decision is consistent with the criteria of Section 169A which requires the state to make "reasonable progress" toward achieving the long term visibility goal.

Because EPA's visibility regulations provide the states with the flexibility to consider energy and economic factors in determining the level of visibility protection to be afforded an integral vista, the identification of integral vistas, as candidates for protection consideration, does not in itself impede development in an area.

Even if the states place considerable weight on protecting the integral vistas, studies have shown that the sensitivity of individual vistas to changes in air quality depends upon numerous factors including the background air quality levels, the characteristics of the features in view, the specific design and location of a source, intervening terrain, meteorology, and the fuel burned. These factors would be taken into consideration in any findings made during the new source review process. As required by EPA's regulations, all determinations of visibility impacts will be made on a vista-by-vista basis, taking into consideration extent, frequency, duration, and intensity of impairment, and the time of visitor use.

F. Preliminary List of Outside-to-Inside Vistas

Today's notice also provides for comment on five "out-to-in" vistas which are views of a specific landmark or panorama located *inside* the boundary of the mandatory Federal class I area but are perceived by a viewer located *outside* of the mandatory class I Federal area. The preliminary list of these vistas is provided on an advisory basis only, since EPA's regulations do not extend the concept of "integral vistas" to those vistas of a class I area which are viewed from outside the class I area. The Federal Land Manager is not obligated under EPA's regulations to provide formal identification and notice of these vistas, nor are the states required to consider these vistas. However, the Department of the Interior and other commenters in Docket A-79-40 suggested that out-to-in views should be included as integral vistas in order to identify all the vistas which may be "integral" or highly significant to the visitor experience and to the purposes for which the areas were created. The criteria in the guideline document provide for recognition of the vistas that are integral to the visitor experience and the area's purpose, regardless of the visitor's viewing location.

The five out-to-in vistas provided for comment today were identified by class I area managers through the application of the criteria in the guideline document. This preliminary list will be sent by letter to the Governors of the affected states for consideration in new source review, best available retrofit technology analyses, and in the visibility protection components of their State Implementation Plans.

Written and photographic documentation for the out-to-in vistas identified in this notice have been developed and is available for inspection in the Air Quality Office, 11011 West 6th Avenue, Denver, Colorado 80225.

Bob Herbst,

Assistant Secretary, Fish and Wildlife and Parks.

January 2, 1981.

PROPOSED GUIDELINE

Criteria for the Identification of Integral Vistas

This document was prepared in the spring of 1980 by the U.S. Forest Service, Bureau of Land Management, National Park Service, and Fish and Wildlife Service at the request of EPA.

Step 1: Selection of vistas for consideration

For any class I area, the number of vistas, from either developed or undeveloped vantage points, greatly exceeds the number of vistas which need to be thoroughly evaluated for visibility protection. Selection of vistas to be evaluated in Step 2, therefore, will rely on the background knowledge and best judgment of the Federal Land Manager (FLM) responsible for the class I area in applying the following criteria.

As an aid to the Federal Land Manager in selecting vistas initially for consideration, two overall criteria are to be applied: the importance of the vista to the objectives for which the area was created and the contribution of the vista to the visitor enjoyment of the area. Vistas for which any of the factors listed below apply should be included in the vistas selected for evaluation in Step 2:

1. Vistas which are important to the objectives for which the area was created; in particular, vistas or landscape feature(s) identified in relevant legislation and legislative history.

2. Vistas which significantly contribute to visitor enjoyment of the area.

a. Vistas identified in the 1978 Federal Land Managers review of class I areas for which visibility is an important value.

b. Vistas which have received emphasis or attention in management plans, visitors surveys or studies, leaflets, maps, books, magazines or newpaper articles, reports on the area, pictures on postcards, TV or radio references, visual resource surveys, or movies or slide shows (include examples of the above items when the evaluation is submitted.)

c. Vistas that have developed observation points along roads or trails or vistas for which a developed observation point is planned.

d. Vistas which are viewed from prominent topographic points in predominantly flat terrain in undeveloped areas.

e. Vistas from popular view points in undeveloped areas.

f. Vistas which have particular or unusual scenic quality or of cultural or historical value.

g. Vistas which have been recommended by significant public comment for visibility protection.

The Federal Land Manager responsible for the class I area will in many cases by familiar enough with the area to spend one day or less in this initial selection of vistas to be evaluated in detail in Step 2.

As an additional aid to the Federal Land Manager, vista may be aggregated and considered as one vistas where more than one observer point overlooks the same vista. Figure 1 gives an example of how a class I area may be reviewed as an entire unit to select vistas for consideration. During the vista selection (Step 1) the Federal Land Manager should also keep in mind the following points:

a. Characteristic landscapes naturally differ between parts of the country. All landscapes, such as flatlands, shore, water, or hills, are to be considered.

b. Although natural visibility conditions differ with geographic location, season, and time of day, the identification of integral vistas should not be affected by these differences. For example, visibility is generally more limited in humid regions in the East than in arid areas of the West. Identification should depend primarily on whether the vista meets the criteria discussed in this document.

c. Normal access to observation points may be limited in certain seasons or by level of effort required to reach the observation point. Such a limitation does not in itself eliminate the vista from consideration, but should be reported in the vista evaluation if selected.

d. Vistas may include either of 2 basic types: focal point or panoramic. A focal point vista is one that directs the eye toward and focuses primarily upon one or more landscape features or visual elements. A panoramic vista is one that sweeps over a broad area and provides an essentially unobstructed or complete view of multiple visual elements.

Step 2: Identification of vistas integral to visitor experience on the class I area

For each vista or aggregate vista considered, a separate Vista Evaluation (Form 1) shall be prepared. Each Vista Evaluation shall be accompanied by the supporting narrative statements requested; by the examples, maps and documentation indicated; and by a Vista Description. Instructions for completion of the Vista Evaluation are in Appendix 1. Each of the important landscape elements in the integral vista shall be described as part of the vista description so that later determinations may be made of the sensitivity of the vista, and the important landscape elements comprising it, to air qualilty.

Form 1—Vista Evaluation

Name of Vista or Brief Description———

Principal Content of Vista (Select One)

a. ☐ Vista is primarily of cultural or historical importance.

b. ☐ Vista is primarily of scientific importance.

c. ☐ Vista is primarily of scenic importance.

Specific Information Relating to the Vista

1. Legislation

a. ☐ Vista was specifically mentioned in enabling legislation for the Class I area or in the House, Senate or Conference Committee Reports pertaining to the enabling legislation. Examine the enabling legislation and accompanying legislative history to determine the purpose for which the area was created and the importance of vistas. Include copy of legislation or appropriate quotations with references in the supporting documentation.

b. ☐ Legislation other than enabling legislation requires protection of the vistas. Include copy of legislation or appropriate quotations with references (e.g., Wilderness Act or Clean Air Act) in the supporting documentation.

c. ☐ Other legislation or legislative history (such as floor debates reported in the Congressional Record) mentions vistas or implies protection of vista. Include in the narrative quotations with references and reasons for determination of Congressional intent.

2. Significance of Vista (Select all applicable criteria)

a. ☐ Vista is known, or recognized by the public through exposure in various media. State in the narrative the source of exposure (e.g., movie, photographs by well known photographers, posters, travel brochures) and the extent to which the vista is known or recognized (e.g., Devil's Tower vista shown in the movie Close Encounters seen by *x* number of people throughout the United States). Use specific data wherever possible.

b. ☐ Vista is visited by persons from outside the local area. (In this criterion local visitation is defined as within 2 hours commuting distance; visitation to the area is assumed to be representative of vista visitation). State in the supporting narrative the source of data, distances traveled, and percent of visitors to the area traveling each distance range.

c. ☐ Vista has cultural or historical importance. (This criterion includes all vistas which were marked as "primarily of cultural or historical importance," under Principal Content of Vista, and may also include vistas marked as primarily or scientific or scenic importance, where these vistas also possess cultural or historical values). State in the supporting narrative the

reason for and extent of the cultural or historical values. For example, a vista may be part of a traditional religious ceremony of a local group of native Americans.

d. ☐ Vista has scientific importance. (This criterion includes all vistas which were marked as "primarily of scientific importance" under Principal Content of Vista, and may also include vistas marked as primarily of cultural or scenic importance, where these vistas also possess scientific values). State in the narrative the reasons for scientific importance. For example, a vista may have geologic significance and be important to understanding how or why an area was formed.

3. Visitor Experience (Select all applicable criteria)

a. ☐ Management of the Class I area emphasize the importance of the vista to the visitor experience. Management emphasis of a vista includes development (e.g., trails to observation points, pullouts, telescopes) to enhance the visitor's enjoyment of a vista, agency media exposure of vista (e.g., showing vista in leaflets or slide shows), and interpretative activities (e.g., attendants at observer points, guided tours). Report in the supporting narrative all evidence of management emphasis of the vista, including examples (such as leaflets) where practical.

a. ☐ Management plans indicate future emphasis of vista. Document in the supporting narrative in the management emphasis planned, citing the specific planning report and quoting applicable sections. Follow guidelines in the criterion above for management emphasis.

c. ☐ Vista is sought out by visitors to the Class I area. In the supporting narrative, report the number of visitors to the vista or the proportion of visitors to the Class I area which observe the vista. Cite source of data (e.g., visitor use survey taken in 1975). If data is not available, the number of proportion of visitors may be estimated and any evidence supporting the estimate (e.g., trash collection from pullout) provided. Where access to an observation point is difficult, the amount of energy expended by the visitor to enjoy the vista is more important than the number of visitors. Report the access and the number or estimated number of visitors.

d. ☐ Vista is important to visitors at the observation point. Visitor comments at observation points (e.g., comments in log books or to visitor surveys) are direct indications of visitor reaction to vista. Indirect indications of visitor reaction to vista may be inferred from visitor activity (e.g., photography, sketching) at observation points. Describe visitor reaction to vista and the source (direct or indirect indications) of this information (e.g., visitor survey, direct observation of *x* number of hours during *x* season(s) of year). Include in the narrative statistics or quotations and references for these.

Appendix 1: Instructions for Completion of the Vista Evaluation (Form 1)

The top of Form 1 should be completed as directed below for each line item.

Name of the Class I Area: Indicate the name of the class I area from which the vista being analyzed would be viewed, e.g., Canyonlands NP or Bridger Wilderness area.

Agency: Indicate the name of the agency responsible for the management of the class I area.

Name or Description of the Vista: Indicate the name of the vista, if named, or a brief description of the physiography. A full description of the landscape, including foreground, middleground, or background features in the vista shall be included in the narrative section.

Observation Point(s): The point or points within the class I area from which a vista is viewed. The point(s) shall be a map of the area which shall be submitted with the Vista Evaluation Form.

Viewing Direction and Horizontal Viewing Angle: The true azimuth (in degrees) from the observation point(s) to the horizontal limits of the vista.

Distance Zones: The distance in miles or kilometers from observation point(s) to the limits of the foreground, and background. The background should include the farthest point in the vista. Use the distance range for these zones as defined in the U.S. Forest Service and Bureau of Land Management Visual Resource Management System.

Visual Resource Inventory System: If the area has been analyzed under a visual resource inventory system, such as VIEWIT or VIS, the information should be used in this analysis and the system name indicated on this line.

Map Scale: Use appropriate map to show observation point(s) and vista. Where possible locate all identified vistas on one map of the class I area. Indicate scale used (not less than ¼ inch to 1 mile) on this line.

The rest of Form 1 should be completed by marking in the box adjacent to each criterion which applies to the vista under consideration. Each applicable criterion must be supported by narrative statements as directed. As much detail and quantification as possible should be used in the narrative. Examples (such as leaflets and trail maps), or other documentation (such as visitor surveys, and legislation) shall be submitted with the Vista Evaluation, wherever practicable. If impractical to submit examples (e.g., 166 mm motion picture), list these in the narrative as additional factors considered in the evaluation.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*

Park	Observation point	View angle	Key features	Also viewed from
Acadia National Park	Cadillac Summit (Mount Desert Narrows).	320°–356°	Lamonine State Park, Mount Katahdin, Frenchman Bay.	Eagle Lake, Middle Cadillac, Upper Cadillac, Sunset Point, Sargent Mountain, Gilmore Peak, Parkman Mountain, Acadia Mountain, Beech Mountain, Mansel Mountain, Bernard Mountain.
	Cadillac Summit (Schoodic Mountain).	356°–32°	Lead Mountain, Schoodic Mountain, Gouldsboro Hills, Calf Island.	Paradise Hill, Duck Brook, Bar Harbor, Great Hill, North Cadillac, Champlin Overlook, Scenic Overlook, Lower Cadillac, Middle Cadillac, Dorr Mountain, Kebo Mountain, Huguenot Head, Champlin Mountain, The Beehive, Penobscot Mountain, Sargent Mountain, Schoodic Head.
	Cadillac Summit (Porcupine Island).	32°–68°	Porcupine Island, Stave Island, Jordan Island, Ironbound Island, Gouldsboro Bay.	Paradise Hill, Duck Brook, Bar Harbor, Great Hill, North Cadillac, Champlain Overlook, Scenic Overlook, Lower Cadillac, Middle Cadillac, Dorr Mountain, Kebo Mountain, Huguenot Head, Champlain Mountain, Schoodic Head.
	Cadillac Summit (Schoodic Peninsula).	68°–104°	Winter Harbor, Turtle Island, Egg Rock	Paradise Hill, Duck Brook, Bar Harbor, Great Hills, North Cadillac, Champlain Overlook, Scenic Overlook, Lower Cadillac, Middle Cadillac, Dorr Mountain, Kebo Mountain, Champlain Mountain, The Traid, Pemetic Mountain.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*—Continued

Park	Observation point	View angle	Key features	Also viewed from
	Cadillac Summit (Atlantic Ocean)	104°–140°	Atlantic Ocean	Sand Beech, Ocean Drive, Thunder Hole, Otter Point, Western Point, Upper Cadillac, Dorr Mountain, Huguegot Head, Champlain Mountain, The Beehive, Gorham Mountain, Eagles Crag, The Traid, Pemetic Mountain, Penobscot Mountain, Schoodic Head, Schoodic Point.
	Cadillac Summit (Otter Point)	140°–176°	Atlantic Ocean, Otter Cove, Baker Island	Otter Point, Western Point, Hunters Point, Upper Cadillac, Dorr Mountain, Eagles Crag, Pemetic Mountain, Penobscot Mountain.
	Cadillac Summit (Cranberry Islands).	176°–212°	Little Cranberry Island, Duck Islands, Greater Cranberry Island, Seal Harbor, Sutton Island, Long Island.	Otter Point, Western Point, Hunters Point, Upper Cadillac, Dorr Mountain, Eagles Crag, The Traid, Pemetic Mountain, Penobscott Mountain, Cedar Swamp Mountain, St. Sauveur Mountain, Flying Mountain, Beech Mountain, Mansell Mountain, Bernard Mountain, Seawall Picnic Area.
	Cadillac Summit (Seawall)	212°–248°	Placentia Island	Upper Cadillac, Sunset Point, The Triad, Penobscot Mountain, Bald Peak, Cedar Swamp Mountain, St. Sauveur Mountain, Flying Mountain, Valley Peak, Beech Mountain, Mansel Mountain, Bernard Mountain.
	Duck Harbor Mountain	352°–5°	Blue Hill, Caterpillar Mountain	Eagle Lake, Glacial Lakes, Upper Cadillac, Sargent Mountain, Parkman Mountain, Acadia Mountain, St. Sauveur Mountain, Beech Mountain, mansel Mountain, Bernard Mountain.
	Duck Harbor Mountain	336°–352°	Duck Harbor, Mount Ephraim, Mount Waldo, Eagle Island, Penobscot Bay.	St. Sauveur Mountain, Bernard Mountain, Duck Harbor.
	Duck Harbor Mountain	310°–336°	Isleşboro Island, Bald Rock Mountain, Duck Trap Mountain.	St. Sauveur Mountain, Bernard Mountain, Duck Harbor.
	Duck Harbor Mountain	285°–360°	Megunticook Mountain, Bald Mountain, Dodge Mountain, Vinalhaven Island.	St. Sauveur Mountain, Bernard Mountain, Duck Harbor.
	Duck Harbor Mountain	270°–285°	Brimstone Island, Vinalhaven Island, Lighthouse Rock.	Duck Harbor.
	Duck Harbor Mountain	245°–270°	Large Green Island	Duck Harbor.
	Duck Harbor Mountain	190°–245°	Matinicus Island, Ragged Island, Wooden Ball Island, Seal Island, Atlantic Ocean.	Duck Harbor.
	Sunset Point (Isle Au Haut)	192°–228°	Long Island, Placentia Island, Swan Island, Great Gott Island, Isle Au Haut.	Upper Cadillac, St. Sauvenur Mountain, Flying Mountain, Beech Mountain, Mansel Mountain, Bernard Mountain, Bass Harbor Lighthouse.
	Sunset Point (Sargent Mountain)	228°–264°	Green Island	Glacial Lakes, Upper Cadillac.
	Sunset Point (Blue Hill)	264°–300°	Camden Hills, Bartlett Island, Western Bay, Blue Hill.	Eagle Lake, Glacial Lakes, Upper Cadillac, Sargent Mountain, Parkman Mountain, Acadia Mountain, St. Sauveur Mountain, Beech Mountain, Mansel Mountain, Bernard Mountain.
	Sunset Point (Eagle Lake)	300°–336°	Thomas Island, Frenchman Bay	Eagle Lake, Glacial Lakes, Sargent Mountain, Gilmore Prk, Parkman Mountain, Acadia Mountain, St. Sauveur Mountain, Beech Mountain, Mansel Mountain, Bernard Mountain.
	Sunset Point (Mount Katahdin)	336°–12°	Lamoine State Park, Hulls Cove (Acadia National Park Visitor Center), Mount Katahdin.	Eagle Lake, Sargent Lake, Gilmore Peak, Parkman Mountain, Acadia Mountain, Beech Mountain, Mansel Mountain, Bernard Mountain.
Arches National Park	Delicate Arch	120°–160°	La Sal Mountains, Cache Valley	
	La Sal Mountain View	60°–175°	Castle, Porcupine Rim, La Sal Mountains, Near Rim—Moab Canyon, Behind the Rocks (rim of Spanish Valley).	
	Panorama Point (Parking Area Viewpoint).	310°–150°	Salt Valley, Book Cliffs, The Highlands, Pinyon Mesa, Dome Plateau, Castle Valley, La Sal Mountains.	
Badlands National Park	Pinnacles Overlook [1]	160°–340°	Harney Peak/Mount Rushmore, Prairie Grassland, White River/Pine Ridge, Wind Cave/Custer State Park.	High points within park.
	Bigfoot Overlook [1]	160°–220°	Bigfoot Pass, White River Drainage, Pine Ridge Reservation and Wounded Knee Vicinity.	
Bandelier National Mounument	Boundary Peak (Sangre de Cristo-Sandia panorama).	65°–210°	Rio Grande Depression, Sangre de Cristo Range, Cochiti Dam and Lake, Sandia Mountains.	Pueblo of Stone Lions, Mid-Alamo.
	Boundary Peak (Valles Caldera East Rim).	300°–325°	Rabbit Mountain, Caldera East Rim	Pueblo of Stone Lions, Frijolito Ruin.
	Mid-Alamo	245°–265°	San Miguel Mountains, Los Alamos Scarp	Pueblo of Stone Lions, Frijolito Ruin.
Big Bend National Park	Glenn Springs Intersection	90°–205°	Rio Grande Flood Plain, San Vicenta Mountains, Tornillo Flats, Sierra del Carmen, Chilicotal Mountain.	
	Hannold Draw (Sierra del Caballo Muerto).	13°–132°	Tornillo Flat, Sierra del Carmen	
	Persimmon Gap	148°–262°	Dagger Mountain, Panhandle, Chisos Mountain, Rositos Mountains, Nine Point Draw, Christmas Mountain, Corazones Peaks.	
	Sotol Vista	235°–306°	Santa Elena Canyon, Rio Grande, Sierra del Mulato	
	South Rim Trail (Mule Ears)	68°–98°	Mule Ears, Sierra Quneada	
	Tornillo	172°–315°	Sierra de San Vicenta	
	Maverick Mountain	0°–360°	Mesa de Anguila, Contrabando Mountain, Cigar Mountain, Maverick Mountain, Dogie Mountain, Sierra del Santa Elena, Santa Elena Canyon.	
	South Rim	102°–340°	Sierra del Carmen, Rio Grande, San Vicente Mountain, Sierra del Santa Elena, Santa Elena Canyon, Terlingua Flats.	
	Mount Emory	30°–10°	Sierra del Carmen, Rio, Grande, Sierra del Santa Elena, Santa Elena Canyon, Ward Mountain, Mesa de Anguila, Christmas Mountain, Rosillos Mountains, Sierra del Heceiros, Cerro Castellan.	
Black Canyon of the Gunnison National Monument.	Gunnison Point [1]	85°–90°	North Rim	
	Chasm View [1]	85°–90°	North Rim, West Elk Mountains	High Point, Warner Point.
	High Point [1]	85°–90°	Lower Gunnison Gorge	Sunset View.
	Warner Point	85°–105°	Uncompahgre Valley	Other points along Warner Point Trail.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*—Continued

Park	Observation point	View angle	Key features	Also viewed from
Bryce Canyon National Park	Bryce Point	310°–210°	Black Mountains, Aquarius Plateau, Kaiparowits Plateau, Navajo Mountain.	Fairyland View, Sunrise Point, Sunset Point, Inspiration Point, Paria View, Farview Point, Natural Bridge, Agua.
	Yovimpa Point	90°–230°	Navajo Mountain, Kaibab Plateau, Mount Trumbull	Rainbow Point, Promontory Point.
	Paria Overlook	120°–175°	Navajo Mountains, White Cliffs	Farview Point, Natural Bridge, Aqua Canyon, Ponderosa, Rainbow Point.
Canyonlands National Park	Buck Canyon Overlook	0°–80°	Book Cliffs, Dome Plateau, La Sal Mountains	
	Grandview Point Overlook	80°–205°	La Sal Mountains (Mount Peale), Hatch Point, Horsehead Rock, Deerneck Mesa, Colorado River Basin, Hart's Point, The Abajo Mountains, North Six-Shooter Peak, Cathedral Butte, Elk Ridge, Dark Canyon Plateau, Land's End and Orange Cliffs.	
	Murphy Point Overlook	205°–360°	The Abajo Mountains, Cathedral Butte, Elk Ridge, Dark Canyon Plateau, Land's End and Orange Cliffs, The Little Rockies, Ekker Butte, The Henry Mountains, Boulder Mountain/Aquarius Mountain, Thousand Lakes Mountain, Buttes of the Cross, The Flat Tops, Green River Canyon, San Rafael Reef/Swell, The Book Cliffs.	
Capitol Reef National P	Cathedral Valley Overlook	310°–50°	San Rafael Swell, San Rafael Knob, Book Cliffs, Mount Alice, Mount Baldy.	
	Halls Creek Overlook [1]	0°–300°	Henry Mountains, Bears Ears (Abajo Mountains), Big Thompson Mesa, Clay Hills.	Burr Trail—West Boundary.
	Panorama Point	90°–165°	Henry Mountains, Miners Mountain	U–24.
		195°–295°	Boulder Mountain, Thousand Lake Mountain, Meeks Mesa.	U–24.
	Upper South Desert Overlook	25°–165°	Henry Mountains, Factory Butte, Manti La Sal Mountains.	Catheral Valley Overlook.
		190°–290°	Thousand Lake Mountain, Boulder Moutain	
	West Boundary	325°–125°	Henry Mountains, San Rafael Swell, Tarantula Mesa, Circle Cliffs, Bears Ears (Abajo Mountains).	Burr Trail, Hall Creek Overlook.
Carlsbad Caverns National Park	Visitor Center	226°–237°	Delaware Basin, Capitan Reef Escarpment	Walnut Canyon Loop Road.
Chircahua National Monument	Sugar Loaf Mountain	90°–150°	San Simon Valey	Massai Point, Echo Point.
		140°–200°	Chiricahua Mountains	Massai Point, Echo Point, Inspiration Point.
		260°–320°	Dragoon Mountains, Dos Cabezas Mountains, Sulfur Spring Valley.	Lower Bonita Canyon, Massai Point, Echo Point, Inspiration Point.
		20°–40°	Cochise Head	
Crater Lake National Park	Watchman Lookout	160°–10°	Mount Shasta, Mount McLaughlin, Rogue River Valley, Mount Bailey, Diamond Lake, Three Sisters, Klamath Lake, Diamond Peak.	Mount Scott Lookout, Crater lake Lodge, Union Peak Overlook, Diamond Lake Overlook, Pumice Desert, Cloudcap Junction, Dutton Ridge-Rim Drive, Grayback Ridge, Watchman Parking Area.
Crater of the Moon National Monument.	Big Cinder Butte	22°–40°	Lost River Range, Edge of Park Boundary	Most anywhere else in wilderness area.
	Big Cinder Butte	90°–95°	Big Southern Butte, Park Boundary	Most anywhere else in wilderness area.
Everglades National Park	Main Park Road	15°–105°	Horizon (the most impressive feature would be the unobstructed view to the horizon).	
	Shark Valley Tower	70°–134°	Horizon (the most impressive feature would be the unobstructed view to the horizon).	
Grand Canyon National Park	Bright Angel Point (San Francisco Mountains).	135°–180°	San Francisco Mountains	Point Sublime, Cape Royal, Point Imperial, Powell Point, Maricopa Point, Trail View, Granview Point, Lipan Point, Navajo Point.
	Bright Angel Point (Red Butte)	160°–205°	Red Butte	Point Sublime, Cape Royal, Point Imperial, Powell Point, Maricopa Point, Trail View.
	Desert View	15°–60°	Navajo Mountain, Little Colorado River Gorge	Vista Encantadora, Point Imperial, Grandview Point, Moran Point, Lipan Point, Navajo Point.
	Hopi Point	275°–320°	Mount Trumbull	Point Sublime, Pima Point, Mohave Point, Powell Point, Yavapai Point, Yaki Point, Desert View.
	Toroweap Overlook	50°–95°	Esplanada	
Grand Teton National Park	Signal Mountain Summit	330°–230°	Wildcat Peak, Whetstone Mountain, Gravel Peak, Gravel Ridge, Soda Mountain, Breccia Peak, Leidy Peak, Sheep Mountain, Jackson Peak, Snake River Range.	
	Summit of the Grand Teton	0°–360°	Pierre's Hole, Big Hole Mountains, Snake River Range, Caribou Range, Salt River Range, Wyoming Range, Snow King Mountain, Gros Ventre Range, Wind River Range, Absaroka Range, Fred's Mountain, Centennial Range.	High points in the Teton Range.
	Windy Point Turnout	12°–190°	Gros Ventre Slide	Glacier View Turnout, Teton Point Turnout.
Great Sand Dunes National Monument.	South Photo Turnout [1]	42°–248°	Silver Mountain, Bennett Peak, Storm King, Antora Peak, Crestone Peak, Cleveland Peak, Medano Peak, Mount Zwischen.	
	High Dune	0°–360°	Bennett Peak, Antora Peak, Shavano Peak, Crestone Peak, Cleveland Peak, Medano Peak, Mount Zwischen, Carbonate Mountain, Twin Peaks, San Antonio Peak.	
Great Smoky National Park	Newfound Gap Overlook	100°–160°	Waterrock Knob, Soco Bald	Points along the Appalachian Trail and Clingmans Dome Road.
	Clingmann's Dome Observation	60°–110°	Balsam and Plot, Balsam Mountain Ranges	Webb Overlook and other pullouts along Clingmans Dome Road.
	Chilhowee Mountain	290°–350°	[4]	
	Ravenfork Overlook Blue Ridge Parkway.	290°–350°	Big Cove	Several other overlooks along Blue Ridge Parkway.
Guadalupe Mountains National Park.	Guadalupe Peak	153°–323°	Delaware Mountains, Davis Mountains, Sierra Diablo Mountains, Quitman Mountains, Salt Flats, Huevo Mountains, Gypsum Sand Dunes, Cornudas Mountains, Sacramento Mountains.	Hunter Peak.
Haleakala National Park	Red Hill Observatory	280°–320°	Lanai, West Maui Mountains, Molokai, Pacific Ocean.	White Hill, Kalhaku Overlook, Leleiwi Overlook.
		120°–165	Alenuihaha Channel, Mauna Kea, Mauna Loa, Hualalai.	White Hill.
Hawaii Volcanoes National Park	Hawaii Volcanoes Observatory	220°–350°	Mauna Loa Mid Slope, Mauna Kea	Highway 11, Waldron Ledge, Crater Rim Trail, Kea La Kamo, Chain of Craters Road, Wahaula Nature Trail, Mauna Loa Trailhead.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*—Continued

Park	Observation point	View angle	Key features	Also viewed from
	Wahuala Visitor Center	300°–380°	Kilavea—Lower Slope, Kalapana Royal Gardens, Kalapana Coastlands, Chain of Craters Road.	
Isle Royale National Park	Mount Siskivit/Greenstone Trail	270°–20°	Canadian Shore, Spar Island, Pie Island, Thunder Bay, Sleeping Giant Mountains, Sibley Peninsula, Black Bay, Edward Island, The Paps Mountains.	Northern exposed areas along Minong, Greenstone, and Feltman Ridge Trails.
Joshua Tree National Monument	Coxcomb Mountains	270°–340°	Sheep Hole Mountains, Bullion Mountains, Calument Mountains.	
	Fortynine Palms Trail	300°–80°	Copper Mountains, Hidalgo Mountains, Sugar Bowl, Bullion Mountains, Donnell Hill, Sheep Hole Mountains, Dale Dry Lake, Campbell Hill.	
	Hi View Nature Trail	240°–50°	San Gorgino Mountains, Tip Top Peak, Yucca Valley, Goat Mountain, Bullion Mountains.	
	Inspiration Peak	280°–140°	Signal Mountain, Salton Sea, San Andreas Fault, Mountain San Jacinto, San Gorgonic Pass, San Gorgonic Mountain.	Key View.
	Mastodon Peak	120°–230°	Orocopia Mountains, Salton Sea, Santa Rosa Mountains.	
Lassen Volcanic National Park	Lassen Peak	0°–360°	Eagle Lake, Crater Mountain, Antelope Mountain, Kelley Mountain, Red Mountain, Morgan Mountain, Turner Mountain, Inskip Hill, Potatoe Buttes, Loomis Peak, Clover Mountain, Burney Mountain, Latour Butte, Logan Mountain, Wilcox Peak, Sugar Loaf Peak, West Prospect Peak, Mount Shasta.	Emerald Picnic Area, Diamond Point, Brokeoff Mountain, Mountain Harkness and Bonte Peak.
Lava Beds National Monument	Hippo Butte	45°–350°	Mount Shasta, Medicine Lake Highlands, Mount Dome, Clear Lake Hills, Warner Mountains, Sheepy Ridge.	Whitney Butte, Juniper Butte.
Mesa Verde National Park	Far View Visitor	120°–220°	The Hogback, Shiprock, Lukachukai Mountains, Carrizo Mountains.	Park Point South, Wetherill Mesa Road.
	Mancos Valley Overlook	335°–130°	Lone Cone, Dolores Peak, Mount Wilson, LaPlata Mountain, Mancos Valley, Menefee Mountain.	Windy Point, Point Lookout, Park Point.
	Montezuma Valley Overlook	250°–345°	Sleeping Ute Mountains, Abajo Mountains, LaSal Mountains, Montezuma Valley.	Windy Point, Point Lookout, Moccasin Overlook, C Cut Overlook, Park Point, Wetherill Mesa Road.
	Park Point North	250°–75°	Sleeping Ute Mountains, Abajo Mountains, LaSal Mountains, Lone Cone, Dolores Peak, Mount Wilson, LaPlata Mountains, Menefee Mountain.	Wetherill Mesa Road, Moccasin Overlook, Montezuma Valley, Point Overlook.
	Park Point South	160°–270°	The Hogback, Shiprock, Lukachukai Mountains, Carrizo Mountains, Sleeping Ute Mountains.	Far View Visitor Center, Wtherill Mesa Road.
Mount McKinley National Park	Mile 15 (Primrose Pullout)	90°–120°	Mount Deborah, Alaska Range	Several points on Park Road, including mile 7, 9, 10 pullouts.
	Mile 82	160°–270°	Interior Lowlands	Several points on Park Road, including mile 73, 76, 78 pullouts.
Mount Rainier National Park	Tolmie Lookout	210°–60°	Puget Sound, Cascade Crest, North Cascades, Olympic Mountains, Mount St. Helens, Mount Baker, Glacier Peak.	Freemont, Lookout Sunrise Point.
	Camp Muir	100°–230°	Mount Adams, Mount St. Helens, Tatoosh Range, Cowlitz Drainage, Goat Rock Wilderness.	Ricksecker Point, Pinnacle Peak, Backbone Ridge, Sunrise Point, Stevens and Box Canyons.
North Cascades National Park	Copper Ridge	235°–240°	Mount Baker, Mount Sefrit	Picket Range, Mount Redoubt.
		300°–320°	Silesia Creek	Mount Challenger.
	Sourdough Mountain	224°–235°	Skagit River	Colonial Peak, Pyramid Peak, Mount Prophet, Elephant Butte.
		15°–160°	Jack Mountain, Crater Mountain, Majestic Mountain, Golden Horn.	
	Cascade Pass/Sahale Arm	110°–260°	Mount Rainier, Mount Baker, Glacier Peak, Chickman Glacier.	Forbidden Peak, Eldorado Peak Magic Mountain, Mix-up Peak, Black Peak.
	Maple Pass	345°–100°	Mount Hardy, Tower Mountain, Whistler Mountain, Liberty Bell Mountain, Early Winter Spires, Gilbert Mountain.	Mount Benzatino, Goode Mountain, Black Peak, McGregor Mountain.
Olympic National Park	Deer Park	295°–115°	Strait of Juan de Fuca, Vancouver Island, San Juan Islands, Cascade Mountains.	Lookout Rock, Hurricane Ridge, Hurricane Hill.
Pinnacles National Monument	High Peaks Trail	45°–170°	San Andreas Fault, Diablo Range	Chalone Peak.
	Chalone Peak Trail	180°–310°	San Lucia Mountains, Ventana Wilderness, Salinas Valley.	High Peaks.
Point Reyes National Seashore	Pablo Point	76°–290°	Bolinas Ridge, Bolinas Lagoon, Stinson Beach, Pacific Ocean, San Andreas Fault.	Mount Wittenberg, Mount Vision.
	Mount Wittenberg	15°–75°	Soulajude Hills, Bolinas Ridge, Tomasihi Canyon, San Andreas Fault, Nicasio Hills, Black Mountains.	Mount Vision.
		85°–140°	San Francisco Hills, Mount Tamalpais, Bolinas Ridge, Olema Valley, San Andreas Fault, Fur Top, Bear Valley.	
		145°–235°	Pacific Ocean, Point Reyes, Grassland	
		240°–298°	Drake's Beach, Drake's Estero, Pacific Ocean	
Redwood National Park	Hiouchi Flat	80°–120°	Smith River, Siskiyou Mountains, Old Growth Redwood Trees.	
	Crescent Beach	300°–360°	Pacific Ocean, Castle Rock	
	Requa	120°–330°	Klamath River, Pacific Ocean	
	Lady Bird Johnson Grove Ovadook.	330°–10°	Pacific Ocean and Coastline, Redwood Forest	
	Redwood Creek	120°–140°	Redwood Forest Hillslopes	
Rocky Mountain National Park	Gore Range Overlook	201°–257°	Gore Range, Apiatan Mountain, Bowen Mountain	
	Medicine Bow Curve	314°–29°	Clark Peak, Snowy Range, Comanche Peak	
Saguaro National Monument	Rincon Peak	360°–0°	Santa Teresa Mountains, Basset Peak, Mount Graham, Dos Cabezas Mountains, Mount Glenn, Hay Mountain, Miller Peak, Santa Rita Mountains, Baboquivari Peak, Kitt Peak, Mount Kimball, Mount Bigelow, Whetstone Mountains, Mule Mountains, Sierrita Mountains, Willcox Playa, Square Mountains, Guliuro Mountains, Chiricahua Mountains.	Happy Valley Lookout, Tanqueverde Peak.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*—Continued

Park	Observation point	View angle	Key features	Also viewed from
	Happy Valley Lookout	360°–0°	Kennedy Peak, Mount Graham, Square Mountain, Little Dragoon Mountains, Mount Glenn, Whetstone Mountain, Reilley Peak, Dos Cabezas Mountain, Huschuca Mountains, Mule Mountains.	Rincon Peak, Tanqueverde Peak.
	Tanqueverde Peak	360°–0°	Whetstone Mountains, Patagonia Mountains, Santa Rita Mountains, Baboquivari Peak, Golden Gate Mountains, Mount Kimball, Mount Bigelow, Galiuro Mountains, Basset Peak, Empire Mountains, Colossal Cave, Sierrita Mountains, Kitt Peak, Santa Catalina Mountains, Winchester Mountains.	Rincon Peak, Happy Valley Lookout.
	Wasson Peak	360°–0°	Tucson Basin, Altar, Altar Valley, Arva Valley, Aqua Caliente Peak, Keystone Peak, Baboquivari Peak, Sentinel Peak, Kitt Peak, Picacho Peak, Mount Bigelow.	
Sequoia, Kings Canyon National Park.	Moro Rock (Middle Fork of the Kaweah River).	160°–300°	Kaweah River Canyon, Sierra Foothills, San Joaquin Valley, Coast Range.	Alta Peak, Eleven Ranges View, Amphitheater Point.
	Sunset Rock (Marble Fork of the Kaweah).	200°–300°	Little Baldy, Pine Ridge, Marble Fork Canyon, San Joaquin Valley and Coast Range.	Little Baldy, Redwood Mountain View.
	Trail Crest, Mount Whitney Trail (Mount Whitney).	0°–360°	Inyo Mountains, White Mountains, Panamint Mountains, Spring Mountains, San Bernardino Mountains, Tehachapi Mountains, Coast Range, Mount Ritter.	
	Panoramic Point (Kings River Canyon).	350°–110°	Kings River Canyon, Tenmile Creek Canyon, Sierra Crest.	Sierra View.
	Kearsarge Pass (Central Owens Valley).	40°–170°	University Peak, Independence Peak, Northern Ridge, Independence Creek Canyon, Owens Valley, Inyo Mountains.	Forester Pass, Shepard Pass.
Shenandoah National Park	Hogwallow Flats Overlook	59°–190°	Piedmont Plateau	
	Pinnacles Overlook	129°–253°	Piedmont Plateau, Doubletop Mountain, Chapman Mountain.	
	Thorofare Mountain	30°–192°	Piedmont Plateau	
	South River Overlook	108°–160°	Piedmont Plateau	
	Left Mountain Overlook	109°–206°	Flat Top Mountain, Gibson Mountain, Rocky Bar Hollow.	
	Hogback Overlook	259°–90°	Gooney Run, Shenandoah Valley, Massanutten Mountains, Alleghenies, Shenandoah River.	
	Mooreman's River Overlook	37°–197°	Bucks Elbow Mountain, Piedmont Plateau, Charlottesville Reservoir, Pasture Fence Mountain, Mooreman's River.	
	Stony Man Summit	195°–90°	Massanuttan Mountains, Alleghenies, Shenandoah Valley Reservoir.	
	Calf Mountain Overlook	134°–76°	Shenandoah Valley, Alleghenies, Scott Mountain, Bear Den Mountain.	
	Crimora Lake Overlook	220°–13°	Crimora Lake, Shenandoah Valley, Alleghenies, Crimora Pond.	
	Two Mile Run Overlook	263°–65°	Shenandoah Valley, Alleghenies, End of Massanutten Mountain.	
	The Oaks Overlook	246°–354°	Shenandoah Valley, End of Massanutten Mountain, Alleghenies.	
	Tanner's Ridge Overlook	200°–18°	Shenandoah Valley, Massanutten Mountain, Alleghenies, Tanner's Ridge.	
	Spitler Knoll Overlook	239°–10°	Shenandoah Valley, Massanutten Mountain, Alleghenies.	
	Old Rag Summit	282°–261°	Weakly Hollow, Piedmont Plateau	
	Hawksbill Summit	290°–289°	Shenandoah Valley, Massanutten Mountain, Alleghenies, Piedmont Plateau.	
	Black Rock Summit	236°–108°	Long Ridge, Chapman Mountain, Massanutten Mountain, Alleghenies, Shenandoah Valley.	
Theodore Roosevelt National Park	Badlands Overlook	353°–7°	Badland Terrain	Johnson's Plateau, Painted Canyon, Ridgeline Nature Trail, Buck Hill.
	Bentonitic Clay	64°–94°	Killdeer Mountains, Long X Divide	Shelter Overlook.
	Boicourt—South	185°–248°	Bullion Butte, Square Butte	Buck Hill, Ridgeline Nature Trail, Johnson's Plateau.
	Boicourt—West	267°–298°	Camel's Hump, Twin Buttes	Ridgeline Nature Trail, Buck Hill.
	Buck Hill	0°–360°	Sentinel Butte, Square Butte, Camel Hump, Twin Buttes.	Painted Canyon, Ridgeline Nature Trail, Johnson's Plateau, Badlands Overlook, Boicourt Ridge.
	Elkhorn Ranch Site		View of surrounding river bluffs	
	Johnson's Plateau—North	358°–54°	North Dakota Badlands	Badlands Overlook, Ridgeline Nature Trail, Buck Hill, and Painted Canyon.
	Johnson's Plateau—South	117°–261°	DeMores Chateau, Bullion Butte, Square Butte, Sentinel Butte.	Buck Hill, Ridgeline Nature Trail, Boicourt Ridge.
	Little Missouri	78°–110°	Custer National Grassland Plateau	Shelter Overlook.
	Man and Grass	226°–14°	Stocke Butte, Little Missouri Grassland	
	Medora Overlook	149°–250°	Theodore Roosevelt's Maltese Cross Cabin, DeMores Chateau, Little Missouri Town Site.	
	Oxbow	65°–224°	Killdeer Mountains, Achenbach Hills, Sperati Point	
	Painted Canyon	303°–0°	Buck Hill, Little Missouri National Grassland	Ridgeline Nature Trail, Boicourt Ridge, Badlands Overlook.
	Ridgeline Nature Trail	0°–360°	Bullion Butte, Square Butte, Sentinel Butte, Camel's Hump, Twin Buttes.	Johnson's Plateau, Buck Hill, Painted Canyon Overlook, and Boicourt Ridge.

Appendix 1.—*Integral Vistas Associated With Mandatory Class I Areas*—Continued

Park	Observation point	View angle	Key features	Also viewed from
Virgin Islands National Park	Annaberg Overlook	32°–66°	Sir Francis Drake Channel, Tortola Island (BVI)	
	Coral Bay Overlook	106°–143°	Coral Harbor, Caribbean Sea Canal Bay Overlook	
	Cruz Bay Overlook	205°–244°	Gallows Point, St. James Island	
	Canal Bay Overlook	333°–12°	Durloe Keys, Little Tobago Island (BVT)	
	Konge Vey Overlook	338°–15°	Whistling Keys, Yost Van Dike Island	
	Ram Head Point	271°–310°	Reef Bay, St. Thomas Island	
	Maho Bay Overlook	12°–50°	Maho Bay, Mary's Point	
	Mennebeck Overlook	14°–93°	Sir Francis Drake Channel, Virgin Gorda Island (BVT).	
	Trunk Bay Overlook	358°–36°	Atlantic Ocean, Yost Van Dike Island (BVI)	
Wind Cave National Park	Gobbler Knob—East	83°–107°	Buffalo Gap, Buffalo Gap National Grassland	Pegmatite, Rankin Ridge, Lone Pine Point.
	Gobbler Knob—North	346°–9°	Harney Peak, Black Hills National Forest	Rankin Ridge.
	Gobbler Knob—South	136°–202°	Battle Mountain, Seven Sister's Range, Pine Ridge, Nebr.	Rankin Ridge, Lone Pine Point.
	Lone Pine Point	150°–176°	Buffalo Gap	Gobbler Knob, Pegmatite, Rankin Ridge.
	Pegmatite	110°–136°	Buffalo Gap, Pine Ridge, Northeast	Gobbler Knob, Rankin Ridge, Lone Pine Point.
	Rankin Ridge—East-South	55°–202°	Buffalo Gap National Grasslands, Buffalo Gap, Battle Mountain, Seven Sisters Range.	Gobbler Knob.
	Rankin Ridge—Southeast	125°–151°	Buffalo Gap National Grassland, Buffalo Gap	Gobbler Knob, Pegmatite and Lone Pine Point.
	Rankin Ridge—North	338°–4°	Harney Peak, Black Hills National Forest, The Needles, Custer State Park, Mount Coolidge	Gobbler Knob.
	Rankin Ridge—South	168°–194°	Battle Mountain, Gobbler Knob, WICA, Seven Sisters Range, Pine Ridge, Nebr.	Lone Pine Point, Gobbler Knob.
	Lone Pine Point	190°–216°	Battle Mountain, Seven Sisters Range	Gobbler Knob, Rankin Ridge.
Yellowstone National Park	Mount Washburn	0°–360°	Grand Teton Range, Madison Range, Gallatin Range, Devil's Slide, Emmigrant Peak, Snowy/Emigrant Range, Granite Peak/Beartooth Mountians, Pilot Peak, Absaroka Range, Wind River Range, Gros Ventre Range.	
Yosemite National Park	Mount Dana	300°–200°	Mount Conness, Saddlebag Lake, Dunderburg Peak, Sweetwater Mountains, Mount Warren, Bodie Hills, Mount Grant, Negit Island (Peninsula), Pacha Island, Mona Lake, White Mountain, Mano Craters, Glass Mountain, Granite Divide, Mount Morrison, Parker Peak, Koip Peak Pass.	Mount Gibbs, Mount Lewis, Kuna Peak, White Mountain, Mount Conniess.
	Wawona Point	230°–350°	Hogan Mountain and Chowchilla Mountains, Devil's Peak, South Fork of the Merced Canyon, Iron Mountain.	Along the Wawoka Road from paved turnouts.
	Crane Flat Lookout	160°–360°	Signal Peak, Merced Canyon, Pilot Peak, Cherry Lake.	Along the Big Oak Flat Road.
Zion National Park	Service Road South of Visitor Center.	170°–230°	Eagle Crags, Smithsonian Butte	Visitor Center, Watchman Campground, South Campground, Main Road in South Zion Canyon.
	Lava Point	30°–210°	Smith Mesa, North Guardian Angel, Mount Trumbull, Wildcat Canyon, West Temple, Kaibab Plateau, Clear Creek Mountain, Virgin River Narrows, Gogswell Point, Kolob Creek, Little Mountain.	West Rim Trail, Kolob Reservoir Road.
	Kolob Canyon Observation Area (Kolob Canyon Scenic Road).	140°–205°	Red Butte, Cougar Mountain, Smithsonian Butte, Smith Mesa.	Kolob Reservoir Road at Hop Valley Trailhead.
	Kolob Reservoir Road at Hop Valley Trailhead [1].	170°–340°	Red Butte, Pine Valley Mountains, Smith Mesa, Hurricane Mesa.	Kolob Canyon Observation Area, West Rim Trail.
	West Rim Trail at Great West Canyon Overlook.	255°–305°	Pine Valley Mountains, Smith Mesa	Several Points on West Rim Trail, Kolob Reservoir Road

Appendix 2.—*Outside to Inside Vistas Associated With Mandatory Class I Areas*

Park	Observation point	View angle	Key features	Also viewed from
Grand Teton National Park	Togwotee Overlook	250°–310°	Buck Mountain, Grand Teton, Mount Moran, Jackson Lake, Doane Peak.	Visitors approaching Park from east; also travelers on U.S. 26-287.
Great Sand Dunes National Park	Visitor Center	55°–246°	High Dune	
Great Smoky Mountain National Park.	Look Rock Observatioin Tower	160°–220°	Ridge along Tennessee-North Carolina boundary, Bunker Hill Lead, Pine Mountain.	Chilhowee Overlook.
	Overlook No. 14 on Foothills Parkway.	110°–220°	Ridge along Tennessee-North Carolina boundary, Rich Mountain.	Chilhowee Overlook.
	Cosby Section, Foothills Parkway.	130°–180°	Mount Cammerer, Cosby Knob	Several other overlooks along Foothills Parkway.

[1] Names of observation points are used only for reference purposes. The observation on points listed may be outside the class I area boundary by several yards.

[FR Doc. 81-1285 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-70-M

General Management Plan, Channel Islands National Park, Calif.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the National Park Service has prepared a general management plan for the islands of San Miguel, Santa Barbara and Anacapa within Channel Islands National Park, California. After consideration of the alternatives and recommended actions presented in an evironmental assessment, a Finding of No Significant Impact was determined and an environment impact statement will not be prepared.

Copies of the plan and Finding of No Significant Impact are available at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102

Channel Islands National Park, 1699 Anchors Way Drive, Ventura, CA 94003

Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, CA 90013

The Finding of No Significant Impact follows this notice

Dated: December 22, 1980.

Bruce M. Kilgore,

Associate Regional Director, Resource Management and Planning.

Dated: December 23, 1980.

Howard H. Chapman,

Regional Director, Western Regional Office.

Channel Islands National Park, California—Visitors Use, Interpretation, and General Development Plan

Finding of No Significant Impact

In accordance with the provision of the National Environmental Policy Act and the regulations of the Council of Environmental Quality published in the **Federal Register** of November 29, 1978, an environmental assessment on the Visitors Use, Interpretation and General Development plan for Channel Islands National Monument was prepared. The assessment presented alternatives and their impacts for visitor use, interpretation, and general development. Subsequently, the monument became Channel Island National Park and with the change of status gained two additional islands, Santa Cruz and Santa Rosa. The environmental assessment addressed only the three islands, Anacapa, San Miquel and Santa Barbara, under management by the National Park Service as a monument. The chosen general management plan will be superseded in approximately three years time by a new plan that will include the additional islands.

Proposals for the general management of Anacapa, Santa Barbara, and San Miquel Islands were presented in an environmental assessment which was distributed for public review in June 1979. The plan contains the park's purpose and management objectives. These are described through interrelated proposals for interpretation, visitor use, general development and resource management. A detailed resource management plan has been prepared which includes more site specific strategies. The proposals or alternatives were developed from a series of public meetings held in 1978 and from extensive consultation with the scientific community, Native Americans, and the general public. Of the alternatives presented, the "Primitive Experience" alternative was environmentally preferred by a slight margin, primarily because of lower levels of development than in the "Structured Experience" and even the "Status Quo" or no action alternatives. Because the alternatives were based on extensive resource inventories and resource preservation objectives, the potential for significant effects on the human environment was extremely low and did not vary significantly among the alternatives. The chosen plan is based on public comment, cost effectiveness, and potential environmental consequences.

The plan primarily consists of actions considered under the "Primitive Experience" and "Status Quo" alternatives. Under the plan the number of existing or previously approved facilities will be reduced. One campground will eventually be removed and the number of projected wayside exhibits will be reduced. Emphasis will be placed on personal contact by National Park Service personnel both on land and water. Some trails may be relocated out of sensitive areas but new formal trails will not be constructed; existing restrictions on visitor use of San Miquel Island and portions of other islands will remain in effect, and the capacity of campgrounds and the number of visitors permitted on the islands at one time will be slightly reduced. Barrier free programs will be made available to disabled visitors at alternative locations where the site itself cannot be made accessible. Major safety improvements, as proposed in the "Structured Experience" alternative, will not be made so the visitor will experience the islands in as natural a state as possible.

The environmental assessment received extensive public and agency review. Consultations were conducted with the U.S. Fish and Wildlife Service, State Historic Preservation Officer and the Advisory Council on Historic Preservation, and the California Coastal Commission. These Consultations indicated that the plan presented no jeopardy to endangered species or cultural resources, and is consistent with coastal zone management. However, as specific projects are implemented further consultations may be required. Procedures for future consultations are being refined as part of the continuing cooperative efforts of the National Park Service and other agencies. Comments were generally favorable and addressed technical corrections which have been made in the final plan. As a result of the consultations and review of comments received, it is believed that no substantial controversies exist and that the plan does not have the potential to cause significant adverse impacts on the quality of the human environment. The plan does suggest further studies which could lead to significant actions. Some of these actions may require further consultation and environmental documentation before implementation. Therefore, based on these reviews, an environmental impact statement will not be prepared.

Dated: August 22, 1980.

Approved:

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 81-1452 Filed 1-14-81; 8:45 am]

BILLING CODE 4310-70-M

Natural and Cultural Resource Management Plan, Channel Islands National Park, Calif.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the National Park Service has prepared a natural and cultural resource management plan for the islands of San Miguel, Santa Barbara and Anacapa within Channel Islands National Park, California. After consideration of the alternatives and recommended actions presented in an environmental assessment, A Finding of No Significant Impact was determined and an environmental impact statement will not be prepared.

Copies of the plan and Finding of No Significant Impact are available at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102

Channel Islands National Park, 1699 Anchors Way Drive, Ventura, CA 94003

Los Angeles Field Office, National Park Service, 300 North Los Angeles Street, Room 1013, Los Angeles, CA 90012

The Finding of No Significant Impact follows this notice.

Dated: December 22, 1980.

Bruce M. Kilgore,
Associate Regional Director, Resource Management and Planning.

Dated: December 23, 1980.

Howard H. Chapman,
Regional Director, Western Regional Office.

Channel Islands National Park, California—Natural and Cultural Resource Management Plan

Finding of No Significant Impact

In accordance with the provisions of the National Environmental Policy Act and regulations of the Council of Environmental Quality published in the Federal Register of November 29, 1978, and environmental assessment on the draft natural and cultural resource management plan for Channel Islands National Monument was prepared. Subsequently, the monument became Channel Islands National Park and with the change of status gained two additional islands, Santa Cruz and Santa Rosa. The environmental assessment addresses only the three islands, Anacapa, San Miguel and Santa Barbara, previously managed by the National Park Service as a monument. The proposed management plan will be superseded in approximately three years by a new plan that will include the additional islands.

The draft natural and cultural resource management plan and environmental assessment was released for public review in February, 1980. Proposals for the resource management on Anacapa, San Miguel, and Santa Barbara discuss cultural and natural resources and deal primarily with currently identified problems as well as proposals for study and research. General objectives of the plan are to restore and maintain natural terrestrial, intertidal, marine, and atmospheric excosystems as they may operate essentially unimpaired. Also, the plan proposes methods to preserve, maintain, and protect significant prehistoric and historic cultural resources. Resource management proposals are designed to minimize the effect of non-native species on island resources and to assure continuation of suitable environments for sensitive native flora and fauna. National Park Service has sponsored research since establishment of the monument which provides baseline information for the plan.

The environmental assessment received extensive public and agency review. Consultations were conducted with local, state, and Federal agencies. As the draft plan deals primarily with research actions, it also was reviewed by universities and museums. Comments were generally favorable. The proposed actions present no jeopardy to endangered species, however, there will be ongoing consultations with U.S. Fish and Wildlife Service as called for by the Endangered Species Act. The plan has the potential for adverse effects on archeological resources, therefore further documentation will be necessary before implementation of various projects. Procedures for future consultations are being refined as part of the continuing cooperative efforts of the National Park Service and other agencies. Adequacy of the assessment was questioned by two organizations in response to proposed methods for eradicating feral rabbits on Santa Barbara Island; as a result further documentation and research will be done before the implementation of the feral rabbit management program.

Since it appears that the proposed actions will not have significant environmental impacts on the quality of the human environment, an environmental impact statement will not be prepared. The Natural and Cultural Resources Management Plan is approved with the stipulation that further consultations are to be carried out before initiating actions with potential for adverse effects.

Dated: August 22, 1980.

Approved:

Howard H. Chapman,
Regional Director, Western Region.

[FR Doc. 81-1431 Filed 1-14-81; 8:45 am]
BILLING CODE 4310-70-M

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve

Notice is hereby given pursuant to Sec. 9.52(b) of Title 36 of the Code of Federal Regulations of the availability for comment and review of a Plan of Operations submitted by Bass Enterprises Production Company for the purpose of oil drilling in the Big Cypress National Preserve. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Region, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received within 30 days after publication of this notice. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: January 7, 1981.

C. W. Ogle,
Regional Director, Southeast Region.

[FR Doc. 81-1453 Filed 1-14-81; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

Order of Succession

Pursuant to the authority vested in me by Section 5 of Reorganization Plan No. 2 of 1977, I hereby authorize and direct the following named officials of the International Communication Agency in the order of precedence designated below, to act for and perform the functions of the Director of the Agency in case of the death, resignation, sickness or absence of both the Director and the Deputy Director:

1. Mary G. F. Bitterman, Associate Director for Broadcasting,
2. John W. Shirley, Associate Director for Programs,
3. Alice S. Ilchman, Associate Director for Educational and Cultural Affairs.

If an Associate Director designated to serve as Acting Director hereunder refuses to do so or for any reason is otherwise incapable of serving, the Associate Director next qualified to serve as Acting Director shall be deemed to have succeeded by order of precedence to the Office of Acting Director.

This Order shall remain in effect unless and until modified or rescinded in writing by the Director or until the above-named Associated Directors have all left office.

Dated: January 12, 1981.

John E. Reinhardt,
Director, International Communication Agency.

[FR Doc. 81-1541 Filed 1-14-81; 8:45 am]
BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before March 2, 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 involved 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 March 16, 1981, an applicant may file a verified statement in rebuttal to any statment in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construd 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. OP2–145

Decided: December 31, 1980.

By the Commission Review Board No. 2, Members Chandler, Eaton and Liberman. (Member Chandler not participating.)

MC 1753 (Sub-7F), filed December 8, 1980. Applicant: RENZ TRUCK LINES, INC., 4 Midwest Drive, Pacific, MO 63069. Representative: Charles A. Price (same as applicant). Transporting *boxes and cartons, and materials, equipment and supplies* used in the manufacture and distribution of boxes and cartons, between the facilities of Alton Box Board Co., at or near Pacific, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 8973 (Sub-78F), filed December 16, 1980. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave. Fairview, NJ 07022. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr. Gaithersburg, MD 20760. Transporting *general commodities* (except 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., restricted to traffic originating at or destined to the facilities of Hercules, Inc.

MC 60603 (Sub-3F), filed December 16, 1980. Applicant: THE A. WIRTZ TRANSFER COMPANY, 3660 Dixie Highway, Hamilton, OH 45014. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Butler, Hamilton, and Warren Counties, OH, on one hand, and, on the other, points in the U.S.

MC 111812 (Sub-750F), filed December 16, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) T3such commodities T1as are dealt in by retail discount stores (except commodities in bulk); and (2) T3materials, equipment, and supplies T1used in the manufacture and distribution of the commodities in (1) above, between the facilities of Spearhead Industries, Inc., at or near (a) Mankato and Minneapolis, MN, and (b) San Leandro, CA, on the one hand, and, on the other, points in the U.S.

MC 111812 (Sub-751F), filed December 16, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) T3confectionery, T1(except in bulk); from Idaho Falls, ID, to points in the U.S., and (2) T3materials, equipment, and supplies T1used in the manufacture and distribution of the commodities in (1) above, in the reverse direction.

MC 135152 (Sub-47F), filed December 16, 1980. Applicant: CASKET DISTRIBUTORS, INC., R. R. Route No. 2, Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Transporting T3such commodities T1as are dealt in or used by grocery and department stores, between St. Louis, MO, on the one hand, and, on the other, those points in the U.S. east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 139482 (Sub-186F), filed December 15, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting T3bakery products and supplies, T1between Chicago, IL, on the one hand, and, on the other, Minneapolis, MN, and points in Kent and Tucola Counties, MI, Stark County, OH, and Hillsborough, Orange, and, Marion Counties, FL.

MC 146282 (Sub-3F), filed December 16, 1980. Applicant: BILL HEAD TRUCKING, INC., P.O. Box 9632, Birmingham, AL 35215. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35222. Transporting T3such commodities T1as are dealt in by retail grocery stores, between Mobile, AL, and Gulfport, MS, on the one hand, and, on the other, Knoxville, TN.

MC 146753 (Sub-13F), filed September 23, 1980. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pharmaceuticals and toilet articles, between points in Allegan County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Vol. No. OP2–146

Decided: December 31, 1980.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Chandler not participating.)

MC 3753 (Sub-29F), filed December 10, 1980. Applicant: AAA TRUCKING CORP., 1630 Quaker Bridge Road, P.O. Box 8042. Representative: Zoe Ann Pace, Esq., Suite 2373, One World Trade Center, New York, NY 10048. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Scranton, PA and Binghampton, NY, over Interstate Hwy 81, serving all intermediate points, and serving off route points in Broome, Chemung, Cortland, Tioga and Tompkins Counties, NY.

MC 16513 (Sub-22F), filed December 15, 1980. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CT, DE, MA, MD, NJ, NY, PA, RI and DC.

MC 69742 (Sub-5F), filed December 16, 1980. Applicant: CORDIN MOTOR FREIGHT, INC., 7736 West 62nd Place, Summit, IL 60501. Representative: Stephen H. Leob, 33 N. LaSalle Street, Chicago, IL 60602. Transporting *iron and steel articles, and materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from Chicago, IL, to points in IN, IA, KY, MN, MO, NE, TN, and WI.

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 108223 (Sub-38F), filed December 19, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Dr., P.O. Box 43050, St. Paul, MN 55164. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Over regular routes transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives): (1) between Davenport, IA and St. Louis, MO, from Davenport over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction IL Hwy 121, then over IL Hwy 121 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, MO, and return over the same route; (2) between Chicago, IL and St. Louis, MO, over Interstate Hwy 55; (3) between Chicago, IL and Cleveland, OH, over U.S Hwy 20, serving points in Cuyahoga, Lorain, Lucas, Medina and Summit Counties, OH, as off-route points; (4) between Chicago, IL and Cleveland, OH, from Chicago over Interstate Hwy 94 to junction IN Hwy 49, then over IN Hwy 49 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction OH Hwy 53, then over OH Hwy 53 to junction Interstate Hwys 80 and 90, then over Interstate Hwys 80 and 90 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Cleveland, and return over the same route, serving points in Cuyahoga, Lorain, Lucas, Medina and Summit Counties, OH as off-route points; and (5) serving all intermediate points on routes (1) through (4) above. Applicant intends to tack the above rights with its existing regular-route authority.

MC 118803 (Sub-24F), filed December 10, 1980. Applicant: ATLANTIC TRUCK LINES, INC. 168 Town Line Road, Kings Park, NY 11754. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of plant growing mediums (except commodities in bulk), between points in the U.S., under continuing contract(s) with Pro-Gro Products, Inc., of Elizabeth City, NC.

MC 120092 (Sub-6F), filed December 9, 1980. Applicant: JENNEY FREIGHT LINE, INC., 1224 N. Main Ave., Tucson, AZ 85705. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Willcox, AZ and El Paso, TX, over Interstate Hwy 10, serving all intermediate points, (2) between Douglas, AZ and junction Interstate Hwy 10 and U.S. Hwy 80, over U.S. Hwy 80, serving no intermediate points, but serving Playas and Animas, NM as off-route points, (3) between junction Interstate Hwy 10 and U.S. Hwy 666 and Morenci, AZ, over U.S. Hwy 666, serving all intermediate points and serving the facilities of Phelps Dodge Corp., at or near Safford, AZ as an off-route point, and (4) between Safford, AZ and Lordsburg, NM, over U.S. Hwy 70, serving no intermediate points.

MC 136553 (Sub-103F), filed December 16, 1980. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *general commodities* (except classes A and B explosives), between points in Cedar, Clinton, Jackson, Jones, Linn, Dubuque, Delaware, Scott, Buchanan, Clayton, Fayette, Allamakee and Winneshiek Counties, IA, Jo Daviess, Stephenson, Carroll, Whiteside and Rock Island Counties, IL and Grant, Lafayette, Green, Iowa, Crawford and Richland Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144303 (Sub-25F), filed December 15, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street NW., Washington, DC 20006. 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 Clevepak, of White Plains, NY.

MC 153173F, filed December 15, 1980. Applicant: ELMER R. DYKES, JR., d.b.a. D & D TRUCKING, Route 4, Miley Avenue, Box 30, Cynthiana, KY 41031. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *(1) plastic foam and plastic foam products, and (2) materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above between Lexington, KY, on the one hand, and, on the other, points in the U.S. (except AL and HI)

MC 153202F, filed December 15, 1980. Applicant: SEA TRANSPORT, INC., 2455 SW 12th St., Miami, FL 33135. Representative: Richard B. Sustin, 320 Rochester Building, 8390 NW 53rd St., Miami, FL 33166. Transporting *trailers*, between those points in FL in and south of Jefferson, Madison, Hamilton, Lake, and Nassau Counties, FL, restricted to traffic having an immediately prior or subsequent movement by water.

MC 153203F, filed December 16, 1980. Applicant: MICHAEL RAASCH, Post Office Box 5, Chokio, MN 56221. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting (1) (a) *gravel processing equipment, conveyors, and conveyor idlers* (b) *parts* for the commodities in (1) above, from points in Stevens County, MN, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction.

Vol. OP2–150

Decided: January 2, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman. (Member Liberman not participating.)

MC 3753 (Sub-31F), filed December 22, 1980. Applicant: AAA TRUCKING CORP., 3630 Quaker Bridge Road, P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Washington, DC, and Hagerstown, MD, from Washington over Interstate Hwy 495 to junction Interstate Hwy 270, then over Interstate Hwy 270 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Hagerstown, and return over the same route, (2) between Washington, DC, and Baltimore, MD, over Interstate Hwy 95, and (3) between Washington, DC, and Dover, DE, from Washington over U.S. Hwy 50 to junction MD Hwy 404, then over MD Hwy 404 to junction U.S. Hwy 13, then over U.S. Hwy 13 to Dover, and return over the same route, serving all intermediate points and points in MD and DE as off-route points connection with the routes in (1), (2), and (3) above.

MC 56082 (Sub-80F), filed December 24, 1980. Applicant: DAVIS & RANDALL, INC., 52 E. Main Street, Fredonia, NY 14063. Representative: Anthony C. Vance, Esq., 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in the U.S., restricted to traffic originating at or destined to the facilities of Hammermill Paper Company, Inc.

MC 58923 (Sub-63F), filed December 24, 1980. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, GA 30315. Representative: Fritz R. Kahn, Suite 1100, 1660 L St. NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in St. Charles County, MO, on the one hand, and, on the other, points in the U.S.

Note.—Applicant indicates intention to tack with existing authority.

MC 77972 (Sub-37F), filed December 18, 1980. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Transporting (1) *electrical amplification systems*, and, (2) component parts and *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between points in Lauderdale and Scott Counties, MN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MO, NC, SC, TN, and TX.

MC 107403 (Sub-1344F), filed December 22, 1980. Applicant: MATLACK, INC., 10 W Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). Transporting *general commodities*, between points in Fayette County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) between points in Multnomah County, OR, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) between points in Richland County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—To the extent this certificate 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 111432 (Sub-11F), filed December 9, 1980. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Pl., Alsip, IL 60658. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Smith Oil Company, of Kankakee, IL.

MC 124373 (Sub-21F), filed December 29, 1980. Applicant: NELMAR TRUCKING CO., a corporation, 273 Paterson Ave., East Rutherford, NJ 07073. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *household appliances*, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above, between points in the U.S., under continuing contract(s) with General Electric Co., of Columbia, MD.

MC 126313 (Sub-8F), filed December 18, 1980. Applicant: CHO-BO, INC., P.O. Box 38, Route Kennedy, St. Georges (Beauce County), Quebec, Canada G5Y 5CO. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *Sulphite and wood pulp*, from ports of entry on the international boundary line between United States and Canada at points in ME, to points in MA, CT, RI, NY, NJ, and PA; (2) *paper*, from ports of entry on the international boundary line between United States and Canada, at points in ME, to points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA; (3) *waste paper*, from points in ME, NH, VT, MA, CT, RI, NY, NJ, and PA, to ports of entry on the international boundary line between United States and Canada at points in ME; and (4) *lumber*, from points in ME, NH, and VT, to ports of entry on the international boundary line between United States and Canada at points in ME.

MC 14773 (Sub-17F), filed December 8, 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 contrast(s) with Aesthetic Specialties, Inc., of San Mateo, CA.

MC 144682 (Sub-50F), filed December 12, 1980. Applicant: R.R. STANLY, 1783 Empire Central, Dallas, TX 75235. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX. 75245. Transporting *foodstuffs* (except in bulk), between points in Solano County, CA. on the one hand, and on the other, points in the U.S.

MC 146782 (Sub-36F), filed December 18, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Transporting (1) *Iron and steel articles, wire products, fencing and fencing materials*, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), between points in Crawford County, AR, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX.

MC 150332 (Sub-2F), filed December 24, 1980. Applicant: SUNBURY TRANSPORT LIMITED, a corporation, P.O. Box 3217, Stn. B, Cliff Street, Fredericton, N.B. Canada, E3A 5G9. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Transporting *lumber and wood products, (except furniture.)* between points in the U.S. under continuing contract(s) with Rossco Forest Products, Inc./Ltd., of South Burlington, VT, in foreign commerce.

MC 151622 (Sub-1F), filed December 15, 1980. Applicant: SERVICE TRUCKING, INC., P.O. Box 158, Eustis, FL 32726. Representative: Gene Baugh (same address as applicant). Transporting *food and related products,*

between points in the U.S. (except AK and Hi).

MC 151753 (Sub-2F), filed December 16, 1980. Applicant: M.W. CYCLE HAULER, INC. 11909 Santa Fe Dr, Lenexa, KS. 66215. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Ste 110L, Topeka, KS 66612. Transporting *PLASTIC FOOD CONTAINERS* and LIDS, Between Kansas City, KS and points in the U.S. (except AK and HI).

MC 152682 (Sub-1F), filed December 16, 1980. Applicant: THOUSAND TRAILS, INC., 4800 S. 188th Way, Seattle, WA 98188. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *passengers and their baggage* in special and charter round trip operations, between points in WA, on the one hand, and, on the other, points in the U.S., (except HI.)

MC 153123F, filed December 11, 1980. Applicant: W. P. JOHNSON, d.b.a. W. P. JOHNSON EQUIPMENT AND MATERIALS, Star Route 24E (Bedford County), Vinton, VA 24179. Representative: David Earl Tinker, 1000 Connecticut Ave, N.W., Suite 1200, Washington, D.C. 20036. Transporting *construction, mining, industrial, electrical, and agricultural machinery and equipment*, between points in the U.S.

Vol. No. OP4–191

Decided: January 9, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 109326 (Sub-115F), filed December 19, 1980. Applicant: C&D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, LA 70121. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, from New Orleans, LA, to points in AL, LA, MS, and TX.

MC 126736 (Sub-139F), filed December 30, 1980. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202. Transporting (1) *lime*, from points in Shelby County, AL, to Tampa, Indiantown, and Baldwin, FL, (2) *ethanol*, in bulk, from Charleston and North Augusta, SC, Savannah, GA, and Jacksonville, FL, to points in AL, FL, GA, NC, SC, and VA, and (3) *petroleum products*, in bulk, (a) from points in Bay County, FL, to points in NC, SC, and GA, and (b) from points in GA, to points in AL, FL, NC, and SC.

MC 145916 (Sub-2F), filed December 24, 1980. Applicant: ZEEL G. HENDERSON, d.b.a. THE SPA HAULER, 1283 High St., Auburn, CA 95603. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *spas and hot tubs*, and *materials and supplies* used in the manufacture and distribution of spas and hot tubs, between points in the U.S. (except AK and HI.)

MC 146646 (Sub-138F), filed December 24, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transportating *general commodites* (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 Oklahoma County, OK, on the one hand, and, on the other, points in the U.S. (excpet AK and HI.)

MC 151746 (Sub-3F), filed December 24, 1980. Applicant: ORANGE DISTRIBUTION SERVICES, INC., P.O. Box 2277, Short Beach, CT 06405. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *aircraft parts*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of aircraft parts, between points in Fairfield County, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI.).

MC 153407F, filed December 22, 1980. Applicant: NATIONAL TRANSIT LEASING CORPORATION, 2751 South Chase Ave., Milwaukee, WI 53207. Representative: Thomas G. Schober, 15525 W. National Ave., P.O. Box 65, New Berlin, WI 53151. Transporting *weldments castings, bar stock, and component assemply parts* used in the manufacture of machine centers and machine tools, between points in the U.S., under continuing contract(s) with Kearney & Trecker Corporation, of Milwaukee, WI.

Vol No. OP4–192

Decided: January 9, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce,and Jones.

MC 98396 (Sub-4F), filed December 30, 1980. Applicant: TOWER BUS, INC., 363 No. Gratiot, Mount Clemens, MI 48043. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Over regular routes, transporting *passengers and their baggage and express and newspapers* in the same vehicle with passengers, Between Mt. Clemens and Lansing, MI: From Mt. Clemens over MI Hwy 59 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Interstate Hwy 496, then over Interstate Hwy 496 to Lansing, and return over the same route, serving all intermediate points.

MC 127346 (Sub-9F), filed December 19, 1980. Applicant: HALL'S FAST MOTOR FREIGHT, INC., 330 Oak Tree Ave., South Plainfield, NJ 07080. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. 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 AL, AR, CA, CT, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, NH, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV, WI, and DC.

MC 143776 (Sub-14F), filed December 19, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *insulation*, from Fontana, CA, Peublo, CO, Belton, TX, Cameron, MO, and Alexanderia, IN to points in the U.S.

MC 144906 (Sub-1F), filed December 19, 1980. Applicant: NORTH OPERATING COMPANY, a corporation, 39 Little Brook Rd., Springfield, NJ 07081. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *automotive parts and accessories*, between points in the U.S., under continuing contract(s) with Frank Millman Distributors, Inc., of Edison, NJ.

MC 145566 (Sub-13F), filed December 31, 1980. Applicant: TERRY W. KULTGEN AND NORMAN W. KULTGEN, d.b.a. B & K ENTERPRISES, 7950 S. 27th St., Oak Creek, WI 53154. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting (1) *commodities* the transportation of which, because of size or weight, requires the use of special equipment, (2) *commodities* the transportation of which, because of size or weight, does not require the use of special equipment when transported in mixed loads with the commodities in (1) above, (3) *self-propelled vehicles* weighing more than 15,000 pounds each, (4) *iron and steel articles*, and (5) *materials and supplies* used in the manufacture and distribution of the commodities in (1) through (4) above, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-19F), filed December 30, 1980. Applicant: TRANS-STATES LINES, INC., 633 Main St., Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 1486, Van Buren, AR 72956. Transporting (1) *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 San Antonio, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) (a) *building materials*, (b) *lumber and wood products*, and (c) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) and (b) above, between Austin, TX and Lebanon, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152216 (Sub-1F), filed December 30, 1980. Applicant: GILBERT TRUCK LINES, INC., 5005 So. Braun St., Morrison, CO 80465. Representative: Jack B. Wolfe, 350 Capitol Life Center, Denver, CO 80203. Transporting *vegetable oils and vegetable meals and byproducts*, between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minneapolis, MN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1378 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-No. 30F)]

Chesapeake and Ohio Railway Company; Abandonment Between Malden and Hy Tower, IN, and Discontinuance of Service Over Erie-Lackawanna Railway at Griffith, IN; Correction

The above captioned proceeding published at 45 FR 83336 on December 18, 1980, should be disregarded. This document was prematurely published, as appeals to the decision served November 18, 1980, were timely filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1377 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 13)]

Seaboard Coast Line Railroad Co.; Abandonment Between Arcadia and Port Boca Grande (in DeSoto, Sarasota, Charlotte, and Lee Counties, FL); Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided December 23, 1980, a finding, which is administratively final, was made by the Commission stating that the public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of its rail line between Arcadia, FL, and Port Boca Grande, FL, extending from milepost SVC-885.47 to SVC-932.34, a total distance of 46.87 miles, all located in De Soto, Sarasota, Charlotte, and Lee Counties, FL, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. CO. Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, on February 17, 1981, unless on or before January 30, 1981, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of the notice; and

(2) It is likely that such proffered assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no latter than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-reference decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1376 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 2)]

Seaboard Coast Line Railroad Co. and Atchison, Topeka and Santa Fe Railway Co. Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemptions.

SUMMARY: Subject to the prior written acceptance by Seaboard Coast Line Railroad Company and Atchison, Topeka and Santa Fe Railway Company of specified conditions, they are granted provisional exemptions under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file certain contract tariffs on one day's notice. These exemptions may be revoked if protests are filed on or before January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275-7693 or Richard Schiefelbein, (202) 275-0826.

SUPPLEMENTARY INFORMATION: Petitions were filed by the Seaboard Coast Line Railroad Company (SCL) and the Atchison, Topeka and Santa Fe Railway Company (Santa Fe) to exempt SCL Contract Tariff ICC-SCL-C-0003 and an undesignated Santa Fe contract from the statutory requirement of 49 U.S.C. 10713(e) that contracts shall be effective on not less than 30 nor more than 60 days notice. SCL and Santa Fe request this exemption under 49 U.S.C. 10505 in order to advance the effective date of their contracts and tariffs to January 5, 1981 on one day's notice. The SCL tariff provides for special equipment mileage allowances and charges on multi-level flat cars. It is meant to compensate the shipper for benefits in reducing empty mileage. The Santa Fe contract covers payments regarding utilization of multi-level auto rack cars assigned to General Motors Corporation service.

SCL claims that no protests are expected. Moreover, a mileage allowance in consideration of a reduction of empty miles in assigned cars should not impair SCL's common carrier obligation to provide service to other shippers and should enhance service by encouraging conservation of carrier resources. Finally, a January 5,

1981 effective date would simplify the annual and monthly accounting under the tariff. Santa Fe makes similar claims. These are admittedly unusual situations. The petitions for exemption shall be granted in part. Because of the lateness (December 30, 1980) in filing the petitions, the January 5, 1981 date cannot be met. SCL and Santa Fe shall be given a provisional exemption, provided that they file with the Commission, prior to or simultaneously with the filing of their contracts, their written acceptance of, and agreement to be bound by, the following condition:

If the Commission permits the contracts to become effective on one day's notice, this fact neither shall be construed to mean that these are Commission approved contracts for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review these contracts and to disapprove the contracts during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Furthermore, we shall consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed on or before January 30, 1981.

This action will not significantly effect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: January 6, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1375 Filed 1-14-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment; United States v. Cuisinarts, Inc., and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), that on December 19, 1980 a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the District of Connecticut in *United States v. Cuisinarts, Inc.*, Civil Action No. H80–559. The Complaint in this case alleges that Cuisinarts violated the Sherman Act by engaging in a conspiracy to fix the retail prices of Cuisinart food processors in the United States.

The proposed Judgment enjoins the defendant from engaging in or renewing any of the alleged illegal conduct and requires the defendant to refrain from penalizing its retail dealers in any way for discounting or transshipping its food processors or requiring them to sell its food processors at any particular price. Also, the defendant is enjoined from publishing suggested retail prices at all for one year.

The CIS describes the terms of the Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the complaint.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Jane C. Luxton, Attorney, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 24, 1980.

Joseph H. Widmar,

Director of Operations.

U.S. District Court for the District of Connecticut

United States of America, Plaintiff, v. *Cuisinarts, Inc.*, Defendant.

Civil Action No. H80–559.

Filed: December 19, 1980.

Stipulation

It is stipulated by and between the undersigned parties by their respective attorneys, that:

1. The parties consent that a Final Judgment, in the form attached to this Stipulation, may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)–(h)), without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

For the Plaintiff: Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, *Director of Operations;* Charles S. Stark, Carl A. Cira, *Attorneys, Department of Justice.* Jane C. Luxton, Kevin R. Sullivan, Anna Swerdel, Leslie A. Sussan, *Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530, Telephone: (202) 633–4754.*

For the Defendant: Milton L. Jacobson, Brown, Jacobson, Jewett and Laudone, P.C., 22 Shetucket Street, Norwich, Connecticut 06360, (202) 889–3321; Arthur M. Handler, Golenbock and Barell, 645 Fifth Avenue, New York, New York 10022, (212) 935–9800; Abe Krash, Arnold & Porter, 1200 New Hampshire Avenue, N.W., Washington, D.C. 20036, (202) 872–6700.

United States District Court for the District of Connecticut

United States of America, Plaintiff, v. *Cuisinarts, Inc.*, Defendant.

Civil Action No. H80–559.

Filed: December 19, 1980.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on September 17, 1980, and plaintiff and defendant, Cuisinarts, Inc., by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and the parties hereto. The complaint states a claim upon which relief may be granted against defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment: "Food processor" means and electric appliance for use in home kitchens, that combines in a single unit the functions, among others, of shredding, chopping, slicing, and grating food.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, understanding, plan or program with any distributor, sales representative, retail dealer or other person to:

(A) Fix, stabilize, or maintain the prices, margins, or mark-ups at which food processors sold or distributed by defendant

may be sold or offered for sale by any retail dealer; or

(B) Limit or restrict the persons to whom food processors sold or distributed by defendant may be sold by any retail dealer.

V

Defendant is enjoined and restrained from reducing, suspending, terminating, or threatening to reduce, suspend, or terminate shipments of food processors sold or distributed by defendant to any retail dealer, or from penalizing or threatening to penalize in any other way any such dealer, because of:

(A) The prices, margins, or mark-ups at which such dealer has sold, offered for sale, or communicated an intention to sell food processors sold or distributed by defendant; or

(B) The persons to whom such dealer has sold, offered for sale, or communicated and intention to sell food processors sold or distributed by defendant.

VI

Defendant is enjoined and restrained from requiring or attempting to require, as a condition of sale or in any other way, any retail dealer to maintain, establish, modify, or advertise any price, margin, or mark-up at which food processors sold or distributed by defendant are sold or offered for sale.

VII

(A) For a period of one year beginning on the date of entry of this Final Judgment, defendant is enjoined and restrained from suggesting retail prices, margins, or mark-ups for food processors sold or distributed by defendant and sold by retail dealers, and from publishing, disseminating, or communicating any such suggested retail prices, margins, or mark-ups; and

(B) If suggested retail prices, margins, or mark-ups for food processors are published, disseminated, or communicated after the end of the one-year period referred to in the preceding subparagraph, every such publication, dissemination, or communication including or referring to such suggested retail prices, margins, or mark-ups shall clearly and conspicuously identify such prices as "suggested," and state that each retail dealer is free to sell such food proccessors at whatever price, margin, or mark-up it may choose.

VIII

Except as provided in paragraphs IV, V, and VI, nothing contained in this Final Judgment shall be deemed to limit defendant's rights to:

(A) Select retail dealers or limit the number of such dealers; or

(B) Reduce, suspend, or terminate shipments to any retail dealer.

IX

Defendant is ordered and directed to: (A) Send a written notice, in the form attached as Appendix A to this Final Judgment, within sixty (60) days of the entry of this Final Judgment, to each retail dealer who has purchased food processors from the defendant within the year preceding entry of this Final Judgment;

(B) Send the notice described in subparagraph IX(A) hereof to each retail dealer that subsequently purchases food processors from defendant and that was not previously given such notice. Such notice shall be sent within thirty (30) days of the date of receipt of such purchaser's order; and

(C) Maintain files containing the names and addresses of retail dealers to which defendant suspends or terminates shipments of food processors and the reasons for such suspensions or terminations.

X

Defendant is ordered and directed to: (A) Furnish a copy of this Final Judgment within thirty (30) days of entry of the Final Judgment to each of its officers and directors and each of its employees, representatives, or agents whose duties include supervisory or direct responsibility for sale or advertising of food processors, except those employees whose functions are purely clerical or manual, and to secure and retain a signed acknowledgment for each such person that he or she has read the Final Judgment and is familiar with and understands its provisions;

(B) Furnish a copy of this Final Judgment to each successor to those persons described in subparagraph X(A) hereof within sixty (60) days after each such successor is employed, and to secure and retain a signed acknowledgment from each such person that he or she has read it and is familiar with and understands its provisions;

(C) Initiate and maintain a program to ensure compliance with this Final Judgment which shall include at a minimum the following with respect to each of the persons described in subparagraphs X (A) and (B) hereof, as well as all employees whose functions involve sales, advertising, or the handling of orders for food processors or who have direct contact with retail dealers or sales representatives with respect to sales, orders, or deliveries of defendant's food processors:

(i) The annual distribution of a written directive setting forth defendant's antitrust compliance program with such directive to include: (a) a statement that non-compliance will result in appropriate disciplinary action by defendant, and (b) advice that supervisory personnel or legal advisors are available at all reasonable times to confer about compliance questions or problems;

(ii) The holding of one or more meetings each year at which the terms and obligations of this Final Judgment and the defendant's antitrust compliance program are reviewed and explained;

(iii) The imposition of a requirement that a responsible officer of the defendant sign and retain during the term of the judgment an acknowledgment that the requirements of subparagrpah X(C) (i) and (ii) have been fulfilled, which acknowledgment shall include a list of the names of all individuals who have received the written directive described above and the names of all individuals who have attended the meetings described above; and

(D) Within ninety (90) days after entry of this Final Judgment, and annually thereafter on the anniversary date of this Final Judgment, defendant shall serve upon the plaintiff an affidavit setting forth the fact and manner of compliance with paragraphs IX and X.

XI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time: (A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(i) Access during the office hours of defendant who may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, files, and other records and documents in the prossession or under the control of defendant relating to any matters contained in this Final Judgment; and

(ii) Subject to the reasonable convenience of defendant and without restraint or interference by it, to interview officers, employees, and agents of defendant, who may have counsel present, regarding any such matters;

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested;

(C) No information or documents obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment or as otherwise required by law; and

(D) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' written notice shall be given by plaintiff to defendant prior to divulging such materials in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

XII

Defendant shall require, as a condition of the sale or other disposition of all or substantially all, of the assets of its food processor business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court and serve upon the plaintiff its consent to be bound by this Final Judgment.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to

apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it, or for the punishment of any violation of it.

XIV

Except to the extent otherwise provided by its terms, this Final Judgment shall be in effect for the period of ten (10) years following the date of its entry.

XV

Entry of this Final Judgment is in the public interest.

Jose A. Cabranes,
U.S. District Judge.

Entered on:

Appendix A—Notice to Cuisinarts' Retail Dealers

Cuisinarts, Inc., without admitting any violation of the law, has agreed with the Department of Justice to the entry of a consent judgment in *United States* v. *Cuisinarts, Inc.*, Civ. Action No. H80–559 (D. Conn., filed Sept. 17, 1980). As one of its obligations under that court order, Cuisinarts has agreed to send you this notice describing the terms of the consent judgment.

The consent judgment provides, among other things, as follows:

1. You are free to sell and advertise food processors purchased from Cuisinarts at any prices, margins, or mark-ups you choose.

2. You are free to sell food processors purchased from Cuisinarts to any persons you choose.

3. Cuisinarts is prohibited from penalizing or threatening you and will not penalize or threaten you in any way because of the price at which you advertise or sell its food processors or the persons to whom you sell its food processors.

4. Cuisinarts is prohibited from suggesting and will not suggest to its retail dealers retail prices, margins, or mark-ups for its food processors for a period of one year from the entry of the consent judgment.

If you would like a copy of the judgment, please write to Cuisinarts, Inc., 411 West Putnam Ave., Greenwich, Connecticut 06830 or to the Legal Procedure Unit, Room 7416, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530.

U.S. District Court, District of Connecticut

United States of America, Plaintiff, v. *Cuisinarts, Inc.*, Defendant.

Civil Action No. H30–559.

Filed: December 19, 1980.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. §§ 16(b)–(h), the United States of America submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

The Nature and Purpose of the Proceeding

On September 17, 1980, the Department of Justice filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4), alleging that Cuisinarts, Inc. ("Cuisinarts") violated Section 1 of the Sherman Act. A criminal indictment against defendant was also returned on that date by a federal grand jury sitting in Hartford, Connecticut.

The complaint sought declaratory and equitable relief, for the purpose of preventing continuing violations of the Sherman Act by Cuisinarts, which have had the effect of restraining competion in retail sales of Cuisinart food processors in the United States.

II

Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

Cuisinarts, Inc. was the first company to market widely food processors in the United States. Food processors are electrical appliances for use in home kitchens. They require very few attachments, unlike kitchen centers, and perform a much wider range of functions than, for example, blenders or mixers. These functions include shredding, chopping, slicing, and grating food. Although many other companies now sell food processors, Cuisinart food processors have remained popular and retain a substantial share of the market. Cuisinarts imports its food processors from France and Japan and sells them to retail stores for resale to consumers. In 1979, Cuisinarts's sales attributable to food processors and accessories totalled about $40 million.

At least as early as 1974, Cuisinarts began making efforts to maintain the retail prices of its food processors and to discourage discounting by its retail dealers. In pursuit of this goal, Cuisinarts conspired with other persons and companies and carried out a number of acts.

Cuisinarts established suggested retail prices for each of its food processors and communicated these to its retail dealers. Cuisinarts monitored retail prices being charged for its food processors and investigated reports of discount sales. These reports came from independent sales representatives and Cuisinarts's sales personnel, as well as from retail dealers. Cuisinarts sought and obtained agreements from a number of retail dealers to maintain the suggested retail prices.

Cuisinarts's resale price maintenance scheme was enforced by penalizing discounters in a number of ways. For example, shipments to some dealers who had discounted were permanently cut off, delayed for a period of time, or reduced in amount. Other dealers were threatened with such actions unless they reinstated the suggested retail prices or agreed not to cut prices in the first instance. Finally, Cuisinarts took similar actions to discourage transshipping, a process by which approved dealers purchased food processors from Cuisinarts directly and then sold them to other dealers who could not obtain them directly. The purpose of punishing transshipping was to prevent discounters from obtaining Cuisinart food processors.

III

Explanation of the Proposed Final Judgment

The United States and the defendant have stipulated that the Court may enter the proposed Final Judgment after compliance with the APPA, 15 U.S.C. § 16 (b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or an admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the APPA, the proposed Final Judgment may not be entered until the Court determines that entry is in the public interest.

1. *Prohibited Conduct.* Paragraph IV prohibits Cuisinarts from participating in any way in any contract, agreement, understanding, plan, or program with any distributor, sales representative, retail dealer, or other person to fix, stabilize, or maintain retail prices, margins, or mark-up on Cuisinart food processors or to restrict the persons to whom retail dealers may sell them.

Paragraph V prohibits Cuisinarts from penalizing or threatening to penalize any retail dealer in any way, specifically including reducing, suspending, terminating, or threatening to reduce, suspend, or terminate its shipments, because of the prices, margins, or mark-ups at which the dealer has sold, offered for sale, or communicated an intention to sell, or the persons to whom the dealer has sold, offered for sale, or communicated an intention to sell Cuisinart food processors.

Paragraph VI enjoins Cuisinarts from requiring or attempting to require, as a condition of sale or in any other way, any retail dealer to maintain, establish, modify or advertise any price, margin, or mark-up at which it sells or offers for sale Cuisinart food processors.

Paragraph VII deals with suggested retail prices, margins, or mark-ups on Cuisinart food processors. For the first year after the entry of the judgment, Cuisinarts cannot suggest retail prices, margins, or mark-ups or publish, disseminate, or communicate any suggested retail prices, margins, or mark-ups. After the first year of the judgment, any publication, dissemination, or communication which contains suggested retail prices, margins, or mark-ups must clearly and conspicuously identify them as "suggested" and must state that each retail dealer is free to sell at whatever price, margin, or mark-up it may choose.

Paragraph VIII reserves defendant's rights to select or limit its retail dealers or to reduce, suspend, or terminate shipments to any retail dealer, except where these rights have been restricted by the provisions of paragraphs IV, V, and VI discussed above.

2. *Affirmative Obligations.* Paragraph IX obliges Cuisinarts to send a notice in a prescribed form within sixty (60) days to every retail dealer including a list of individuals who received the directive and attended the meeting or meetings.

Finally, Paragraph X requires Cuisinarts to serve an affidavit of compliance on the Justice Department within ninety (90) days of entry of the judgment and annually thereafter.

Paragraph XI provides the Justice Department with access, upon reasonable notice, to Cuisinarts's records and personnel in order to determine Cuisinarts's compliance with the judgment.

Paragraph XII requires that any purchaser of all or substantially all the assets used by Cuisinarts in its food processor business agree to be bound by the judgment and file with the Court and serve on the plaintiff its consent.

3. *Scope of the Proposed Judgment.* The proposed Final Judgment will remain in effect for a period of ten (10) years from the date of entry, except to the extent otherwise provided. It applies to Cuisinarts, its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of it by personal service or otherwise.

4. *Effect of the Proposed Judgment on Competition.* The relief in the proposed Final Judgment is designed to prevent any recurrence of activities of the kinds alleged in the complaint. The prohibitive language of the Final Judgment is designed to ensure that retail dealers will be free to choose and advertise their own retail prices, margins, or mark-ups on Cuisinart food processors. It will prevent Cuisinarts from distributing suggested retail prices, margins, or mark-ups at all for one year. It will also prevent Cuisinarts from taking coercive or punitive measures to prevent discounting or transshipping of its food processors. The affirmative obligations are designed to ensure that retail dealers are aware of their rights, that Cuisinarts's employees and agents are reminded of their obligations under the Final Judgment, and that the Department of Justice is able to monitor Cuisinarts's compliance.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by Cuisinarts of the type upon which the complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed judgment provides all the relief which the United States sought in its complaint, and the additional expense of litigation would not result in additional public benefit.

IV

Procedures Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. §15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against this defendant.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Jane C. Luxton, Antitrust Division, United States Department of Justice, Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to entry. The judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation, or enforcement.

VI

Alternatives to the Proposed Final Judgment

The Department considers the substantive language of the judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the judgment provides all the relief which reasonably could have been expected after trial.

VII

Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none are being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(h).

Jane C. Luxton, Anna Swerdel, *Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530*

[FR Doc. 81-1456 Filed 1-14-81; 8:45 am]

BILLING CODE 4410-01-M

United States v. FOREX Association of North America, et al.; Proposed Final Judgment, Stipulation, and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Southern District of New York in *United States* v. *FOREX Association of North America, et al.*, 80 Civ. 0393 (LWP). The Complaint in this case alleged that two trade associations, FOREX Association of North America ("FOREX") and Foreign Exchange Brokers Association ("FEBA"), engaged in a combination and conspiracy to fix the amounts of commissions banks paid brokers for acting as intermediaries in arranging foreign exchange and Eurocurrency deposit transactions in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. The proposed Consent Judgment enjoins the defendants from directly or indirectly entering into, furthering or maintaining any agreement, contract, plan or program to fix, determine or stabilize the commissions paid foreign exchange and Eurocurrency deposit brokers. The proposed decree further enjoins the defendants from suggesting or recommending that any bank or broker adhere to any schedule of commissions and from discussing or publishing surveys of commissions or adopting or suggesting any rule or other statement that limits independent negotiation of commissions between a bank and a broker. The proposed decree also prohibits defendants from retaliating against any person for freely negotiating commissions.

Each defendant is required to distribute copies of the Final Judgement to each of its members and officers during the life of the Judgment as well as to anyone who was a member or an officer at any time since January 1, 1978.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Stanley M. Gorinson, Chief, Special Regulated Industries Section, Antitrust Division, Room 504-B Safeway Building, U.S. Department of Justice, Washington, D.C. 20530, telephone 202/724-6693.

Joseph H. Widmar,

Director of Operations.

United States District Court, Southern District of New York

UNITED STATES OF AMERICA, Plaintiff, v. *FOREX Association of North America, and Foreign Exchange Brokers Association*, Defendants. 80 Civil 0393 (LWP). Filed: December 24, 1980.

Stipulation

It is stipulated by and between the undersigned parties, Plaintiff, United States of America, and Defendants, FOREX Association of North America and Foreign Exchange Brokers Association, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to Plaintiff or Defendants in this or any other proceeding.

Dated: December 24, 1980.

For the Plaintiff: Richard J. Favretto, *Deputy Assistant Attorney General;* Mark P. Leddy, Stanley M. Gorinson, Robert E. Hauberg, Jr., *Attorneys, Department of Justice,* David L. Lapides, *Attorney, Department of Justice, Antitrust Division, Department of Justice, Washington, D.C. 20530, 202/724-6693.*

For Defendant: FOREX Association of North America, Gordon B. Spivack, David H. Marks, Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004, 212/344-8480.

For Defendant: Foreign Exchange Brokers Association: Milgrim Thomajan Jacobs & Lee, *Professional Corporation.* By: Robert A. Meister, *The Chrysler Building, 405 Lexington Avenue, New York, N.Y. 10174, 212/867-6660.*

United States District Court, Southern District of New York

United States of America, Plaintiff, v. FOREX Association of North America, and Foreign Exchange Brokers Association, Defendants. 80 Civil 0393 (LWP). Filed: December 24, 1980.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on January 21, 1980, and Defendants, FOREX Association of North America (hereafter "FOREX") and Foreign Exchange Brokers Association (hereafter "FEBA"), having appeared by their attorneys and having filed their Answers to said Complaint, and Plaintiff and Defendants, by their respective attorneys, having consented to the making and entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any issue of fact or law;

Now, therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against each Defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment: (A) "FOREX" means Defendant FOREX Association of North America, its committees and its regional chapters.

(B) "FEBA" means Defendant Foreign Exchange Brokers Association, its Board of Govenors and its committees.

(C) "Member" means any person who is a member of FOREX and/or of FEBA, without regard to classification of membership.

(D) "Director" means any person who has been elected to or appointed to the Executive Committee of FOREX and/or to the Board of Governors of FEBA.

(E) "Person" means any individual, partnership, corporation, association, firm, or other legal or business entity, including FOREX, FEBA and any member.

(F) "Bank" means any person chartered or authorized under the National Bank Act (12 U.S.C. §§ 21 *et seq.*). The Home Owners' Loan Act (12 U.S.C. §§ 1461 *et seq.*), or under the comparable laws of any state or territory of the United States, including the District of Columbia and the Commonwealth of Puerto Rico, or of any foreign country to receive deposits, to borrow and lend money, and/or to buy and sell foreign exchange. "Bank" also includes any "Agreement" or "Edge" corporation operating pursuant to Sections 25 and 25(a), of the Federal Reserve Act (12 U.S.C. §§ 601 *et seq.*, 611 *et seq.*), or the comparable laws of any state or territory of the United States, including the District of Columbia and the Commonwealth of Puerto Rico, and any branch, agency, or representative office of a bank.

(G) "Broker" means any person who acts as an intermediary between banks engaging in or attempting to engage in foreign exchange and/or Eurocurrency deposit transactions.

(H) "Foreign exchange transaction" means the spot sale, the outright forward sale or the swap by one bank of funds denominated in the national currency of one country or other political jurisdiction to another bank for funds denomionated in the national currency of a second country or other political jurisdiction.

(I) "Eurocurrency deposit transaction" means the loan by one bank to another bank of funds denominated in a currency other than the national currency of the country or other political jurisdiction from which the funds are lent.

(J) "Commissions" means the compensation, including any discounts based on transaction size, monthly volume, or otherwise, and any formula utilized in the computation of such compensation, paid by a bank to a broker in connection with foreign exchange and/or Eurocurrency deposit transactions.

III

This Final Judgment applies to FOREX and FEBA and to their officers, directors, employees, agents, successors and assigns, and to all other persons, including members, in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

FOREX and FEBA, whether acting unilaterally or in concert or agreement with any other person, are enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan or program to fix, establish, maintain, determine, stabilize or make uniform any rates or amounts of commissions in connection with foreign exchange and/or Eurocurrency deposit transactions;

(B) Urging, recommending or suggesting that any bank or any broker adhere to any schedule or other recommendation relating to the rates or amounts of commissions in connection with foreign exchange and/or Eurocurrency deposit transactions;

(C) Adopting, suggesting, publishing or distributing any schedule or other recommendation relating to the rates or amounts of commissions in connection with foreign exchange and/or Eurocurrency deposit transactions;

(D) Discussing, conducting, publishing or distributing any survey or study relating to the rates or amounts of commissions or ranges thereof in connection with foreign exchange and/or Eurocurrency deposit transactions;

(E) Adopting, maintaining, enforcing, suggesting or disseminating any bylaw, rule, resolution, statement of policy, canon of ethics, code of behavior, plan or program that discourages, limits or prohibits the independent negotioation of the rates or amounts of commissions between a broker and a bank in connection with foreign exchange and/or Eurocurrency deposit transactions or that states or implies that such independent negotiation of the rates or amounts of commission by a member or by a bank or broker employing a member is unethical, unprofessional or contrary to any policy such Defendant; and

(F) Adopting, suggesting, devising or putting into effect any retaliatory action or procedure regarding the rates or amounts of commissions charged by or paid by any person in connection with foreign exchange and/or Eurocurrency deposit transactions.

V

(A) Within sixty (60) days from the date of entry of this Final Judgment, each Defendant shall furnish a copy of this Final Judgment by mailing it to the last known address on the records of such Defendant or otherwise to each of its officers and members and to each person who was an officer of a member of it at any time from January 1, 1978 to the date of entry of this Final Judgment.

(B) Within ninety (90) days from the date of entry of this Final Judgment, each Defendant shall file with this Court and serve upon Plaintiff an affidavit concerning the fact and manner of its compliance with Paragraph (A) of this Section V.

(C) Upon application to FOREX or to FEBA by any person to become a member, that Defendant shall provide to such person a copy of this Final Judgment.

(D) Each person receiving from a Defendant a copy of this Final Judgment in accordance with this Section V shall provide that Defendant with a signed and dated receipt which that Defendant shall retain in its files. In the event a person receiving a copy of this Final Judgment from a Defendant refuses to sign such a receipt, the officer, director, employee or agent of that Defendant who provided the copy shall sign and date a receipt, which that Defendant shall retain in its files, stating that he or she provided such person a copy of this Final Judgment.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written

request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a Defendant, made to its counsel, be permitted:

(1) During office hours to inspect and copy all books, ledgers, correspondence memoranda and other records and documents in the possession or under the control of such Defendant or of its officers, directors and employees, who may have counsel present, relating to any matters contained in this Final Judgment, and

(2) Subject to the reasonable convenience of such Defendant, and without restraint or interference from it, to interview such Defendant's officers, directors and employees, who may have counsel present, regarding any matters contained in this Final Judgment.

(B) A Defendant, upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to its counsel, shall submit such written reports, under oath if requested, with respect to any matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VI shall be divulged by an representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a Defendant to Plaintiff pursuant to this Section VI, such Defendant represents and identifies in writing the material in any such informaiton or documents to which a claim of protection may be asserted under Rule 28(c)(7) of the Federal Rules of Civil Procedure, and such Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 28(c)(7) of the Federal Rules of Civil Procedure," then Plaintiff shall give such Defendant ten (10) days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which such Defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

VIII

This Final Judgment shall remain in effect for a period of ten (10) years from the date of its entry.

IX

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

United States District Court, SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. FOREX Association of North America, and Foreign Exchange Brokers Association, Defendants. 80 Civil 0393 (LWP). Filed December 24, 1980.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)–(h), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

Nature and Purpose of Proceedings

This is a civil antitrust action by the United States against the FOREX Association of North America ("FOREX") and the Foreign Exchange Brokers Association ("FEBA"). The Complaint, filed on January 21, 1980, alleged that, beginning at least as early as 1971 and continuing until the Complaint was filed, FOREX, FEBA and unnamed co-conspirators had violated Section 1 of the Sherman Act, 15 U.S.C. § 1, by combining and conspiring to fix, stabilize and maintain the commissions banks paid to brokers for their services in arranging foreign exchange and Eurocurrency deposit transactions. The Complaint sought an injunction prohibiting FOREX and FEBA from continuing their combination and conspiracy and from engaging in other activities having a similar purpose or effect in the future.

Entry by the Court of the proposed Final Judgment will terminate this action against both Defendants.

II

Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

FOREX and FEBA are unincorporated trade associations. FOREX's membership consists of bank traders, brokers and other individuals interested in the foreign exchange and Eurocurrency deposit markets. FOREX's principal place of business is New York City. FEBA's membership consists of foreign exchange and Eurocurrency deposit brokers. FEBA's principal place of business is in New York City.

Banks actively trade foreign exchange (*e.g.*, United States dollars, Japanese yen, and German Deutschmarks) and Eurocurrency deposits (*e.g.*, Eurodollars and Eurodeutschmarks) principally for their own account and also for large corporations. These transactions total billions of dollars each month. Banks trade foreign exchange and Eurocurrency deposits either through brokers or by dealing directly with one another. When using a broker, a bank tells the broker the price or interest rate at which it would deal in a particular currency. Other banks may accept the quoted transaction or ask the broker to seek better terms.

Brokers are paid a commission on each foreign exchange and Eurocurrency deposit transaction they complete. This fee varies with the currency involved and the nature and size of the transaction. When this Complaint was filed, banks paid, in the aggregate, in excess of $1 million per month in brokerage commissions for foreign exchange and Eurocurrency deposit transactions.

The Complaint alleged that defendants FOREX and FEBA combined and conspired beginning at least as early as 1971 to fix, stabilize and maintain the commission rates paid for brokers' services in the trading of foreign exchange and Eurocurrency deposits. According to the Complaint, the Defendants, in effectuating this conspiracy, discussed between themselves and among their respective members the commissions to be paid by banks for brokerage services for foreign exchange and Eurocurrency deposit transactions; agreed upon the commission rates to be paid for such services; and adhered to the agreed upon commission rates.

The Complaint alleged that the combination and conspiracy had the following effects, among others: (a) commissions paid for brokerage services in trading foreign exchange and Eurocurrency deposits were fixed, maintained and stabilized, and (b) competition for such brokerage services was restrained, suppressed and eliminated.

III

Explanation of the Proposed Consent Decree

The United States and Defendants have agreed that a Final Judgment in the form negotiated by the parties may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16 (b)–(h), provided that the United States has not withdrawn its consent. The Stipulation provides that there has been no admission by any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon a determination by the Court that the Judgment is in the public interest.

The proposed Final Judgment contains two principal forms of relief. First, each Defendant is enjoined from repeating the behavior which characterized the combination and conspiracy and also from engaging in certain other related conduct. Second, the proposed Final Judgment places an affirmative burden on each Defendant to inform its members of the Final Judgment.

A. *Prohibited Conduct.*—Section IV of the proposed Final Judgment prohibits each Defendant, whether acting alone or together with any person, including the other Defendant, from determining the commissions brokers charge for their services in arranging foreign exchange and Eurocurrency deposit transactions.

Specifically, each Defendant is enjoined from entering into, furthering or claiming any rights under any agreement, understanding or plan to fix, maintain or stabilize commissions; recommending or suggesting that any bank or broker adhere to any specific schedule of commissions; adopting or disseminating any actual or proposed schedule of commissions; surveying or discussing curent levels of commissions;

adopting, enforcing or disseminating any rules, policy statements, or codes of behavior that discourage or prohibit banks and brokers from independently negotiating commissions to be paid by a bank; and, retaliating against any person for refusing to change its commissons.

B. *Defendant's Affirmative Obligations.*—Section V requires each Defendant to furnish copies of the Final Judgment to each officer or member during the period from January 1, 1978 through the date of expiration of the decree. Each Defendant is required to obtain a receipt from each person to whom it supplies a copy of the Judgment and to keep that receipt in its files for the life of the Judgment.

C. *Other Provisions.*—The proposed Final Judgment expressly provides in Section III that its terms apply to each Defendant as well as to its officers, directors, employees, agents, successors and assigns and to all other persons (including FOREX and FEBA members) in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

Section VI provides that the Department of Justice will have access, upon reasonable notice, to each Defendant's records and personnel in order to assess its compliance with the provisions of the Final Judgment. Under Section VII of the Final Judgment, jursidiction is retained by the Court for the purpose of enabling any party to apply for such orders or directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of it.

Section VIII provides that the Final Judgment will remain in effect for a period of ten (10) years from the date it is entered by the Court.

D. *Effect of the Proposed Final Judgment on Competition.*—The terms of the Final Judgment are designed to insure that FOREX and FEBA will not participate in the negotiation of the commissions charged by individual foreign exchange and Eurocurrency deposit brokers, or in the formulation or distribution of the amount of commissions or commission schedules for foreign exchange and Eurocurrency deposit transactions. Compliance with the proposed Final Judgment will promote the competitive determination of commissions by ensuring that purchasers of foreign exchange and Eurocurrency deposit brokerage services will be able to bargain for those services with individual brokers or brokerage firms.

IV

Remedies Available to Potential Private Plaintiffs

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action. Under Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a), the proposed Final Judgment may not be used as *prima facie* evidence in any subsequent private antitrust action brought against either or both Defendants because it is a consent judgment entered before any testimony has been taken.

V

Procedures Available for Modification of the Proposed Consent Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Stanley M. Groinson, Chief, Special Regulated Industries Section, Antitrust Division, Room 504–B Safeway Building, U.S. Department of Justice, Washington, D.C. 20530, within the 60-day period provided by the Act. Such comments and responses to them will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should be determined that some modification of the Final Judgment is necessary.

VI

Alternatives to the Proposed Final Judgment

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of this proposed Final Judgment. The proposed Judgment includes all the relief requested in the Complaint.

VII

Determinative Materials and Documents

There are no materials or documents which the United States considered determinative in formulating the proposed Final Judgment. Therefore, none are being filed along with this Competitive Impact Statement.

Dated: December 23, 1980.

David L. Lapides,

Attorney, Antitrust Division, Department of Justice, Washington, D.C. 20530, 202/724–6793.

Certificate of Service

I, David L. Lapides, attorney for Plantiff, certify that on this date I have served copies of the *Stipulation*, proposed *Final Judgment* and *Competitive Impact Statement* on Defendants by mailing same to their counsel of record, addressed as follows:

David H. Marks, Esquire, Lord, Day & Lord, 25 Broadway, New York, New York 10004

Robert A. Meister, Esquire, Milgrim Thomajan Jacobs & Lee, P.C., The Chrysler Building, 405 Lexington Avenue, New York, New York 10174.

Dated: December 23, 1980.

David L. Lapides,

Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724–6793.

[FR Doc. 81–1458 Filed 1–14–81; 8:45 am]

BILLING CODE 4410–01–M

Proposed Final Judgment in United States v. Societe Nationale Des Poudres et Explosifs, et al. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), that a proposed Final Judgment and Competitive Impact Statement ("CIS") as set out below have been filed on December 19, 1980, with the United States District Court for the District of New Jersey in *United States* v. *Societe Nationale des Poudres et Exlosifs, et. al.*, Civil Action No. 80–149. The Complaint in this case alleges that SNPE, Fayette Chemical Corporation and various co-conspirators violated the Sherman Act by conspiring to fix the price and allocated the sales of industrial nitrocellulose imported for sale in the United States by defendants and co-conspirators.

The proposed Judgment enjoins defendants from engaging in or renewing any of the alleged illegal conduct, requires SNPE to refrain from exchanging price information with its competitors, and prohibits Fayette from acting as agent or sub-agent for more than one nitrocellulose producer.

The CIS describes the terms of the Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the complaint.

Public comment is invited within the statutory 60-day comment period. Such comments, and respsonse thereto, will be published in the **Federal Register** and filed with the Court. Comments shoud be directed to Kevin R. Sullivan, Attorney, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: December 24, 1980.

Joseph H. Widmar,

Director of Operations.

U.S. District Court for the District of New Jersey

United States of America, Plaintiff, v. *Societe Nationale des Poudres et Explosifs and Fayette Chemical Corporation*, Defendants.

Hon. Herbert J. Stern, Civil Action No. 80–149.

Stipulation

Filed: December 19, 1980.

It is stipulated by and between the undersigned parties by their respective attorneys, that: 1. The parties consent that a Final Judgment, in the form attached to this Stipulation, may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15

U.S.C. § 16(b)–(h)), without further notice to any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

Dated: December 19, 1980.

For the Plaintiff: Sanford M Litvack, *Assistant Attorney General;* Joseph H. Widmar, *Director of Operations;* Charles F. B. McAlleer, *Special Assistant for Judgment Negotiations;* Charles S. Stark, Kevin R. Sullivan, Jane C. Luxton, James J. Egan.

For the Defendant Societe Nationale des Poudres et Explosifs: Howard Adler, Jr., Michael D. Ridberg, Bergson, Borkland, Margolis & Adler, *11 Dupont Circle, N.W., Washington, D.C. 20036;* Richard M. Ettreim, McArter & English, *550 Broad Street, Newark, N.J. 07102.*

For the Defendant Fayette Chemical Corporation: Sidney S. Rosdeitcher, Paul, Weiss, Rifkind, Wharton & Garrison, *345 Park Avenue, New York, N.Y. 10022;* Jeffrey W. Lorell, Clapp & Eisenberg, *80 Park Plaza, Newark, N.J. 07102.*

U.S. District Court, District of New Jersey

United States of America, Plaintiff, v. *Societe Nationale des Poudres et Explosifs, and Fayette Chemical Corporation,* Defendants.

Hon. Herbert J. Stern, Civil Action No. 80–149.

Final Judgment

Filed: December 19, 1980.

Plaintiff, United States of America, having filed its complaint herein on January 18, 1980, and the defendants, Societe Natonale des Poudres et Explosifs and Fayette Chemical Corporation, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue, and defendant Societe Nationale des poudres et Explosifs having consented to waive, solely for the purpose of this Final Judgment, its rights to contest the jurisdiction of the Court over its person:

Now, therefore, before any testimony or evidence has been taken and without trial or adjudication of any issue of fact or law herein, by consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment, the term:

(A) "Person" means any individual, corporation, partnership, firm, association, or other business or legal entity;

(B) "Nitrocellulose producer" means those persons engaged in the business of manufacturing nitrocellulose;

(C) "Industrial nitrocellulose" means a dry white synthetic resin produced by the chemical action of nitric acid on cellulose. Commonly made from the cellulose found in wood pulp or cotton linters, industrial nitrocellulose is classified by its uses and has a nitrogen content between 10.8 and 12.4 percent. Industrial nitrocellulose is different from nitrocellulose used in explosives and propellants for civil or military use;

(D) "Fayette" means defendant Fayette Chemical Corporation, a corporation of the State of New Jersey;

(E) "SNPE" means defendant Societe Nationale des Poudres et Explosifs, a corporation of the Republic of France, with its principal place of business in Paris, France;

(F) "French Translation" means a translation of this Final Judgment which is agreed upon by the Department of Justice and defendant SNPE before entry of said Final Judgment; and

(G) "Sub-agent" means acting as a sales agent for a producer of nitrocellulose with respect to industrial nitrocellulose which the sales agent knows was not made by the producer, and with respect to which the producer is acting as an agent for other nitrocellulose producers. A producer is not acting as an agent for other nitrocellulose producers with respect to industrial nitrocellulose which it buys from other nitrocellulose producers.

III

This final Judgment applies to the defendants SNPE and Fayette, their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to (i) transactions or activities between a defendant and its directors, officers, employees, parent companies, companies owned or controlled by said parent, subsidiaries, or any of them when acting in such capacity or (ii) transactions or activities which occur outside the United States and do not have substantial and foreseeable effect upon United States trade and commerce in industrial nitrocellulose or (iii) transactions or activities required by the laws or regulations having the force of law of the jurisdictions in which such transaction or activity takes place.

IV

Defendant SNPE is enjoined and restrained from: (A) Directly or indirectly entering into, adhering to, maintaining, furthering, participating in, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, combination or conspiracy with any other nitrocellulose producer or group of nitrocellulose producers to: (1) Restrict or control the amount of industrial nitrocellulose produced for, imported into or sold within the United States;

(2) Allocate customers of industrial nitrocellulose within the United States;

(3) Control, raise, stabilize or fix prices or terms of sale of industrial nitrocellulose within the United States; or

(4) Use a common sales agent or distributor to sell or distribute industrial nitrocellulose within the United States;

(B) Furnishing to or requesting from any other nitrocellulose producer any information concerning future prices, term or other conditions of sale in the United States for industrial nitrocellulose, unless such information has previously been disseminated to the trade at large in the form of a press release, price lists or other public announcement.

V

Defendant Fayette is enjoined and restrained from: (A) Directly or indirectly entering into, adhering to, maintaining, furthering, participating in, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, combination or conspiracy between or among any two or more producers of nitrocellulose to do any of the things described in paragraphs IV(A)(1), (2), (3) or (4) hereof, provided, however, that rendering services as an agent in connection with the sale of industrial nitrocellulose on behalf of, and/or selling or promoting the sale of industrial nitrocellulose purchased from, any nitrocellulose producer which defendant Fayette knows is a party to any such contract, agreement, arrangement, understanding, combination, or conspiracy shall not, in and of itself, constitute a violation of this subparagraph V(A); or

(B) Acting as a sales agent or sub-agent concurrently for more than one producer of nitrocellulose with respect to the sale of industrial nitrocellulose; provided, however, that nothing in this Final Judgment shall prohibit Fayette from buying industrial nitrocellulose for its own account from more than one producer and reselling such industrial nitrocellulose, so long as there shall be no agreement or understanding between Fayette and any of the producers from which Fayette purchases about the resale price Fayette charges.

VI

Nothing in this Final Judgment shall (i) apply to any SNPE activities relating to nitrocellulose intended for military use or (ii) prohibit SNPE from negotiating, entering into or carrying out any bona fide transactions for the purchase or sale of industrial nitrocellulose, including transactions with agents, distributors or nitrocellulose producers, or from making any necesary communication of prices or terms with respect to any such bona fide transactions. The parties agree that, while it is not possible to anticipate all bona fide situations that might lead to buyer-seller relations between producers in the purchase or sale or industrial nitrocellulose, usually such

relations are the result of: temporary inability of a producer to meet the demands of a growing market; shortage or cessation of supply capabilities; interruption of manufacturing or distribution capabilities; interruption of manufacturing or distribution capabilities because of explosion, fire, accident, strike or other work stoppage; or the desire or need of a producer to obtain a type or grade of industrial nitrocellulose it does not manufacture.

VII

Unless otherwise provided, each defendant is ordered and directed to:

(A) Within thirty (30) days after the date of entry of this Final Judgment and annually thereafter for ten years, furnish a copy of this Final Judgment or, in the case of SNPE, the French Translation, to its president or chief executive officer, its directors and to each of its officers, agents and employees then responsible for the sale of industrial nitrocellulose in the United States;

(B) Furnish a copy of this Final Judgment or, in the case of SNPE, the French Translation, to each successor to those persons described in subparagraph (A) hereof within thirty (30) days after each such successor becomes responsible for the sale of industrial nitrocellulose in the United States;

(C) Attach to each copy of this Final Judgment furnished pursuant to subparagraphs (A) and (B) hereof a statement advising each person of the terms and requirements of this Final Judgment. Such statement shall state that it is the policy and the intent of the defendant to comply with the requirements of the Final Judgment, shall describe the consequences, including possible civil or criminal penalties, to the defendant and its agents and employees of a failure to comply and shall include (1) an instruction that any agent or employee who fails to comply with the Final Judgment may be subject to disciplinary action to be determined by the defendant, and (2) advise that the defendant's legal advisors are available at all reasonable times to confer regarding any compliance question or problem. In the case of the defendant SNPE, the statement required by this subparagraph VII(C) shall be in French;

(D) Within thirty (30) days after the date of entry of this Final Judgment, furnish each nitrocellulose producer named in Paragraph 6 of the Complaint with a copy of this Final Judgment, by mailing a copy to such producer or ascertaining that the other defendant has done so; and

(E) File with this Court and serve upon the plaintiff, within sixty (60) days from the date of entry of this Final Judgment, a statement as to the fact and manner of its compliance with subparagraph (A), (C) and (D) hereof, and the measures which it has taken to assure compliance with subparagraph (B) hereof.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment with regard to defendant SNPE and for no other purpose:

(1) Upon written request that the Attorney General or the Assistant Attorney General in charge of the Antitrust Division may make from time to time, and on reasonable notice to defendant SNPE at its principal business office in Paris, France or any successor location, and subject to any legally recognized privilege:

(a) Within sixty (60) days of receipt of a request for books, ledgers, accounts, correspondence, memoranda, and other records relating to any matters contained in this Final Judgment in the possession or under the control of the defendant SNPE, defendant SNPE shall provide copies of such documents at the Department of Justice in Washington, D.C.; and

(b) Defendant SNPE shall submit such written reports, under oath if requested, with respect to its compliance with this Final Judgment as may, from time to time, be requested.

(2) Defendant SNPE shall provide written notice to plantiff prior to engaging in any transactions or activities which would be prohibited by this Final Judgment but for their being required by the laws or regulations having the force of law of the jurisdiction in which such transaction or activity takes place. Such notice shall describe the transactions or activities and identify the laws or regulations that defendant SNPE believes requires them to be undertaken. In the event that defendant SNPE is unable, despite the exercise of good faith efforts, to provide such notice prior to engaging in the required transactions or activities, defendant SNPE shall do so as soon as practicable, but not later than thirty (30) days thereafter.

Provided, however, that as to both (1) and (2) of this subparagraph, defendant SNPE shall not be required to bring to the United States or to disclose the content of any correspondence, books, or other records or copies thereof, or other information which relates or refers to nitrocellulose intended for military use or when such action is prohibited by the laws of France or of any country or treaty organization with jurisdiction over defendant and defendant has exercised good faith efforts to obtain permission of the appropriate person or governmental authority but such permission has not been secured. Defendant shall promptly notify plantiff of any change of address of its principal business office.

(B) For the purpose of determining or securing compliance with this Final Judgment with regard to defendant Fayette, and subject to any legally recognized privilege, from time to time:

(1) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant Fayette at is principal business office, be permitted:

(a) Access during office hours of such defendant to inspect and copy all books, ledges, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, which may have counsel present, relating to any matters contained in this Final Judgment; and

(b) Subject to the reasonable convenience of such defendant and without restriant or interference from it, to interview officers, employees, and agents of such defendant, who may have counsel present, regarding any such matters; and

(2) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to such defendant's principal business office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

(C) No information or documents obtained in the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal procedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law;

(D) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents as to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then with respect to SNPE twenty (20) days of notice and with respect to Fayette ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which such defendant is not a party or pursuant to a request under the Freedom of Information Act.

IX

Jurisdiction is retained by this Court for the purposes of enabling any of the parties to this Final Judgment to apply to this Court at any time for such orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

X

Defendant Fayette shall require, as a condition of the sale or disposition of all, or substantially all, of the assets used by it in its industrial nitrocellulose business, that the acquiring party agrees to be bound by the provisions of this Final Judgment, and that such agreement be filed with the court.

XI

The term of this Final Judgment shall be ten years from the date of entry.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court, District of New Jersey

United States of America, Plaintiff, v. *Societe Nationale Des Poudres Et Explosifs*

and Fayette Chemical Corporation,
Defendants.

Civil Action No. 80–149.

Filed: December 19, 1980.

Entered:

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)–(h)), the United States of America submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

The Nature and Purpose of the Proceeding

On January 18, 1980, the Department of Justice filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4), alleging that the defendants violated Section 1 of the Sherman Act (15 U.S.C. § 1). The complaint alleges a combination and conspiracy consisting of a continuing agreement, understanding, and concert of action among the defendants and various co-conspirators to fix the price and allocate the sales of industrial nitrocellulose imported for sale in the United States by defendants and co-conspirators.

The complaint seeks a judgment by the Court declaring that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also seeks an order by the Court to enjoin and restrain the defendants from any such activities or other activities having a similar purpose or effect in the future.

II

Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

Industrial nitrocellulose is used in combination with other chemicals as a bonding agent in various coatings. Applied in solutions, industrial nitrocellulose forms hard, smooth finishes known for their short drying time and attractive appearance. Industrial nitrocellulose is widely used in wood finishes, lacquers, paints, primers, textile and paper coatings, book bindings, printing inks, cellophane film coatings and fingernail polishes.

Before July 1977, Hercules, Incorporated ("Hercules") and E. I. du Pont de Nemours and Company, Inc. ("duPont") produced and sold all of the industrial nitrocellulose used in the United States. On July, 1977, duPont announced its decision to discontinue the production and sale of industrial nitrocellulose at the end of 1977. This decision left Hercules as the sole domestic industrial nitrocellulose producer, and also left the possibility of a large shortfall of supplies of industrial nitrocellulose for customers in the United States.

Shortly after the duPont announcement, foreign industrial nitrocellulose producers, including SNPE, began to consider selling industrial nitrocellulose in the United States. SNPE had meetings with other European producers of industrial nitrocellulose, and formed a "pool" of companies for the purpose of selling this product in the United States, and alleviating the possible shortage of supplies. Defendant Fayete was named as the pool's agent in an announcement on October 30, 1977 at the National Paint and Coatings Association meeting in Houston, Texas. The other companies in the pool were: Explosivos Rio Tinto, Societa Italiana Prodotti Esplodenti, Mazzuchelli Celluloide, S.P.A., Bofors, and Wasaag Chemie Gmbh.

In the last quarter of 1977 and throughout 1978, the dry weight price of substantially all the nitrocellulose sold by SNPE and pool member SIPE was stabilized. Bofors withdrew from the pool at an early date, and other pool members did not sell in the United States. The dry weight price, exclusive of drum and duty costs, of SNPE and SIPE was also stabilized with the dry weight price of Hercules and Wolff Walsrode A.G. during this same time period.

The Complaint alleges that the combination and conspiracy had the following effects, among others:

(a) Prices of industrial nitrocellulose sold by the defendant corporations and their co-conspirators were fixed and maintained at non-competitive levels;

(b) Competition in the sale of industrial nitrocellulose to purchasers in the United States was restrained; and

(c) United States purchasers of industrial nitrocellulose have been deprived of free and open competition in the sale of industrial nitrocellulose.

III

A. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h). The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against or an admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered until the Court determines that entry is in the public interest.

1. *Prohibited Conduct.* Paragraph IV(A) of the proposed Final Judgment prohibits defendant SNPE from entering, adhering to, participating in, maintaining, furthering, enforcing, or claiming either directly or indirectly any rights under, any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person to: restrict supplies of industrial nitrocellulose for the United States, allocate customers in the United States, set prices or terms of sale for industrial nitrocellulose in the United States or use a common sales agent or distributor to sell or distribute industrial nitrocellulose in the United States.

Paragraph IV(B) of the proposed Final Judgment prohibits defendant SNPE from furnishing to or requesting from any other nitrocellulose producer, information concerning the prices terms or other conditions of sale in the United States for industrial nitrocellulose, unless this information has previously been disseminated to the trade at large in the form of a press release, price lists or other public announcement.

Paragraph V(A) of the proposed Final Judgment prohibits defendant Fayette from directly or indirectly entering into, adhering to, maintaining, furthering, participating in, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, combination or conspiracy between or among two or more nitrocellulose producers to do any of the things prohibited in Paragraph V(A). This Paragraph makes clear, however, that rendering services as an agent, and/or selling or promoting the sale of nitrocellulose purchased from, any nitrocellulose producer which defendant Fayette knows is a party to any such contract, agreement, arrangement, understanding, combination, or conspiracy shall not, in and of itself, constitute a violation of sub-Paragraph V(A).

Paragraph V(B) prohibits defendant Fayette from acting as an agent or sub-agent concurrently for more than one producer of nitrocellulose with respect to the sale of industrial nitrocellulose. Defendant Fayette is not prohibited from buying industrial nitrocellulose for its own account from more than one producer and reselling such industrial nitrocellulose, so long as no agreement or understanding exists between Fayette and any of the producers concerning the resale price Fayette charges.

Paragraph VI provides that nothing in the proposed Final Judgment shall be applicable to any discussions of price or other terms and conditions of sale offered by SNPE to any other nitrocellulose producer or offered by other nitrocellulose producers to SNPE in connection with a *bona fide* purchase or sale of industrial nitrocellulose between SNPE and such other nitrocellulose producer. *Bona fide* situations include those which are the result of temporary inability of a producer to meet the demand of a growing market, shortage or cessation of supply capabilities, interruption of manufacturing or distribution capabilities because of explosion, fire, accident, strike, or other work stoppage; or because of the desire or need of a producer to obtain a type of industrial nitrocellulose it does not manufacture.

B. Affirmative Obligations

The proposed Final Judgment (Paragraph VII) requires that each defendant furnish a copy of the Final Judgment [1] to each of its officers, directors, agents, and employees responsible for the sale of industrial nitrocellulose in the United States, and to each successor of any of the aforementioned persons within thirty (30) days after each successor is employed along with a statement advising each person of the requirements of this Final Judgment, of the criminal and civil penalties which may be imposed upon him or her and/or upon such defendant for violation of the Final Judgment, that any agent or employee who fails to comply may be subject to disciplinary action to be determined by the defendant, and that defendant's legal advisors are available to confer regarding

[1] Defendant SNPE is required to serve a French Translation of the Final Judgment to its officers, directors, agents, and employees responsible for the sale of industrial nitrocellulose in the United States.

compliance questions or problems. Paragraph VII further requires that defendants furnish a copy of the Final Judgment to every nitrocellulose producer identified in Paragraph 6 of the Complaint, and to serve on the plaintiff and file with the Court, within sixty (60) days from the date of entry and annually thereafter, an affidavit as to the fact and manner and of its compliance with Paragraph VII.

Finally, under Section XI of the Final Judgment, the Justice Department will have access, upon reasonable notice to each defendants' records and personnel in order to determine each defendants' compliance with the Judgment.

C. Scope of the Proposed Judgment

The proposed Final Judgemnt will remain in effect for a period of ten (10) years from the date of entry. It applies to each defendant and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personnel service or otherwise.

D. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to prevent any recurrence of the activities alleged in the complaint. The prohibitive language of the Judgment is designed to ensure that each defendant will act independently in determining prices, terms and conditions at which they will sell or offer to sell industrial nitrocellulose. The affirmative obligations are designed to ensure that each defendants' employees are aware of their obligations under the decree in order to avoid a repetition of behavior that occurred.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by the defendant of the type upon which the complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed Judgment provides all the relief which the United States sought in its complaint, and the additional expense of litigation would not result in additional public benefit.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against these defendants.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Kevin R. Sullivan, Attorney, Antitrust Division, United States Department of Justice, Washington, D.C. 20530 within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. The Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternatives to the Proposed Final Judgment

The Department considers the substantive language of the Judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the Judgment provides all relief which reasonably could have been expected after trial.

VII

Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none are being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

Dated: December 19, 1980.

Kevin R. Sullivan,

Attorney, United States Department of Justice.

Jane C. Luxton,

Attorney, United States Department of Justice.

[FR Doc. 81-1460 Filed 1-14-81; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Corrections

Amended Closing Date for Submission of Proposals

Notice is hereby given that the deadline date for submission of concept papers pursuant to the National Institute of Corrections Fiscal Year 1981 *Request for Proposals* category CS–81–09 is extended through the 1981 fiscal year for the following activities:

1. To assist correctional agencies that are, or expect to be, under court order, to obtain assistance in implementing mandated changes.

2. To assist special masters appointed to monitor compliance with judicial degrees, to enable them to obtain training and technical assistance necessary to successfully fulfill their roles.

Allen F. Breed,

Director.

[FR Doc. 81-1457 Filed 1-14-81; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL ADVISORY COMMUNITY INVESTMENT BOARD

Full Board Meeting; January 16, 1981

Pursuant to Section 10 of the Federal Advisory Committee Act of 1972, notice is hereby given that the National Advisory Community Investment Board will hold a meeting on Friday, January 16, 1981 at 1200 19th Street NW., 2nd Floor Press Room, Washington, D.C. The meeting will begin at 3:00 pm EST. The public is invited.

The purpose of the meeting is to officially impanel the committee members, elect a Chairperson, introduce the members to the purposes of the Board and to develop and approve a charter.

The National Advisory Community Investment Board is authorized by Section 704 of the Community Services Act to promote cooperation between private investors and businesses and Title VII community development corporations.

Records shall be kept of all proceedings and shall be available for public inspection at the Community Services Administration, 1200 19th Street NW., Washington, D.C.

Due to the necessity of convening the Board on short notice the normal 15 day advance notification period could not be observed.

Richard J. Rios,

Executive Director.

[FR Doc. 81-1504 Filed 1-14-81; 8:45 am]

BILLING CODE 6315-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-3]

Reports, Recommendations and Responses; Availability

Highway Accident Reports

Summary Format—Issue No. 1, 1980 (NTSB–HAB–80–3).—Included in the National Transportation Safety Board's highway field activity for the first half of FY 1980 were 25 highway accident investigations. Summaries of 20 of these investigations and statements of probable cause are contained in the subject document, released January 2. The other 5 will be published with the second half of FY 1980 reports.

Criteria for the selection of accidents for investigation were accident severity (five or more fatalities), technical problems with a national implication, and public interest. The summary reports briefly state the facts and circumstances of each accident, a brief analysis of the facts, and the probable cause developed through the analysis, and are used to provide a Board-approved statement of probable cause in the public docket. As reported they have no statistical significance.

NOTE: For more detailed information concerning any individual report, the complete reference file may be reviewed in the Public Inquiries Section, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594. Also, on request factual reports will be reproduced commercially at an average cost of 20 cents per page for printed matter, 65 cents per page for black-and-white photographs, and $4.37 per page for color photographs, plus postage. Requests should be addressed to the Public Inquiries Section.

Copies of this document may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

Aviation Safety Recommendation Letter

A-80-141, to the National Oceanic and Atmospheric Administration and the Federal Aviation Administration, jointly, December 31, 1980.—The Safety Board notes in its recommendation letter that adverse surface winds have been and continue to be a major problem in terminal operations. To determine accurately the cause of accidents involving such winds and to obtain data for the research necessary to improve wind forecasts and warnings, more complete wind records at airports are required. These should be continuous graphical records which provide values for both wind direction to the nearest degree and speed to the nearest knot on a common time ordinate.

The subject accident occurred March 17, 1980, when a Texas International Airlines DC-9-10 ran off the side of the runway during landing rollout at Ryan Airport, Baton Rouge, La., causing injuries to two crewmembers and considerable damage to the aircraft. The recommendation:

Install appropriate recording equipment and make a continuous recording of both wind direction to the nearest degree and speed to the nearest knot at those airports where hourly surface aviation weather observations are made. (Class III, Longer-Term Action) (A-80-141)

Responses to Safety Recommendations

Aviation

A-76-86, from the Federal Aviation Administration, December 18, 1980.—The letter informs of actions taken regarding a recommendation issued August 4, 1976, as a result of the Safety Board's concern over large numbers of weather-involved general aviation accidents. (See 41 FR 34125, August 12, 1976).

FAA provides copies of Advisory Circular AC 61-23C, Private Pilot—Written Test Guide, revised in 1979, and AC 61-23B, Pilot's Handbook of Aeronautical Knowledge, revised in October 1980.

Companion recommendation A-76-85 was classified by the Safety Board as "Closed—Acceptable Action" on August 30, 1978.

Highway

H-80-48 and -49, from the State of Oklahoma, Department of Transportation, December 15, 1980.—Response is to recommendations issued following investigation of the head-on collision of a sedan and a pickup truck on U.S. route 64 near Perry, Okla., February 23, 1980. (See 45 FR 67174, October 9, 1980.)

With respect to recommendation H-80-48, the Department reports that a study has been made of all vertical curves within the 3.7 mile section of U.S. 64, including the accident site; the posted speed limit has been reduced to 45 m.p.h. effective December 11, 1980.

In response to recommendation H-80-49, the department reports that the Oklahoma Highway Safety Office is taking immediate action to initiate a Statewide alcohol program. Module 81-02 of the FY Highway safety Plan concerns the problems of alcohol and the drinking driver. An overall planning effort includes development of seminars, task force, special programs and public information efforts in relation to alcohol. Other States have been contacted and researched through Federal resources as to existing effective alcohol related programs and development of a health legal system has been recommended. A task force will be formed of representatives from those agencies directly involved with drinking driving issues.

The Safety Board on November 7 acknowledged receipt of copies of requests issued by the Department on September 30, 1980, to the Assistant Director of Traffic Services, Oklahoma Department of Transportation, and to the Governor's Highway Safety Representative for review of the recommendations.

H-80-63, from the National Highway Traffic Safety Administration, December 12, 1980.—Response is to a recommendation developed as a result of investigation of a head-on collision in a passing situation on a hill, a frontage road to U.S. 40 in Clayton, Mo., June 6, 1980. The recommendation asked NHTSA to review State laws for conformity to the Uniform Vehicle code Rules of Section 11-307 and require States with nonconforming laws to implement a program to achieve conformity. (See 45 FR 71869, October 30, 1980.)

In response, NHTSA discusses the passing maneuver and the relationship of the laws related to passing and wrong side of road driving and roadway signing and marking. NHTSA notes that State Highway agencies are to adopt a manual correlated with the Department of Transportation-approved Manual on Uniform Traffic Control Devices (UVC 15-104). It is imperative that legal obligations of motorists in conforming to traffic control devices be consistent throughout the States. NHTSA confirmed that Missouri does not have a "No Passing" rule conforming to UVC 11-307(b); it does not have a rule similar to UVC 11-306(a) regarding driving on the left side of the roadway when approaching or on a grade crest or on a curve.

NHTSA has contracted with the National Committee on Uniform Traffic Laws and Ordinances since 1968 to conduct annual reviews of all State traffic laws as compared to the Rules of the Road chapter of the UVC. Each State is provided a copy of the commentary "Rules of the Road Rated" without charge by NHTSA. Two further reports have been published and a third is in print that focus on the need for a number of States to modernize traffic laws.

In addition to providing these research documents, NHTSA has designated uniform Rules of the Road laws as an essential item for national consistency in State Highway Safety Programs. On November 2, 1979, and August 4, 1980, Regional Administrators were directed to consult with State officials regarding traffic law deficiencies and to urge the States to work toward traffic law uniformity. NHTSA Regional Administrators were to closely monitor this work.

Conformity to the UVC has steadily increased over the last 10 years. NHTSA expects to intensify its efforts in spurring the States to eliminate any differences.

Marine

M-79-1 through -7, from the United States Coast Guard, December 11, 1980.—Letter responds to the Safety Board's comments of last March 31 regarding Coast Guard's initial response of last September 11 (44 FR 58822,

October 11, 1979). The recommendations were developed following investigation of the capsizing of the charter fishing boat DIXIE LEE II near Norfolk, Va., June 6, 1977.

With respect to recommendation M–79–1, the Board's March 31 letter notes that consideration of the effects of off-center passenger weight and wind heel in combination would not lead to more complex, error-prone criteria than exist with consideration of these factors separately. Since it is possible for passenger heel and wind heel, in combination, to affect a vessel's stability, it is more realistic to judge these factors in combination rather than separately. In response, Coast Guard maintains that the single parameter for stability is the best technological approach to safety in small passenger vessels at the present time, and notes that the subject accident could have included many parameters, i.e., wind, wave, passenger, or rudder heeling in any combination. Coast Guard states that while it is very interested in bolstering the safe operation of charter fishing vessels and small passenger vessels, it does not agree that augmenting the current regulatory criteria in the manner proposed by this recommendation will provide a rational increase in safety for small passenger vessels.

In commenting on Coast Guard's response to recommendation M–79–2, the Board agreed that stability is not the only measure of a vessel's seaworthiness. However, stability is quantified in the Code of Federal Regulations, whereas other measures of a vessel's seaworthiness such as sea conditions and operator skill are not quantified. The fact that all desirable information cannot be provided should not be a rationale to deny the operator what information is available. Stability and loading information is supplied to seagoing vessels routinely, even though the effect of sea state on stability cannot be characterized accurately. The Board agrees that the boat operator must be relied on to judge the variables which must be considered for a safe voyage, but the boat operator's judgment would be enhanced if he knew the wind speed for which the stability of his vessel was evaluated. The Board believes that lack of wind speed information would be more likely to lead the boat operator to take unnecessary chances since he is not aware of the vessel's limitations.

Coast Guard still does not concur with recommendation M–79–2, contending that wind speed assumed for calculations showing compliance with regulations should not be considered a design limitation to be reference on a vessel's Certificate on Inspection. Coast Guard does encourage designers to completely investigate stability characteristics of their designs and to convey design limitations to a vessel owner. Coast Guard notes that the wind speeds used to develop 46 CFR 74.10–5 weather criteria and the wind pressure factor of 46 CFR 179.10–1 are only relative values for different bodies of water. They should neither be considered absolute design criteria nor definitive survival limitations. Coast Guard states, "Satisfactory compliance with Coast Guard's simplified stability test based upon an assumed heeling moment will only demonstrate what the Coast Guard considers adequate initial stability. It will not yield either wind or seaway limitations."

In commenting on Coast Guard's September 11, 1979, response to recommendation M–79–3, the Board noted that neither the at-sea time requirements nor the written examination insures that only outstanding professionally competent individuals are licensed. Rather, they provide the average minimum competency for licensing. The Board further notes that a prudent operator would consider seeking shelter if he knew that forecast winds would exceed the wind equivalent used to certify his boat. The Board asked that Coast Guard consider recommendations M–79–2 and M–79–3 together since judicious action requires knowledge of both forecast winds and the wind equivalent for certification. In its December 11 response, Coast Guard again fails to concur with recommendation M–79–3. Coast Guard disagrees with the Board's criticisms of licensing standards for small passenger vessel operators, and finds no measure of improved safety to be gained from implementing the requirement to proceed to the nearest harbor of safe refuge when a weather watch or warning is issued for wind speeds above equivalent wind speeds used to certify a vessel's stability. Coast Guard states that the Safety Board erred in evaluating the causal factors and safety lessons to be learned from the DIXIE LEE II accident and finds that the case "resulted when a well designed, well built, well maintained and adequately crewed vessel encountered a fast moving, aberrant storm."

Recommendation M–79–4 asked Coast Guard to require operators of small passenger vessels to post an Operating Safety Checklist, in a conspicuous place accessible to crew and passengers, which states the pertinent requirements of 46 CFR 185.20. The Board's March 31 letter notes that the posting of a simple safety list with such items as "steering gear test," "hatches secured," "charts and publications on board," "weather forecasts checked," "fueling completed before passengers board vessel," and "no smoking signs" (which relates to passenger compliance as well), cannot suggest "navigation * * * by committee." These safety items are not open to interpretation, and the Board did not intend that items subject to interpretation, such as rules of the road, should be included in the list. This list would be a reminder to the operator of his safety responsibilities. The Board notes that Coast Guard already requires both the certificate of inspection and the emergency checkoff lists to be posted in a conspicuous place. The Board states that the public has a right to be concerned about its safety and to be concerned that Government regulations are being properly observed.

Coast Guard continues to not concur with recommendation M–79–4, noting its December 11 letter that the "Public Awareness" programs mentioned by the Board in its March 31 letter is intended to aid the public in selecting safe vessels and qualified operators. Coast Guard says that this program in no way attempts to qualify a passenger to render judgment regarding the degree of regulatory compliance or operator proficiency on any vessel. Coast Guard does not believe that the posting of another checkoff list will serve any practical purpose, but does see some value in posting an emergency situation checkoff list as in a stressful emergency situation, that all on board might be assisted through such list. "However," Coast Guard states, "the items regulated by 46 CFR 185.20 are all a matter of daily prudent vessel operation and do not require specific reminders."

The Board's March 31 letter notes that recommendations M–79–5 and M–79–6 were issued to encompass the entire small vessel population's need for weather information. Recommendation M–79–5 would clear up the existing mismatch of weather information transmitting/receiving requirements for small passenger vessels certified to operate on partially protected waters; and M–79–6 would do the same for boats which would not be required to have the special weather radio receiver recommended in M–79–5. The Board notes that during weather emergencies, Coast Guard currently suggests that, over the required channel 16, operators switch to channel 22 for indepth severe weather information. As channel 22 is not required, the operator without this resource misses important information.

The Board believes that it has, in effect, given the Coast Guard two viable options for increasing coverage of severe weather information: (1) Require a vessel to have the capability to monitor National Weather Service and Coast Guard broadcasts over channel 22, or (2) provide extended severe weather coverage over the required channel 16. The Board realizes that current use of channel 16 is extensive, but believes that the use of this communication link could be made more efficient. The Board is particularly concerned that there is no requirement that small passenger vessels be capable receiving weather broadcasts made by the National Weather Service or by the Coast Guard over VHF channel 22. The Board believes that Coast Guard should provide, at least, minimal assurance that the vessel is capable of receiving important weather information.

With respect to recommendation M-79-5, again Coast Guard does not concur, noting that the discussion contained in its letter of September 11, 1979, still applies. Coast Guard points out that in the case of the DIXIE LEE II, the failure to monitor the severe weather would not have been corrected by an alarm unit unless it would have been independent of human adjustment of receiver volume. Coast Guard notes that the DIXIE LEE II operator had sufficient access to advanced warning of severe weather, both by physical signs and by radio broadcasts heard aboard the vessel on existing radio installations. Coast Guard does not believe that a requirement for a weather receiver would have prevented this accident and states that the events of this isolated marine casualty are not sufficient to justify issuing regulations.

Regarding recommendation M-79-6, Coast Guard notes that it broadcasts important information in compliance with Commandant Instruction M2000.3, which requires a preliminary call on channel 16 with the full text on channel 22. This procedure complies with international and Federal Communications Commission regulations. Further, FCC regulations require such VHF ship to maintain a watch on channel 16. Coast Guard notes that an operator complying with these regulations will hear the preliminary call; if he were exchanging communications on another channel, he would not hear any announcement on channel 16. Coast Guard states, "Thus, broadcasting the warning on channel 16 would not only be in violation of international and national regulations, but also would not provide any additional measure of safety to a vessel operator with channel 22 capability." Coast Guard states that it has attempted to get FCC to require the carriage of channel 22 without success. They do encourage operators to carry channel 22 capability. Coast Guard suggests directing further correspondence to the FCC. Coast Guard states, "In view of the regulations already in force, the impact on Coast Guard's channel 16 distress watch, and that the fact that weather information was already available to the DIXIE LEE II from three sources, no change in Coast Guard weather dissemination policy is considered warranted."

In response to the Safety Board's request for information as to result of Coast Guard's technical evaluation of the tethering of buoyant apparatus, recommended in M-79-7, Coast Guard reports that its Marine Safety Council has approved a regulatory project work plan for painters on life floats and buoyant apparatus. This project will propose that the rules for life floats and buoyant apparatus in all of the relevant parts of 46 CFR be revised to require that these devices be tethered to the vessels. The project originally called for notice publication in August 1980; however, the plan has expanded and caused a delay of up to 6 months. The project is identified as CGD 79-167.

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaision Officer.

January 9, 1981.

[FR Doc. 81-1506 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

Alabama Power Company; Issuance Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating Licensed No. NPF-2 issued to Alabama Power Company (the licensee), which revised the license and its appended Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama. The Technical Specification change portion of the amendment is effective as of the date of issuance.

The amendment revises administrative controls for entry into high radiation areas and adds feedwater control system bypass valves response times. In addition, the amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The applications for the amendment and the licensee's filing 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 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.

The licensee's filing dated March 23, 1979 and revisions thereto dated October 8, 1979 and March 28, 1980 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provision of 10 CFR 9.12.

For further details with respect to this action, see (1) the applications for amendment dated October 15, 1979 (modified by letter dated October 3, 1980) and October 23, 1979, (2) Amendment No. 17 to License No. NPF-2, 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 George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of December, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-1417 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-524-CP, 50-525-CP, 50-526-CP and 50-527-CP]

Alabama Power Co. (Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Alabama Power Company* (Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4), Docket Nos. 50-524-CP, 50-525-CP, 50-526-CP, and 50-527-CP, is hereby reconsitituted by appointing the following Administrative Judges to the Board: Dr. Jerry R. Kline and Dr Hugh C. Paxton. This reconstitution is necessitated by the unavailability of the prior members, Dr. Marvin M. Mann and Dr. Ernest O. Salo, who are no longer members of the Atomic Safety and Licensing Board Panel.

As reconstituted, the Board is comprised of the following Administrative Judges:

Ivan W. Smith, Chairman

Dr. Jerry R. Kline

Dr. Hugh C. Paxton

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701(1980). The addresses of the members of the Boards are:

Administrative Judge Ivan W. Smith, United States Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Administrative Judge Jerry R. Kline, United States Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Administrative Judge Hugh C. Paxton, 1229 41st Street, Los Alamos, New Mexico 87544.

Issued at Bethesda, Maryland, this 31st day of December, 1980.

B. Paul Cotter, Jr.,

Chief Administration Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-1416 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to reflect a power operated relief valve (PORV) setpoint of 2450 psig, a high pressure reactor trip setpoint of 2300 psig, and a containment isolation initiation setpoint on low reactor coolant system pressure (1500 psig).

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), and evironmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's applications for amendment dated April 24, 1979, and February 4, 1980, (2) Amendment No. 49 to License No. DPR-51, 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 Arkansas Polytechnic College, Russellville, Arkansas. 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.

Robert W. Reid,

Chief Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-1418 Filed 1-14-81; 8:45]

BILLING CODE 7590-01-M

[Docket No. 50-317]

Baltimore Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-53, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1 (the facility) located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment authorizes Cycle 5 operation at the licensed power level of 2700 Mwt with:

- A slight increase in fuel enrichment to allow for a longer operating cycle;
- Some demonstration fuel assemblies to test new fuel designs;
- Modified (slowed and reduced flow) guide tubes for the control element assemblies (CEAs), and
- Use of a new reactor protection system trip to protect the core from steam generator transients.

The amendment revises the Appendix A Technical Specifications to incorporate change resulting from the detailed analysis of the Cycle 5 reload core.

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 September 22 and December 12, 1980, as supplemented October 21, November 1, 2, 3, 4, 10, 11,

18, 20, 25, 26, 28 and December 3, 1980, (2) Amendment No. 48 to License No. DPR-53 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 Calvert County Library, Prince Frederick, Maryland. 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 12th day of December 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-1419 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company, which amended the license for the H. B. Robinson Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of its date of issuance.

The amendment requires a secondary water chemistry monitoring program to inhibit steam generator tube degradation. The acceptability of these new secondary water chemistry monitoring requirements is contained in our letter to Carolina Power and Light Company of August 1, 1979, which constitutes our Safety Evaluation of this matter.

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 September 28, 1979, (2) NRC letter dated August 1, 1979, and (3) Amendment No. 54 to License No. DPR-23. 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, Harsville, South Carolina 29550. A copy of items (1), (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 18th day of December, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-1420 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 32 and 53 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revised the Technical Specifications by adding Limiting Conditions for Operation with Bases to clarify the term "Operable" as it applies to the single failure criterion for safety systems.

The application for 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 the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the amendments.

For further details with respect to this action, see (1) the application for amendments dated June 18, 1980, (2) Amendment Nos. 32 and 53 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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.

[FR Doc. 81-1421 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 33 and 54 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to provide a one-time extension of certain surveillance intervals to allow the required testing to be performed during a Brunswick Unit 1 outage scheduled for Spring 1981.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 the amendments.

For further details with respect to this action, see (1) the application for amendments dated November 5, 1980, (2) Amendment Nos. 33 and 54 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. 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 23rd day of December, 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-1422 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Co.; Issuance of Amendments

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Provisional Operating License No. DPR-19 and Amendment No. 46 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operations of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois. The amendments are effective as of the date of issuance.

The amendments authorize a one-time operation for 48 hours with plant chimney monitoring systems out of service to permit the installation of monitoring improvements required by the NRC staff. During the period that the chimney monitors are inoperative, additional measures will be taken to provide an equivalent level of protection against an undetected release of airborne radioactivity.

The application for 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 foth in the license amendments. Prior public notice of this 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 amendment dated December 5, 1980, (2) Amendment No. 52 to Provisional Operating License No. DPR-19 and Amendment No 46 to Facility Operating License No. DPR-25, 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 29th day of December, 1980.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-1423 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Provisional Operating License No. DPR-19 issued to Commonwealth Edison Company, which amended the license for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment extends from December 31, 1980 to January 4, 1981 the date for compliance with the Confirmatory Order which had previously amended the license to require the installation of a Recirculation Pump Trip by December 31, 1980.

The application for 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 the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 23, 1980, (2) Amendment No. 53 to Provisional Operating License No. DPR-19 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 30th day of December, 1980.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-1424 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413-A and 50-414-A]

Duke Power Co., North Carolina Electric Membership Corp. and the Saluda River Electric Coop.; 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.

Duke Power Company, North Carolina Electric Membership Corporation and the Saluda River Electric Cooperative

(Catawba Nuclear Station, Units No. 1 and No. 2)

Construction Permit Nos. CPPR–116 and CPPR–117

This Board is being constituted pursuant to a notice published by the Commission on November 14, 1980, in the **Federal Register** (45 FR 75393–94) entitled, "Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters."

This Board is comprised of the following Administrative Judges:

Marshall E. Miller, Esquire, Chairman, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

B. Paul Cotter, Jr., Esquire, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Robert M. Lazo, Esquire, U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 9th day of January 1981.

B. Paul Cotter, Jr.,

Chief Administrotive Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-1428 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–413]

Duke Power Co., North Carolina Electric Membership Corp., Saluda River Electric Coop., Inc., Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit No. CPPR–116. The amendment reflects the addition of North Carolina Electric Membership Corporation and the Saluda River Electric Cooperative, Inc. as new co-owners of the Catawba Nuclear Station, Unit 1 (the facility). Duke Power Company has sole responsibility for the design and construction of the facility, which is located in York County, South Carolina.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendment.

Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this section, see (1) the application for the amendment dated July 1, 1980, and supplemented July 14 and November 20, 1980, (2) Amendment No. 1 to Construction Permit No. CPPR–116, (3) the Commission's related Safety Evaluation, (4) the Environmental Impact Appraisal, and (5) the Negative Declaration supporting the amendment to the construction permit.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. In addition, a copy of the above items (2), (3), (4), and (5) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland the 23rd day of December 1980.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-1426 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50–269, 50–270, and 50–287]

Duke Power Co., Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 90, 90, and 87 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised Technical Specifications for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

The amendments allow an increase in the spent fuel storage capacity from 750 to a maximum of 1312 fuel assemblies in the Unit 1/2 common spent fuel pool through the use of neutron absorbing spent fuel racks.

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. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the **Federal Register** on September 23, 1980 (45 FR 62948). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

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 it will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated July 25, 1980, as supplemented July 1, August 7 and 14, October 15 and 31, and November 3 and December 12, 1980, (2) Amendments Nos. 90, 90, and 87 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. 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 Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. 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 24th day of December 1980.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Acting Chief Operating, Reactors Branch #4, Division of Licensing.

[FR Doc. 81-1425 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–369 OL & 50–370 OL]

Duke Power Co. (William B. McGuire Nuclear Station, Units 1 & 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal

Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Richard S. Salzman.

Dated: January 5, 1981.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 81-1427 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-389A]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 2); Scheduling Prehearing Conference

January 7, 1981.

Before Administrative Judges: Ivan W. Smith, Chairman, Michael A. Duggan, Robert, M. Lazo.

The Atomic Safety and Licensing Board will conduct a prehearing conference in this antitrust proceeding beginning at 1:00 P.M. on February 2, 1981 in the NRC Commission Hearing Room, 5th Floor, East/West Towers Building, 4350 East/West Highway, Bethesda, Maryland 20014, to consider the Joint Motion (filed September 12, 1980) of the Department of Justice, NRC Staff, and Applicant to Approve and Authorize Implementation of Settlement Agreement.

The board will receive advice from the parties on the following:

1. Whether the proposed license conditions would have a material adverse impact upon the intervening Florida cities.

2. Whether the proposed license conditions contain anticompetitive, discriminatory, or unfair provisions which would create or maintain a situation inconsistent with the antitrust laws.

3. If, in the view of the Florida Cities, the proposed license conditions (including Applicant's December 3, 1980 commitments) do not relieve the alleged situation inconsistent with the antitrust laws, what procedures are appropriate to adjudicate remaining issues?

All parties or their counsel are directed to attend.

For the Atomic Safety and Licensing Board.

Robert M. Lazer,

Administrative Judge.

[FR Doc. 81-1429 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Availability of Emergency Preparedness Evaluation For TMI-1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published NUREG-0746, Emergency Preparedness Evaluation for Three Mile Island Unit 1.

This evaluation describes the licensee's conformance to the requirements of 10 CFR 50.47b and the guidance found in NUREG-0654, Revision 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants".

The Three Mile Island Unit 1 Emergency Plan generally meets the requirements of 10 CFR 50.47b and conforms to the guidance found in NUREG-0654, Revision 1 except for a number of specific items which are identified in the evaluation. The licensee must conduct an emergency preparedness exercise with the State and county governments to show that the Plan can be implemented satisfactorily. A finding on the state of preparedness in the environs around the site is due from the Federal Emergency Management Agency. A supplement to this report will include this finding and will address the other items that currently need resolution.

The report is being made available at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania, For public, inspection and copying. The report (Document No. NUREG-0746) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 10th day of December 1980.

For the Nuclear Regulatory Commission

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing

[FR Doc. 81-1430 Filed 1-14-81; 8:45 am]

BILLING Code 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors, Cancellation

The ACRS Subcommittee meeting on Advanced Reactors, January 20-21, 1981 has been cancelled. Notice of this meeting was published on January 6, 1981.

Dated: January 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-1412 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Extreme External Phenomena, Meeting

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on January 29 and 30, 1981 at the Best Western Airport Park Hotel, 600 Ave. of Champions, Inglewood, CA 90301. The Subcommittee will discuss the status of the Seismic Safety Margins Program. Notice of this meeting was published December 22, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, January 29 and 30, 1981

8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-1406 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Fort St. Vrain; Meeting

The ACRS Subcommittee on Fort St. Vrain will hold a meeting on January 27, 1981 at the Fort St. Vrain Visitors Center, 16805 Road 19¼, Platteville, CO (near Longmont, CO). The Subcommittee will review operating experience, degree of success in eliminating the core power fluctuations, plans for testing and operation above 70% of rated power, core performance (fuel and structural), and plans for future operations, modifications, refueling, and shift manning requirements. Notice of this meeting was published December 22, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, January 27, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-1410 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting at 1:00 p.m. on January 28, 1981 at the Best Western Airport Park Hotel, 600 Avenue of Champions, Inglewood, CA 90301. The Subcommittee will discuss requirements for new (beyond Near-Term Construction Permit) reactor plants.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for thsoe sessions during which the Subcommittee finds it necessary to discuss predecisional information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION (9)(B)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, January 28, 1981

1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: January 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-1409 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on San Onofre Units 2 and 3; Meeting

The ACRS Subcommittee on San Onofre Units 2 and 3 will hold a meeting on January 31, 1981 at the Best Western Airport Park Hotel, 600 Ave. of Champions, Ingelwood, CA 90301. The Subcommittee will meet with representatives of the Southern California Edison Company and the NRC Staff to review the seismology and geology related items for San Onofre Units 2 and 3 for an Operating License.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Saturday, January 31, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentions by and hold discussions

with representatives of Southern California Edison Company, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Empolyee, Mr. Gary R. Quittschreiber (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-1411 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export/Import; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day 31st day of December 1980, at Bethesda, Md.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End use	Country of destination
		Total element	Total isotope		
Combustion Engineering, Oct. 9, 1980, Oct. 21, 1980, XR137	Two PWR Reactors—Taiwan Nuclear Units 7 and 8.				Taiwan.
Transnuclear, Inc., Nov. 19, 1980, Nov. 25, 1980, XSNM01494 (01)	Extend the expiration date from June 1, 1981 to June 1, 1982.				Sweden.
Transnuclear, Inc., Dec. 1, 1980, Dec. 2, 1980, XSNM01769	3.35 pct enriched uranium	1,911,000	64,034	Routine reload fuel for Borssele Reactor.	Netherlands.
Exxon Nuclear Co., Dec. 3, 1980, Dec. 8, 1980 XSNM01770	3.40 pct enriched uranium	49,200	1,670	Two reloads of fuel for Biblis A Reactor.	West Germany.
Exxon Nuclear Co., Dec. 2, 1980, Dec. 9, 1980, ISNM80019	2.95 pct enriched uranium 2.85 pct enriched uranium	7,200 14,400	180 350	Conversion of UO_2 to U_3O_8 and return to supplier for future use in Gundremmingen Unit B and/or C.	From West Germany.

[FR Doc. 81-1445 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Proposed Issuance Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company (the licensee), for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 located in Darlington County, South Carolina.

The amendment would revise the provisions in the Technical Specifications relating to the spent fuel pool. This change would permit the licensee to replace some of the storage racks in the present spent fuel pool with high density, poisoned racks, increasing its capacity from 276 fuel assemblies to 534 fuel assemblies, in accordance with the licensee's application for amendment dated December 1, 1980.

Prior to issuance of the proposed licensed amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 17, 1981, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the

petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 [in Missouri (800) 342–6700]. The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch #1, Division of Licensing: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 1, 1980, which is 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.

Dated at Bethesda, Maryland, this 30th day of December 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-1400 Filed 1-14-81; 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 034–4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to present values of heat generation rates that are acceptable to the NRC staff for use as design input for an independent spent fuel storage installation.

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 4, 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 5th day of January 1981.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards of Development.

[FR Doc. 81-1446 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-67 issued to Florida Power and Light Company (the licensee) for operation of the St. Lucie Plant, Unit 1, located in St. Lucie, Florida.

The amendment would revise the license and the technical specifications by upgrading rate power from 2560 Mwt to 2700 Mwt in accordance with the

licensee's application for amendment dated November 14, 1980.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By February 17, 1981, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limittions in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 2055, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri [800] 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark, Chief, Operating Reactors Branch No. 3, Division of Licensing: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Robert Lowenstein, Esq., Lowenstein, Newman, Reis & Axelrad, 1025 Connecticut Avenue, NW, Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors speciifed in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 14, 1980 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida.

Dated at Bethesda, Maryland, this 30th day of December 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-1407 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–09, "Management of Nuclear Power Plants for Safe Operation," has been developed. The Working Group, consisting of Mr. M. J. Burtheret of France; Mr. W. Hofmann of the Federal Republic of Germany; Mr. G. V. Nadkarni of India; Mr. A. Higashi of Japan; and Mr. H. K. Simons of the

United Kingdom of Great Britain and Northern Ireland, developed the initial draft of this Safety Guide from an IAEA collation during meetings on March 24–April 3, and June 2–6, 1980. The Working Group draft was modified by the IAEA Technical Review Committee in a meeting on September 15–19, 1980, and we are soliciting comments on this modified draft. Comments on this draft received by March 2, 1981, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md. this 8th day of January 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-1447 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 44 and 38 to Facility Operating License Nos. DPR-42 and DPR-60 issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications with respect to the current logic for actuation of safety injection and with respect to control rod and power distribution limits.

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 May 6, 1980 as supplemented September 19 and December 2, 1980, (2) Amendment Nos. 44 and 38 to License Nos. DPR-42 and DPR-60 respectively, and (3) 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 Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of December 1980.

For the Nuclear Regulatory Commission.

R. A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-1431 Filed 1-14-81; 8:45 am]

BILLING Code 7590-01-M

[Docket No. 50-344]

Portland General Electric Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment clarifies the definition of the term "operable" as it applies to the Appendix A 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 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 October 29, 1980, (2) Amendment No. 53 to License No. NPF-1 and (3) the Commission's related letters dated April 10 and December 11, 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 Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. 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 11th day of December 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-1432 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment (1) restricts containment purge/exhaust fan operation for the first 285 hours following reactor shutdown during movement of irradiated fuel inside containment, (2) corrects an error with

respect to the minimum water level to be maintained over the reactor vessel during refueling, and (3) adds requirements to provide for redundancy in decay heat removal capability in all modes of operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1980, (2) Amendment No. 54 to License No. NPF-1 and (3) the Commission's related letters dated June 11 and 17, August 15, and December 11, 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 Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. 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 11th day of December, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-1433 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications related to (a) minimum voltages for individual battery cells; (b) the water level maintained in the reactor cavity during movement of spent fuel; and (c) administrative actions concerning radiation protection.

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 March 17, August 22, and September 19, 1980, (2) Amendment No. 28 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 NW., 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 9th day of December, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-1434 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment modifies the five year surveillance base data for the NaOH flow check from the spray additive tank through a sample line near the flow eductors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 11, 1980, (2) Amendment No. 29 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, NW, 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 11th day of December, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-1435 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. 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.

Revision 1 to Regulatory Guide 10.5, "Applications for Type A Licenses of Broad Scope," describes the type and extent of information needed by the NRC staff to evaluate an application for a Type A specific license of broad scope for byproduct material (reactor-produced radionuclides). This guide has been revised as a result of public comment and additional staff review.

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. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific division is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of January 1981.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 81-1448 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0609]

Report Issuance and Availability; Staff Criteria and Guidelines for Evaluation of PWR Systems for Asymmetric LOCA Loads

A task group composed of members from the Nuclear Regulatory Commission (NRC) has prepared a report entitled "Asymmetric Blowdown Loads on PWR Primary Systems," NUREG-0609,, dated December 1980. This report provides the staff resolution of Generic Task Action Plan (TAP) A-2.

The generic study was intitated following notification of the staff of some newly identified asymmetric LOCA loads. These asymmetric loads resulted from postulated double ended ruptures of primary coolant piping in PWR plants. The intention of this study was first to provide the staff with a better understanding of this complicated event and second to develop criteria and guidelines for the staff to evaluate plant analyses for these loads.

The criteria and guidelines provided in this report apply both to operating plants and plants in the licensing process. Specific areas addressed include development of the loading transients, structural evaluation considerations, and fuel evaluation criteria.

Copies of report will be available after January 30, 1981. Copies will be sent directly to utilities, utility groups and associations, and evironmental and public interest groups. Copies will also be forwarded to the applicable Congressional Committees for their information and use. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Commission's local public document room located in the vicinity of existing nuclear power plants. Addresses of these local public document rooms can be obtained by contacting the Chief, Local Public Document Room Branch, Mail Stop 309, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7536.

Dated at Bethesda, Maryland, this 29th day of December 1980.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81-1449 Filed 1-14-81; 8:45]

BILLING CODE 7590-01-M

[Docket Nos. 50-582 and 50-583]

San Diego Gas and Electric Co., Sundesert Nuclear Plant, Units 1 and 2; Withdrawal of Application for Construction Permits

By letter, dated September 11, 1980, San Diego Gas and Electric Company, applicant, withdrew its application to construct and operate the Sundesert Nuclear Plant, Units 1 and 2. The site was located on the mesa in the Palo Verde Valley in the southeastern corner of Riverside County, approximately 16 miles southwest of Blythe, California.

By Order, dated December 22, 1980, the NRC's Atomic Safety and Licensing Board dismissed the proceeding.

Accordingly, the Commission considers the Sundesert 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, NW, Washington, D.C. 20555 and for the next six months at the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, California 92255 and at the San Diego County Law Library, 1105 Front Street, San Diego, California 92101.

Dated at Bethesda, Maryland, this 9th day of January 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-1436 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Availability of Safety Evaluation Report for Geologic and Seismic Aspects of San OnofreNuclear Generating Station, Units 2 and 3

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report (geologic and seismic aspects) relating to the proposed operation of the San Onofre Nuclear Generating Station, Units 2 and 3, to be located in San Diego County, California. Notice of receipt of the application by the Southern California Edison Company, the San

Diego Gas and Electric Company, the City of Anaheim, California, and the City of Riverside, California to operate the San Onofre Nuclear Generating Station, Units 2 and 3 was published in the Federal Register on April 7, 1977 (42 FR 18460).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Veijo, California, for inspection and copying. The report (Document No. NUREG–0712) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 31st day of December 1980.

For the Nuclear Regulatory Commission.

Bart Buckley,

Acting Chief, Licensing Branch No. 3, Division of Licensing

[FR Doc. 81-1437 Filed 1-14-81; 8:45 a.m.]

BILLING CODE 7590-01-M

[Docket No. STN 50–483]

Union Electric Co., Callaway Plant, Unit 1; Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the Union Electric Company has filed an Environmental Report, dated October 19, 1979, in support of its application to operate the Callaway Plant, Unit 1, to be located in Callaway County, Missouri. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555 and at the Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and at the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130. Copies of the report are also being made available at the Office of Administration, Division of Budget and Planning, P.O. Box 809, State Capitol, Jefferson City, Missouri 65101 and at the Mid-Missouri Council of Governments, 830 East High Street, Jefferson City, Missouri 65101.

After the environmental report has been analyzed by the Office of Nuclear Reactor Regulation staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the Federal Register, a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the Federal Register.

Dated at Bethesda, Maryland, this 29th day of December 1980.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-1438 Filed 1-14-81; 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. 61 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate the limiting conditions for operation associated with cycle 8 operation, a change in the factor for adjusting fuel power density calculations, a surveillance requirement for faster response from the reactor protective system, and certain administrative changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commissions's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the 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 August 19, 1980, as supplemented October 7 and 23, and November 21, 1980, (2) Amendment No. 61 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. 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 18th day of December 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-1440 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station); Issuance of Director's Decision Under 10 CFR 2.206

Ms. Virginia Callan and Mr. Cort Richardson by letter dated November 27, 1980, on behalf of the Vermont Yankee Decommissioning Alliance, as well as several other individuals,[1] have requested that the Commission conduct a full and public investigation into the operation and safety of the Vermont Yankee Nuclear Power Plant, that a public hearing be held on the findings of such investigation, and that the facility remian shutdown[2] until the requested investigation and hearinge are completed.

Ms. Callan and Mr. Richardson's letter has been treated as a request for action under 10 CFR 2.206 and has been referred to the Commissions Office of Inspection and Enforcement. Upon

[1] Randolph Wilson of South Royalton, Vermont; Leslie J. Dowling of Brattleboro, Vermont; Lisa Limont and others on behalf of the Ad Hoc Citizens Group for Safety at Vermont Yankee, of Greenfield, Massachusetts; MacNeil of Greensboro, Vermont; and Jean V. Lowell of Holland, Vermont.

[2] As of the date of Ms. Callan and Mr. Richardson's letter, the Vermont Yankee facility was shutdown for refueling and miscellaneous repairs.

review of this matter, the Director has determined that resumption of power operation of the named facility will not jeopardize public health and safety and that a full and public investigation into the issues raised by Ms. Callan and Mr. Richardson is not warranted. Accordingly, the request has been denied.

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05321. A copy of the decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), the decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Bethesda, Maryland this 29th day of December, 1980.

R. C. DeYoung,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 81-1430 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 62 and 62 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised the licenses of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments require a secondary water chemistry monitoring program to inhibit steam generator tube degradation. The acceptability of these new secondary water chemistry monitoring requirements is contained in our letter of August 1, 1979, which constitutes our Safety Evaluation of this matter.

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 they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) Amendment Nos. 62 and 62 to License Nos. DPR-32 and DPR-37, (2) NRC letter dated August 1, 1979, and (3) the Commission's letter dated October 3, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (1), (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 18th day of December 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-1441 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 23 and No. 3 to Facility Operating Licenses No. NPF-4 and No. NPF-7, issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 and Unit No. 2 (the facilities) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments delete the limiting conditions for operation relating to aquatic ecology set forth in the Appendix B Environmental Technical Specifications.

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 is a ministerial action required as a matter of law and that an environmental impact assessment need not be prepared.

For further details with respect to this action, see (1) the application for amendments dated October 15, 1980 and as revised December 23, 1980 and; (2) Amendments No. 23 and No. 3 to Facility Operating License No. NPF-4 and NPF-7 and; (3) the Commission's related letter dated 1980. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of December, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-1442 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to the Facility Operating License No. NPF-7, issued to Virginia Electric and Power Company for the North Anna Power Station, Unit No. 2, which changes certain conditions in the license. The amendment is effective as of its date of issuance.

The amendment changes the required implementation dates for certain post-TMI requirements. It also changes the required implementation date regarding the implementation of modifications associated with IE Bulletin 79-27, "Loss of Non-Class IE Instrumentation and Control Power System Bus During Operation."

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. 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.[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) Virginia Electric Power Company letters dated November 20, 1980, December 15, 1980 and December 18, 1980, (2) Amendment No. 2 to Facility Operating License No. NPF-7, 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. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. 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.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Divison of Licensing.

[FR Doc. 81-1443 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-24, and Amendment No. 51 to Facility Operating License No. DRP-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowac County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments eliminate procedural steps for testing of the containment spray additive valves.

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 September 30, 1980, (2) Amendment No. 46 and 51 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. 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 17th day of December, 1980.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-1444 Filed 1-14-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; New System of Records

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of proposed new system of records.

SUMMARY: The NRC is proposing to establish a new system of records subject to the Privacy Act. The system will be identified as NRC-14, Employee Alcoholism and Drug Abuse Program Files. The purpose of the system is to enable the system manager to maintain confidential records pertaining to the counselling, referral, and treatment process of individuals seeking assistance through the program.

DATE: Comments are due on or before February 17, 1981.

ADDRESS: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Phone: (301) 492-8133.

SUPPLEMENTARY INFORMATION: The proposed new system, "Employee Alcoholism and Drug Abuse Program Files," NRC-14, will consist of confidential records taken by the system manager during the course of his counselling with an NRC employee or any members of the employee's family. The records will also be used for statistical purposes in conjunction with the 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 December 30, 1980.

All interested persons who desire to submit written comments or suggestions for consideration in connection with this Notice of Proposed New System of Records should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, by February 17, 1981. Copies of comments received will be available for inspection and copying at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC.

Dated at Bethesda, Maryland, this 31st day of December 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

SYSTEM NAME:

Employee Alcoholism and Drug Abuse Program Files—NRC

SYSTEM LOCATION:

Office of Administration, U.S. Nuclear Regulatory Commission, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and/or family members who have been counselled by or referred to the Manager of the Employee Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of NRC employees and/or their families who have been referred to the Manager of the Employee Alcoholism and Drug Abuse Program for counselling, and the results of any counselling which may have taken place. The records contain information as to the nature of each individual's problem, progress, and subsequent treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 4561; 21 U.S.C. 1180.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For statistical reporting purposes.

b. Any disclosure of information pertaining to an individual will be made in compliance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information accessed by name of the individual counselled.

SAFEGUARDS:

Files are maintained in a safe under the immediate control of the Manager of the Employee Alcoholism and Drug Abuse Program.

RETENTION AND DISPOSAL:

Retained for one year after successful completion of treatment or other termination of contact, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Employee Alcoholism and Drug Abuse Program, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information compiled by the Manager of the Employee Alcoholism and Drug Abuse Program during the course of his counseling with an NRC employee and/or members of the employee's family.

[FR Doc. 81-1450 Filed 1-14-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Soil Conservation Service
Application for Payment
SCS–FNM–141
Nonrecurring
Farms, Businesses or other institutions, Farmers
SIC: 011, 013, 016, 017, 018, 021, 024, 025
Small businesses or organizations
Conservation and land management; 24,600 responses, 6,150 hours, $253,663 Federal cost, 1 form
Charles A. Ellett, 202–395–7340
The form is used by participants (predominately farmers and ranchers) to apply for Federal cost-share payments under the great plains conservation, rural abandoned mines, resource conservation and development, and watershed and flood prevention programs. Information used to pay participants.

• Food and Nutrition Service
Pilot Retailer/Bank Food Stamp Redemption Certificate
FNS–278 Test Form
On occasion
Businesses or other institutions
Retail food stores and commercial banks
SIC: 514, 541, 602
Small businesses or organizations
Public assistance and other income supplements; 709,668 responses, 9,857 hours, $204,380 Federal cost, 1 form
Charles A. Ellett, 202–395–7340
Section 10 of the Food Stamp Act requires USDA to issue regulations providing for the redemption of food stamps. The subject form will be used for a test in Georgia that is designed to improve the accountability for food stamps redeemed and reduce fraud and abuse by retail firms participating in the program.

Revisions

• Economics and Statistics Service
Fruit Grower Inquiry
Other—See SP83
Farms
Fruit growers
SIC: 017
Small businesses or organizations
Agricultural research and services, 24,080 responses; 3,432 hours; $240,000 Federal cost, 12 forms
Off. of Federal Statistical Policy and Standard, 202–673–7974
Provides data to estimate production, disposition and crop value for applies, cherries, grapes, peaches, pears and prunes. Data collected to estimate apple production by variety plus end-of-season production of bush berries, almonds, grapefruit, lemons, oranges and tangerines. Estimates used by fruit and related industries in production and marketing decisions.

• Farmers Home Administration
7 CFR 1944–A, Rural Housing Loan Policies, Procedures and Authorizations
FMHA–431–3, 440–34, 1944–6, 6A, 1944–12, and 1944–36
On occasion
Individuals or households
Individuals applying for rural housing loans
Area and regional development, 555,250 responses; 306,960 hours; $933,040 Federal cost, 1 form
Charles A. Ellett, 202–395–7340
Title V of the Housing Act of 1949, as amended, authorizes rural housing loans to low and moderate-income applicants. Regulation contains pro to determine loan eligibility.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Revisions

• International Trade Administration
Exhibitor's Report
ITA–4075P
On occasion
Businesses or other institutions
Partic. or exhibitors in commerce overseas prom. events
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce; 3,500 responses, 875 hours, $40,000 Federal cost, 1 form
William T. Adams, 202–395–4814
Required to provide the necessary data for evaluation of the performance of the overseas promotional events of export development (ED). The data collected is used to provide feedback for program managers to use in determining the performance of different overseas marketing events and for ED and ITA management by describing the overall performance of overseas promotional programs.

• Bureau of the Census
Selected instruments and related products
MA–38B
Annually
Businesses or other institutions
Manufacturers of selected instruments and related products
SIC: 381, 382, 383, 349
Small businesses or organizations
Other advancement and regulation of commerce; 1,830 responses, 1,830 hours, $3,315,000 Federal cost, 1 form
Off. of Federal Statistical Policy and Standard, 202–673–7974
This survey was begun in 1961 to provide quantity and value of shipments for various types of selected instruments and related products. Government agencies use the data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for market share analysis and long-term planning.

Extensions (Burden Change)

• Maritime Administration
Manual of General Procedures for Determining Operating—Differential Subsidy Rates
MA–344, MA–347, MA–421, MA–422, MA–790
On occasion, annually
Businesses or other institutions
Shipping companies
SIC: 446
Water transportation; 1,035 responses, 991 hours, 4 forms
William T. Adams, 202–395–4814
The payments of operating-differential subsidy made to ship operators are based upon subsidy rates developed from the subject reports. These reports are required under contractual agreements (46 CFR 252.31, 252.33, 252.34, 281.1).

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
College Market Study
Nonrecurring
Individuals or households
College youth
Department of Defense-Military; 6,750 responses, 3,375 hours, $230,000 Federal costs, 2 forms
Kenneth B. Allen, 202–395–3785
Determine propensity of college students for officer programs, especially engineers and women. Determine policy and program initiatives to offset current difficulties in recruiting qualified individuals as officers. Obtain information on perceptions and knowledge of service opportunities used by recruiting commands/DOD staffs to tailor specific programs to accomplish recruiting objections.

• Department of the Navy
Drug Statement for NROTC Applicants
1131/5
Annually
Individuals or households
Student Scholarship Applicants
Department of Defense-Military; 7,650 responses, 1,912 hours, $1,155 Federal Cost, 1 form
Edward C. Springer, 202–395–4814

To provide NROTC scholarship program selecting officials a means to make a determination of pre-service drug abuse/use and waiver eligibility.

• Department of the Navy
Medical/Dental School Internship Computation PEBD
NAVCRUIT 1131/7
On occasion
Businesses or other institutions
Institution/hospital officials
Department of Defense-Military; 1,000 responses, 150 hours, $580 Federal cost, 1 form
Edward C. Springer, 202–395–4814
To determine physicians pay entry base date from the civilian training they receive.

• Department of the Navy
Reference Questionnaire—Reserve Officers Training Corps
NAVCRUIT 1131/8
Annually
Businesses or other institutions
High school teachers/staff
Department of Defense-Military; 23,000 responses, 5,750 hours, $6,915 Federal cost, 1 form
Edward C. Springer, 202–395–4814
Information must be gleaned from NROTC scholarship program applicant's high school math and english teachers, as well as principals, guidance counselors, coaches, concerning their personal and academic qualifications for selection.

Department of the Navy
Annual or Final Accounting Report by Trustee of Incompetent
Naval personnel and supplemental report to annual or final accounting report trustee of incompetent naval personnel
NAVJAG 5800/13 & 5800/13A
Annually
Individuals or households
Trustee of incompetent naval personnel
Department of Defense-Military; 800 responses, 1,600 hours, $37,750 Federal cost, 2 forms
Edward C. Springer, 202–395–4814
Report the receipt and expenditure of active duty and retired pay of a member of the naval service who has been incapable of managing his/her financial affairs.

• Department of the Navy
NROTC Navy-Marine Corps Scholarship Application
1131/6
Annually
Individuals or households
Student scholarship applicants
Department of Defense-Military; 25,000 responses, 6,250 hours, $4,788 Federal cost, 1 form
Edward C. Springer, 202–395–4814
To enable Navy processing activities to identify those students who wish to compete for a scholarship and to contact them for college board testing, score submission, or physical examination and processing appointments.

• Department of the Navy
Application for Commissioned or Warrant Rank, USN or USNR
NAVCRUIT 1100/11
On occasion
Individuals or households
Applicants
Department of Defense-Military; 12,000 responses, 6,000 hours, $9,400 Federal cost, 1 form
Edward C. Springer, 202–395–4814
To determine qualifications of applicants for naval service and for specific fields of endeavor which the applicant intends to pursue. This review of qualifications is to ensure applicants meet the mental and moral requirements established by title 10, U.S.C. and the Secretary of the Navy.

Extensions (Burden Change)

• Department of the Air Force
Status Letter of Service Engineering Contracts
On occasion
Businesses or other institutions
Defense Contractors
Department of Defense-Military; 600 responses, 3,200 hours, 0 form
Edward C. Springer, 202–395–4814
Means of managerial control used by AFLC engineers to ensure performance on engineering contracts and to inform OPRS of technical progress to date, general trends, and plans. Scope, content, and frequency of a particular report is an engineering decision and is incorporated into the contract.

Extensions (No Change)

• Department of the Army
AMC Test Facilities Register
Annually
Businesses or other institutions
Contract equipment or material testing facility
Small businesses or organizations
Department of Defense-Military; 50 responses, 200 hours, 1 form
Andy Uscher, 202–395–4814
In order to prevent duplication of equipment and material testing by contractor and the Army, a register of testing facilities is maintained. The policy then becomes to use one integrated test cycle.

• Departmental and others
Industrial Equipment Modernization Program
Post Analysis Report
DD–1651
Annually
Businesses or other institutions
Defense contractors
Small businesses or organizations
Department of Defense-Military; 50 responses, 0 hours, 1 form
Kenneth B. Allen, 202–395–3785
Report is utilized to evaluate results of equipment modernization or replacement as a post program assessment of economic benefits predicted in the basic justification.

• Department of the Air Force
Status of Facilities Contract
AF 3003
Quarterly
Businesses or other institutions
Mfgr as defense contr. with gov't owned fac. or fac. contr.
Small businesses or organizations
Department of Defense-military; 450 responses, 960 hours, 1 form
Edward C. Springer, 202–395–4814
Form is designed primarily as a status report to provide information for the management of the Air Force industrial facilities program. Funding and expenditure information, as provided by Air Force contractors, provides status and funds forecast required for the control of industrial facilities appropriations.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464.

New

• Departmental and Others
Discussions With Electric Utilities Regarding Oil/Gas Backout
RA–427
Nonrecurring
Businesses or other institutions
Electric util. using oil-fired and gas-fired boilers
SIC: 491
Multiple functions; 25 responses, 500 hours, $650,000 Federal cost, 1 form
Jefferson B. Hill, 202–395–7340
This nonrecurring discussion guide will be used to conduct discussions with electric utilities to assess barriers to, and identify possible means to, increase utility decisions to convert existing powerplants now using petroleum and/or natural gas as a fuel.

• Departmental and Others
SWHPP—Customer Monitoring Card
BP–705A
Monthly
Individuals or households
Residential utility customers in the Pacific Northwest
Energy supply; 168 responses, 14 hours, $6,600 Federal cost, 1 form

Jefferson B. Hill, 202–395–7340
The Bonneville Power Administration has developed the solar water heating pilot program (SWHPP) to encourage utility customers to install their own solar water heating systems. This data collection will be used in monitoring the results of the system installations.

• Departmental and Others
SWHPP—System Inspection and Site Visit Report
SWHPP—Workshop evaluation
BP–705B BP–705C
Nonrecurring
Individuals or households
Residential utility customers in the Pacific Northwest
Energy supply; 450 responses, 150 hours, $6,000 Federal cost, 2 forms
Jefferson B. Hill, 202–395–7340
The Bonneville Power Administration has developed the solar water heating pilot program (SWHPP) to encourage utility customers to install their own solar water heating systems. This data collection will monitor the effectiveness of the workshops, followup on the systems installed, and account for financial transactions.

• Departmental and Others
SWHPP—Monthly Financial Summary Statement
BP–705D
Monthly
Business or other institutions
Electric utilities
SIC: 491
Energy supply; 150 responses, 75 hours, $900 Federal cost, 1 form
Jefferson B. Hill, 202–395–7340
The Bonneville Power Administration has developed the solar water heating pilot program (SWHPP) to encourage utility customers to install their own solar water heating systems. This data collection will be used to account for financial transactions between Bonneville and the utilities participating in the program.

• Conservation and Solar Energy
Energy Auditor Training and Certification Grant Program
CS–720
Annually
State or local governments
State gov't. includ. the District of Columbia, Puerto Rico, the Virgin Islands, Guam, etc.
SIC: 919
Multiple functions; 56 responses, 13,400 hours, $51,500 Federal cost, 1 form
Jefferson B. Hill, 202–395–7340
The purpose of this program is to provide grants to States to encourage the training and certification of individuals to conduct energy audits.

Extensions (no change)

• Economic Regulatory Administration, Wholesale Purchaser Resellers Certification of Distribution to Purchase for Uses Under an Allocation Level Not Subject to an Allocation Fraction
ERA–137
On occasion
businesses or other institutions
Wholesale purchaser–resellers of pertoleum products
Small Businesses or organizations
Energy information, policy, and regulation; 120,000 responses, 240,000 hours, 1 form
Jefferson B. Hill 202–395–7340
Provides means by which a wholesale purchaser-reseller certifies to its disposition of quantities of product supplied to it for ultimate use under allocation levels not subject to an allocation fraction.

• Economic Regulatory Administration
State Action on Application for Hardship or Emergency Relief
ERA–136
On occasion
State or local governments
State offices of petroleum allocation
Energy information, policy, and regulation; 5,000 responses, 5,000 hours, 1 form
Jefferson B. Hill 202–395–7340
Used by State offices of petroleum allocation to respond to a hardship or emergency condition petition on form ERA–135 from a wholesale purchaser-consumer or an end-user for assignment of a petroleum product in the State set-aside. Set-aside is in effect for motor gas and propane.

• Economic Regulatory Administration
Application for State for Petroleum Hardship or Emergency Relief
ERA–135
On occasion
Businesses or other institutions
Wholesale purchaser-consumers and end-users of petroleum prod
Small businesses or organizations
Energy information, policy, and regulation; 5,000 responses, 5,000 hours, 1 form
Jefferson B. Hill 202–395–7340
Provide the means for wholesale purchaser-consumers and end-users to obtain temporary relief from hardship or emergency conditions which result from the applicant's inability to obtain a sufficient quantity of petroleum product which is subject to Stateset-aside.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

New

• Human Development Services
Title XX State Administrative Plan
On occasion
State or local governments
State title XX agency in the 50 states and the District of Columbia
SIC: 832
Social services; 4 responses, 16 hours, $660 Federal cost, 1 form
Gwendolyn Pla, 395–6880
Pub. L. 93–647, Social Security Amendments of 1974, mandates that each State which participates in the title XX program must operate under an approved administrative plan which must be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any State law, organization, policy of State agency operation.

• Social Security Administration
Of Long-Term Disability Income Protec in Private Industry (Pretest)
SSA–4669
Nonrecurring
Businesses or other institutions
Private employ. and their disability plan administrators
SIC: 637
Small Businesses or organizations
General retirement and disability insurance; 250 responses, 167 hours, $430,748 Federal cost, 2 forms
Barbara F. Young, 202–395–6880
This pretest will be used for study designed to determine the extent and adequacy of disability protection under private plans and the overlaps and gaps in coverage between the private plans and the SS disability program. The information will be obtained through a mail survey of the private firms along with extraction of plan coverage data from their documents.

• Office of Assistant Secretary for Health
NCHS Data Tape Questionaire
Nonrecurring
State or local governments/businesses or other institutions
State and local health agency, academic personnel, etc.
SIC: 806, 822, 862, 869, 892, 943
Small businesses or organizations
Health; 400 responses, 66 hours, $2,000 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880
The proposed questionaire will aid NCHS in collecting the necessary information to plan more effecively a

second microdata tape users conference. The questionaire will be mailed on January 12 to organizations whose staff attended the first conference and others who have previously used NCHS data.

• Human Development Services
Impact Measures for the RAP evaluation annually
State or local governments/businesses or other institutions Sample of Head Start grantees in each RAP service area State, etc.
SIC: 835
Education, training, employment, and social services; 455 responses, 69 hours, $50,416 Federal cost, 2 forms
Gwendolyn Pla, 202–395–6880
RAP evaluation impact measures assess quality and impact of RAP Services on Head Start clients and document interaction between RAP's and public agencies to advance the interests of preschool handicapped children. (Results will be used by ACYF to make management decisions about the RAP network.)

• National Institute of Health
National Eye Institute Construction Application: Supplemental Instructions
PHS 5162–1
Nonrecurring
Businesses or other institutions
Eye research institutions
SIC: 862, 869, 821
Health; 50 responses, 1,200 hours, $5,000 Federal cost, 1 form
Gwendolyn Pla, 202–395–6880
NEI program objectives and intent must be made available to the public. DHHS grants administration policy requires instructions to be made available regarding clearinghouse procedures. Environmental impact statements and design standards. Information will be used by clearinghouses and NEI staff to ascertain that all laws, rules, and regulations have been complied with.

• Centers for Disease Control
Required Registration, Recordkeeping, and Reporting by Importers of Nonhuman Primates
On occasion
Businesses or other institutions
Importers of nonhuman primates
SIC: 842, 799
Small businesses or organizations
Health; 960 responses, 318 hours, $12,550 Federal cost, 3 forms
Gwendolyn Pla, 202–395–6880
A regulation was established restricting importation of nonhuman primates to prevent unnecessary illness and death. The forms in this package provide compliance with the regulation that importers register with CDC, keep records and report on illnesses in shipments received within 31 days of importation, and record and report outgoing shipments within 90 days.

• Departmental Management
Application for Reimbursement of Expenses
OS–29–80
Nonrecurring
Individuals or households/businesses or other institutions
Foster parents, adoptive parents, birth parents, etc.
SIC: 836
Small businesses or organizations
Public assistance and other income supplements; 300 responses, 300 hours, $38,352 Federal cost, 1 form
Barbara P. Young, 202–395–6880
The application form is needed and will be used to determine whether applicants meet the three criteria for reimbursement under a demonstration project to assist those wishing to comment on proposed regulations implementing the Adoption Assistance and Child Welfare Act of 1980.

• Health Care Financing Administration
Medicare Reimbursement Settlement Date for Outpatient Physical Therapy Providers
HCFA–241
Annually
Businesses or other institutions
Outpatient phys. therapy prov. who partic. in medicare, etc.
SIC: 808
Small businesses or organizations
Health care services; 27 responses, 20 hours; $10 Federal cost; 1 form
Richard Eisinger, 202–395–6880
This form is used at cost settlement by the intermediary. It shows which services have been paid by the intermediary and which remain to be paid as of the date of final settlement. This information allows the intermediary and provider to reconcile their records. The information is not othewise available.

• Food and Drug Administration
Good Manufacturing Practices for Blood and Blood Components
On occasion
Businesses or other institutions
Blood banks, plasmapheresis centers, blood derivative, etc.
SIC: 283 809
Consumer and Occupational Health and Safety; 12,000,040 responses, 3,000,040 hours; $685,000 Federal cost; 1 form
Gwendolyn Pla, 395–6880
The GMP regulations for the collection, processing, and storage of blood and blood components are intended to minimize the dangers of hepatitis in blood-based therapy and to assure the production of blood and blood components of uniform high quality.

• Food and Drug Administration
FDA requirements to obtain investigational status for a new animal drug
On occasion
Businesses or other institutions
Pharmaceutical manufacturers, mbrs. of the medical prof. etc.
SIC: 283
Small businesses or organizations
Consumer and occupational health and safety; 1,750 responses, 17,500 hours; $320,000 Federal cost; 1 form
Gwendolyn Pla, 395–6880
Information must be provided by the respondent to insure proper control of the use of unapproved or approved new animal drugs for unapproved uses in animals. The information must define user (scientific investigator), shipment, drug identity, tests and data, and specific requests for use of drugs in food-producing animals.

• Departmental Management
Community Survey for the Evaluation of Rural Primary Care Delivery Models
OS–21–80
Nonrecurring
Individuals or households
Residents of rural comm. served by primary care programs
Public assistance and other income supplements; 15,600 responses, 10,140 hours; $850,000 Federal cost; 3 forms
Gwendolyn Pla, 395–6880
This survey is designed to collect data on rural resident's access to primary health care, and utilization and expenditure for health care. Data from this survey will be merged with data with earlier tiers (see supporting statement) to evaluate the relative effectiveness of innovative primary care programs.

• Health Care Financing Administration
Form HCFA–231, "Compensation Survey of Key Administrative Employees"
HCFA–231
Nonrecurring
Businesses or other institutions
Random samp. of propri./nonpropri., urban/rur., large/sm., etc.
Health care services; 667 responses, 334 hours; $15,210 Federal cost; 1 form
Richard Eisinger, 202–395–6880
This survey will be administered once every 3 years to a random sample of health care providers. It will gather data on the compensation of key administrative employees. The results of the survey will be published as guidelines for intermediaries in

determining the reasonableness of compensation for key administrative employees.

• Health Care Financing Administration
750511
HCFA-317
Annually
State or local governments
State agency administering medicaid program
Health; 53 responses, 21,200 hours; $477,899 Federal cost; 1 form
Richard Eisinger, 202-395-6880
MQC is a State administered management system designed to improve the administration of the medicaid program. States are required to submit a corrective action plan once a year. The plan must detail the initiative the State will implement to reduce the types of errors identified in the review process.

• Health Care Financing Administration
Request for Medicare Payment by Medicare Mental Health Demonstration Facility
HCFA-237
On occasion
Businesses or other institutions
Community Mental Health Centers and other non-hosp.-based, etc.
SIC: 808
Small businesses or organizations
Health; 30,000 responses, 6,000 hours; $43,500 Federal cost; 1 form
Richard Eisinger, 202-395-6880
Need: Demonstration to determine the impact of reimbursing freestanding community health centers and other non-hospital-based mental health settings on a cost related basis.
Use: Billing form will be used by participating facilities to receive reimbursement for services covered under the waivers.

• Health Care Financing Administration
State Medicaid QC Sampling Plans
HCFA-317
Semiannually
State or local governments

State medicaid agency quality control units

Health Care Services; 106 responses, 2,544 hours; $18,676 Federal cost; 1 form
Richard Eisinger, 202-395-6880
Before implementation, a State must submit specific documentation of sampling plan for MQC. The plan must meet minimum qualifications regarding sample size, selection procedure, and claims collection procedure. A subsample of the State sample is selected for revalidation to aid in determining the efficiency of the State program in meeting the medical needs of the targeted populations.

• Food and Drug Administration
Mandatory Experience Reporting Regulation
On occasion
Businesses or other institutions
Medical device manufacturers and distributors
SIC: 383 384 385 369
Consumer and occupational health and safety; 2,247 responses, 2,733 hours; $20,000 Federal cost; 1 form
Richard Eisinger, 202-395-6880
Information will become part of the agency's ongoing surveillance activities and will be used to detect and investigate any hazards and/or violations of the Federal Food, Drug and Cosmetic Act.

• Office of Assistant Secretary for Health
Evalution of Application of Several Existing National Data Collection Methodologies To Selected Smagraphic Areas
Nonrecurring
Individuals or households/businesses or other institutions pop., physicians, and hosp. in four ct. in the Fla. gulf area
SIC: 801 806 808
Small businesses or organizations
Health; 8,061 responses, 908 hours; $371,882 Federal cost; 7 forms
Gwendolyn Pla, 395-6880
The application of several MCHS data collection mechanisms to a selected small geographic area will permit NCHS to evaluate the methodologies, content and analytic capacity of the national surveys. This study will also provide an estimate of the costs and benefits from conducting these surveys on a linkage basis in the same area.

Revisions

• Social Security Administration
Claim for Amounts Due in the Case of a Deceased Beneficiary
SSA-1724
On occasion
Individuals or households
Relatives or legal representative of a deceased bene.
General retirement and disability insurance; 300,000 responses, 50,000 hours; $30,000 Federal cost; 1 form
Barbara F. Young, 202-395-6880
Section 204(d) of the Social Security Act and the Federal Coal Mine Health and Safety Act provide that, if an individual dies before benefit payments have been completed, the amount due will be paid to persons meeting specified qualifications. This form is used to determine who is highest on the priority list for payment.

• Human Development Services
Survey of Head Start Handicapped Efforts
Annually
Businesses or other institutions
Head Start Directors
SIC: 835
Education, training, employment, and social services; 1,870 responses; 1,965 hours; $91,000 Federal cost; 1 form
Gwendolyn Pla, 395-6880
To report to Congress at least annually on the status of the handicapped children in Head Start programs. The data is used to reflect the progress of Head Start toward meeting legislative directives, for program planning, for monitoring program compliance with the mandate, assessing staff training and technical assistance needs, and planning for the allocation of resources to service handicapped children.

• Health Resources Administration
Survey Instrument for Health Planning Performance Evaluation Program
On occasion
Businesses or other institutions
Staff of State and local health planning agencies
SIC: All
Health; 40 responses; 120 hours; $22,418 Federal cost; 1 form
Gwendolyn Pla, 395-6880
The survey will collect information on the impact of health systems agencies (HSAS) in improving the availability and accessibility of primary care and on the strategies and methods employed by HSAS in achieving desired changes. Information obtained will document the process being made by the health planning program and will be used for program management, policy development, and as a basis for the development of technical assistance for the health planning agencies.

Extensions (No Change)

• Health Care Financing Administration
Postpayment Medical Review (Abuse Cases) Summary Report Form
HCFA-52, 53, and 54
Quarterly
State or local governments
Medicaid State agen. partic. in Fed. medicaid program
Health; 212 responses, 106 Hours; 3 Forms
Richard Eisinger, 202-395-6880
This data collection is necessary as a recordkeeping device for both individual case control and also overall workload control. It is relevant in light of current intense interest in medicaid abuse detection and prevention activities. The data will

also be used by the program integrity regional offices and central office for the purpose of analysis of patterns and trends in the abuse area.

• Social Security Administration
Quarterly Workload and Activity Report—Supplemental Security Income Program
SSA–8713A
Quarterly
State or local governments
State agencies
Public assistance and other income supplements; 120 responses, 240 hours; 1 form
Barbara F. Young, 202–395–6880
Under the provisions of Public Laws 92–603 and 93–66, States that elect Federal administration of mandatory supplementation or mandatory and optional suppplementation will be reimbursed for all reasonable and necessary costs incurred in gathering, compiling, and providing data requested. The information on this form is used in assessing the impact of the State workload. Individually and nationally, on program planning, as a measure of operating progress, and for budetary and

Reinstatements

• Health Care Financing Administration
General Intermediate Care Facility Survey Report
HCFA–3070 and A thru D
Annually
Businesses or other institutions
A pub. or priv. FAC that has made appli. for or is parti., etc.
SIC: 805
Small business or organizations
Health; 14,156 responses, 87,700 hours; $28,405,000 Federal cost; 5 forms
Richard Eisinger 202–395–6880
In order to participate in the medicare and medicaid programs, ICFS and ICF/NR's must meet certain Federal statutory and regulatory requirements. This information collection is used to determine if the facility is in compliance with established standards.

• Health Care Financing Administration
Prepayment Plan for Group Medical Practices Dealing Through a Carrier
SSA1566 HCFA–1556 On Occasion
Business or other institutions group pract. Prepayment plans which provide med. services small business or organizations health 1,000,000 responses 166,666 hours 1 form
Richard Eisinger 202–395–6880
This form is used by group prepayment plans to apply for Part-B Medicare Reimbursement.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184.

Revisions

• Community Planning and Development
Community Development Block Grant Small Cities Comprehensive Application Package, and Community Development Block Grant Small Cities Single Purpose Grant Application
HUD–7065a, 7065s, 7095, 7084, 4329, 4007
Anually
Government
Comm. under 50,000, non-urban counties, and States
Community Development; 13,300 responses, 427,150 hours; 2 forms
Richard Sheppard
Public Law 93–383, section 104 and Public Law 95–128, sections 104 and 105 require HUD to establish application forms for the CDBG programs. In particular, Public Law 93–383, section 104(a)(4) requires a "Housing Assistance Plan."

*OMB has approved the use of this current information requirement as revised by HUD before the 10-day waiting period expires to permit respondents to benefit as soon as possible from revisions simplifying and reducing the report. HUD also provided evidence of appropriate advance consultation with respondents.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6341

New

• Occupational Safety and Health Administration
4–Aminodiphenyl 29 CFR 1910.1011(f)—Reports on Regulated Areas and Exposure Incidents
OSHA–161
On occasion
Businesses or other institutions
Bus. estab. where this subst. is manuf., processed, etc.
SIC: 281 282 285 286 289
Small businesses or orgainizations
Consumer and occupational health and safety; 50 responses, 50 hours; $0 Federal cost; 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated carcinogens.

• Occupational Safety and Health Administration
Benzeinine 29 CFR 1910.1010(f)—Reports on Regulated Areas and Exposure incidents
OSHA–167
On occasion
Businesses or other institutions Bus. Estab. where this subst. is manuf. processed, etc.
SIC: 282 285 286 289
Small business or organizations
Consumer and occupational health and safety; 25 responses, 75 hours; $0 Federal cost; 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated carcinogens.

• Occupational Safety and Health Administration
Beta-Maphthylamine 29 CFR 1910.1009(f)—Reports on Regulated Areas and Exposure Incidents
OSHA–166
On occasion
Businesses or other institutions Bus. estab. where this subst. is manuf., processed. etc.
SIC: 281 282 285 286 289
Consumer and occupational health and safety; 50 Responses, 100 hours; $0 Federal cost; 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated carcinogens.

•Occupational Safety and Health Administration
3, 3' Dichlorobenzidine 29 CFR 1910.1007(f)—Reports on Regulated areas and Exposure Incidents
OSHA–168
On occasion
Businesses or other institutions
Bus. estab. where this subst. is manuf., processed, etc.
SIC: 281 282 285 286 289
Small businesses or organizations
Consumer and occupational health and safety; 75 responses, 300 hours; $0 Federal cost; 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee emposure to these regulated carcinogens.

• Occupational Safety and Health Administration

Consultation IH Sampling Reports
OSHA–172
Other—See SF83
State or local governments
State employees SIC: 922
Consumer and occupational health and safety; 231 responses, 25,000 hours; $0 Federal cost; 1 form
Arnold Strasser, 202–395–6880
The I. E. sampling reports would provide information regarding sample accountability as well as technical information concerning the analysis of samples obtained during consultation visits.

• Occupational Safety and Health Administration
Bis-Chloromethyl Ether 29 CFR 1910.1008(f)—Reports on Regulated Areas and Exposure incidents
OSHA–169/OSHA–184
On occasion
Businesses or other institutions
Bus. estab. where this subst. is manuf., processed, etc.
SIC: 281, 282, 285, 286, 289
Small businesses or organizations
Consumer and Occupational Health and Safety; 55 responses, 450 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated substances.

• Occupational Safety and Health Administration
Other Supplemental Assurances
OSHA–179
On occasion
Businesses or other institutions
Labor organs., edu. instit., employ assoc. and other nonprof.
SIC: Multiple
Small businesses or organizations
Consumer and Occupational Health and Safety; 155 responses, 3,875 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
Depending on each individual grantee need, other information may be furnished to OSHA staff. Such information includes: Submittal of revised proposal before grant award, questionnaire or survey plans (in accordance with the Federal Reports Act of 1942), and grantee notification of modification to the grant plan, including a revised SF–424.

• Occupational Safety and Health Administration
Annual Narrative Report and Grant Renewal
OSHA–178
Annually
Businesses or other institutions
Labor organ., edu. instit., employer assoc. and other nonprof
SIC: Multiple
Small businesses or organizations
Consumer and Occupational Health and Safety; 155 responses, 3,875 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
At the end of the fiscal year, grantees submit a narrative annual report covering the activities and making recommendations resulting from the project, a detailed proposed workplan for grant renewal, a budget, and a SF 424. This information is used to evaluate the effectiveness of the grantee in meeting the program objectives and to determine the eligibility of the grantee for continuation in the program.

• Occupational Safety and Health Administration
Request for advancement or reimbursement
OSHA–176
Monthly
Businesses or other institutions
Labor organ. edu. instit., employer assoc. and other nonprof
SIC: Multiple
Small businesses or organizations
Consumer and Occupational Health and Safety; 155 responses, 1,860 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
This form is used by the grantee to request a grant advance or reimbursement. The financial documents are used to maintain the financial management system which provides the control of grant funds.

• Occupational Safety and Health Administration
Consultation Weekly Time Report
Weekly
State or local governments
State employees
SIC: 922
Consumer and Occupational Health and Safety; 16,900 responses, 3,380 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
The consnt weekly time report (OSHA form 69) is designed to record, for each week, all time spent on consultation, program support, training and administration activities by all State supervisors. State consultants and State clerical support.

• Occupational Safety and Health Administration
7(C)(1) consultation agreement modification
OSHA–183
On occasion
State or local governments
State employees
SIC: 922
Consumer and Occupational Health and Safety; 33 responses, 264 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
The standard form 424 is used to notify the Federal agency involved in the agreement with the State of any desired changes in the wording or interpretation of the existing or proposed consultation agreement.

• Occupational Safety and Health Administration
7(C)(1) Consultation Application
OSHA–162
Annually
State or local governments
State employees
SIC: 922
Consumer and Occupational Health and Safety; 33 responses, 2,640 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
The standard form 424 is used by State applicant in applying for Federal funds to carry out consultation activities. The form is required by Department of Labor regulations at 41 CFR.

• Occupational Safety and Health Administration
7(C)(1) Consultation Preapplication
OSHA–161
Annually
State or local governments
State employees
SIC: 922
Consumer and Occupational Health and Safety; 33 responses, 633 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
The standard form 424 is used as a consultation preapplication for preliminary budgeting purposes. This preapplication establishes the initial planning by the States concerned with Federal funding for consultation projects.

• Occupational Safety and Health Administration
74-Dimethylaminoazobenzene 29 CFR 1910.1015(F)—Reports on Regulated Areas and Exposure Incidents
OSHA–156
On occasion
Businesses or other institutions
Bus. estab where this substance is manufactured, etc.
SIC: 281, 282, 285, 286, 289
Small businesses or organizations
Consumer and Occupational Health and Safety; 50 responses, 50 hours, $0 Federal cost, 1 form
Arnold Strasser, 202–395–6880
These reports are used to alert OSHA compliance safety and health officers

to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated carcinogens.

• Occupational Safety and Health Administration
Physicians Exam: Accidents, Deaths, Injury of Decompression Illness for Compressed Air Workers
OSHA-163
On occasion, annually
Businesses or other institutions
Any construction, demol., or repair employ. whose employ.
SIC: 162
Consumer and Occupational Health and Safety; 25 responses, 25 hours, $0 Federal cost, 1 form
Arnold Strasser, 202-395-6880
Required report necessary to assure implementation of regulation, well-being of employees subject to a pressurized environment and to monitor adequacy of regulations to keep injuries, illnesses and deaths from compression effects at lowest levels possible.

• Occupational Safety and Health Administration
N-Nitrosodimethylamine 29 CFR 1910.101(F)—Reports on Regulated Areas and Exposure Incidents
OSHA-164
On occasion
Businesses or other institutions
Bus. estab where this substance is mfg, processed, etc.
SIC: 281, 282, 285, 286
Small businesses or organizations
Consumer and Occupational Health and Safety; 50 responses, 50 hours, $0 Federal cost, 1 form
Arnold Strasser, 202-395-6880
These reports are used to alert OSHA compliance safety and health officers to the presence of regulated carcinogenic substances in the workplace and to inform OSHA of incidents of employee exposure to these regulated carcinogens.

Reinstatements

• Employment and Training Administration
Surplus Employment Security Property
ETA-49
On occasion
State or local governments
Surplus employment security property
Training and employment; 25 responses, 13 hours, 1 form
Arnold Strasser, 202-395-6880
SESA's are required to report to the ETA any surplus equipment they have so that it may be offered without cost to other SESA's. Form ETA-49 improves the screening process by: (A) Reducing the time which elapses from the SESA's determination that the equipment is surplus to its disposition, and (B) standardizing the information. The form is completed by the SESA, and is used for screening surplus nonexpendable property acquired with grants to States funds by other

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—202-426-1887.

New

• National Highway Traffic Safety Administration
Glazing Manufacturer Identification Std. 205
On occasion
Businesses or other institutions
Glazing manufacturers of glass and plastic materials
SIC: Multiple
Small businesses or organizations
Ground transportation; 285 responses, 143 hours, $3,000 Federal cost, 1 form
Corrinne Hayward, 202-395-7340
The purpose of this requirement is to ensure traceability to the proper manufacturer for enforcement purposes.

• Urban Mass Transportation Administration
Rail Transit Safety Information Reporting and Analysis System
UMTA F 6600.1, F 6600.2, F 6600.3, F 6600.4, F 6600.5, and F 6600.6
Monthly other—see SF83
State or local governments
Urban rail transit authorities
SIC: 411
Ground transportation; 12,586 responses, 5,878 hours, $1,536,000 Federal cost, 6 forms
Corrinne Hayward, 202-395-7340
Current rail transit safety data collection mechanism inadequate for determining appropriate levels of safety. Rail transit accident and casualty information to be collected under proposed reporting system will be analyzed to determine levels of safety in rail transit, determine priorities for safety research and assess safety countermeasure effectiveness.

• Federal Highway Administration
Highway Safety Improvement Priorities
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation; 56 responses, 56,000 hours, $25,000 Federal cost, 1 form
Corrinne Hayward, 202-395-7340
Each State which has identified hazardous locations, sections, elements, and railway-highway crossings is required to (1) study these hazards, (2) develop safety improvement projects, (3) assign priorities and (4) establish a schedule for implementing projects to eliminate road hazards and railway-highway hazards.

• Federal Highway Administration
Road Test
On occasion
Individuals or households/businesses or other institutions
Motor carriers and drivers of commercial motor veh. oper. etc.
SIC: 962
Ground transportation; 174,460 responses, 494,303 hours, $0 Federal cost, 1 form
Corrinne Hayward, 202-395-7340
FHWA requires motor carriers (49 CFR 391.31 and 391.33) to assure, through testing or certification, that drivers are capable of safely operating the type of commercial motor vehicle they will drive. Test and certification retention (49 CFR 391.51) permits BMCS investigators to verify completion of this requirement.

• Federal Highway Administration
Driver's Employment Application
On occasion
Individuals or households/businesses or other institutions
Appli. to operate comm. motor vehic. in interst. commerce
SIC: 962
Ground transportation; 174,460 responses, $0 Federal cost, 494,303 hours, 1 form
Corrinne Hayward, 202-395-7340
FHWA requires motor carriers (49 CFR 391.31 & 391.33) to assure, through testing or certification, that drivers are capable of safely operating the type of commercial motor vehicle they will drive. Test and certification retention (49 CFR 391.51) permits BMCS investigators to verify completion of this requirement.

• Federal Highway Administration
Driver's Employment Application
On occasion
Individuals or households/businesses or other institutions
Appli. to operate comm. motor vehic. in interest. commerce
SIC: 962
Ground transportation; 174,460 responses, 46,522 hours, $0 Federal cost, 1 form
Corrinne Hayward, 202-395-7340
Provides necessary information for the Federal Highway Administration and the motor carrier to determine if the applicant is qualified to operate a commercial motor vehicle in interstate commerce prior to being employed.

Extensions (burden change)

• Research and Special Programs Administration
Hazardous Materials Incident Report
On occasion
Businesses or other institutions
Carriers of hazardous materials
Other transportation; 3,450 responses, 1,725 hours, $0 Federal cost
Corrinne Hayward, 202–395–7340

Reinstatements

• Federal Aviation Administration
General Operating and Flight Rules—FAR 91
On occasion
Individuals or households
Aircraft owners and operators
Air transportation; 1,730,083 responses, 299,699 hours, $880,000 Federal cost, 0 form
Corrinne Hayward, 202–395–7340
Federal Aviation Act of 1958, section 307 (49 U.S.C. 1348), authorizes issuance of regulations governing the use of navigable airspace. 14 CFR 91 prescribes regulations governing the general operation and flight of aircraft. Information is collected to determine compliance.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Timothy P. Campbell—202–632–0084

Extensions (no change)

• Offeror's Analysis of Cost Proposal
AID1420–18
On occasion
Businesses or other institutions
Prospective contractors for contracts over $100,000
Foreign economic and financial assistance; 500 responses, 2,000 hours, 1 form
Phillip T. Balazs, 202–395–4814
Provides the detail cost elements the contracting officer must have to perform a cost analysis of contractor's proposals.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—202–287–0754

New

• Air Pollution Knowledge and Attitudes Along Utah Wasatch Front
Nonrecurring
Individuals or households
Households in four-county Wasatch Front Area
Pollution control and abatement; 400 responses, 182 hours, $25,000 Federal cost, 1 form
Edward H. Clarke, 202–395–7340
This survey will provide data needed to assess public knowledge and attitudes on air pollution sources and control strategies so that State and local planning agencies can develop air pollution control plans and public information programs relating to transportation sources of air pollution.

• Comment Form: The Automobile Calendar
Nonrecurring
Businesses or other institutions
Motor vehicle mfgr. and mfgrs. of motor vehicle parts, etc.
SIC: 371
Pollution control and abatement; 100 responses, 25 hours, $150 Federal cost, 1 form
Edward H. Clarke, 202–395–7340
The form provides a mechanism for users of the automobile calendar to indicate how future editions can be more useful to them and contain the information they need. The Council will also use the form to determine the usefulness of publishing future industry-specific calendars for other industries.

• Pesticide Applicator Questionnaires
Nonrecurring
Individuals or households
Certified pesticide applicators
Pollution control and abatement; 3,600 responses, 2,400 hours, $320,000 Federal cost, 1 form
Edward H. Clarke, 202–395–7340
EPA will utilize the results of this study to assess the viability of the restricted use regulatory option for pesticides and to support future decisions in planning and programming related to the training and certification of pesticide applicators.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Revisions

• Request for Employment Report in Connection With a Claim for Disability Insurance Benefits
FL–29–30A
On occasion
Individuals or households
Insureds
Income security for veterans; 10,000 responses, 2,500 hours, $20,830 Federal cost, 1 form
Robert Neal, 202–395–6880
This form letter is required by law (38 U.S.C. 7, 715, 742(C) and 748). The information collected is used to solicit additional information needed to process a claim for disability insurance benefits.

Extensions (burden change)

• Portfolio Loan Service Report
26–6808A
On occasion
Individuals or households
Obligors
Veterans housing; 16,000 responses, 4,000 hours, 1 form
Robert Neal, 202–395–6880
Form serves as loan service representative's report of contact with obligor of defaulted VA portfolio loan and recommended action. Information provided forms basis for decisions on forbearance, development of repayment plan, recasting or foreclosure. (VAR 4506, 38 U.S.C. 1820).

Reinstatements

• Request for Organizational Data From Builder
FL26–312
On occasion
Individuals or households
Builders
Veterans housing; 10,000 responses, 5,000 hours, 1 form
Robert Neal, 202–395–6880
Completed by builders and sponsors to identify individuals who have controlling, proprietary or financial interest in their company. Information is used to determine eligibility for participation in the loan guaranty program.

• Direct Loan Closing Sheet
26–6937
On occasion
Businesses or other institutions/individuals or households
Lenders, veterans
Small businesses or organizations
Veterans housing; 275 responses, 138 hours; $927 Federal cost; 1 form
Robert Neal, 395–6880
Form completed by loan closers to reflect disbursement of loan proceeds for direct loans authorized by 38 U.S.C. 1811 and collection of prepaid items and closing costs from veteran. Information collected provides assurance of compliance with requirements of 38 U.S.C. 1804(c) as to occupancy and 38 U.S.C. 1811(d) (1), (e) and (f) as to terms and conditions of loan.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Agency Clearance Officer—Dan Funkhouser—202–653–5211

New

• FMCS Labor-Management Grants Program—including application form, financial status report, request for funds, LOC fund request, financial capability questionnaire
SF–424, 269 270, 183, LM–3, 4, (Parts II V of SF 424)

Nonrecurring quarterly
State or local governments
Joint Labor-Mgt Cttee, St. or loc. units gov't, priv., etc.
SIC: Multiple
Other labor services; 210 responses, 420 hours; $182,000 Federal cost; 6 forms
Diane Wimberly, 202–395–6880
Forms are needed to administer congressionally-mandated grants programs and to comply with OMB grant application/reporting requirements. FMCS will use collected information to determine applicants' administrative capability and desire to work responsibly with federal funds. Grantees may use the forms as management tools.

INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer—Charles Ervin—202–523–0267

Extensions (Burden Change)

• Synthetic Organic Chemicals—Monthly Report on Production
CD–M1
Monthly
Businesses or other institutions
U.S producers of specified chemicals
Small businesses or organizations
Conduct of foreign affairs; 3,216 responses, 3,216 Hours; 1 form
Phillip T. Balazs, 202–395–4814
Pursuant to Public Law 95–106, the Commission is required to publish a monthly statistical report covering production of a selected list of synthetic organic chemicals. These reports are the only source for this data (in the detail supplied) and are used extensively by Government agencies and the chemical industry.

NATIONAL FOUNDATION ON THE ARTS

Agency Clearance Officer—D. Keith Stephens—202–634–6160

New

• Leisure Activities Survey (LAS) Pretest
LAS–1(AX) LAS–1 (BX) LAS–1 (CX)
Monthly
Individuals or households
Sample of Hsdhlds members 18 years old or older
Other advancement and regulation of commerce; 300 responses, 75 hours; $5,000 Federal cost; 2 forms
Diane Wimberly, 202–395–6880
The LAS will provide annual measures of participation in selected leisure activities. These data will enable arts organization to make certain basic policy decisions based on such things as current demand potential audience, and how to best serve the needs of their constituent population. The purpose of the pretest is to detect any problems with the instructions and the questionnaire.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions (No change)

• Supplemental Doctor's Statement
SI–7
On occasion
Businesses or other institutions
Per. physi. of claimants for sickness bene und RUIA
Small businesses or organizations
Multiple functions; 50,000 responses, 4,167 hours; 1 form
Barbara F. Young, 202–395–6880
The Railroad Unemployment Insurance Act, provides for the payment of sickness benefits to qualified railroad employees. To obtain a benefit the claimant must provide any supplemental physician's statement needed by the Board in connection with his or her impairment. The physician's statement will be used for determining whether the applicant meets the requirements for sickness benefits.

Reinstatements

• Medical Reports
G–3RMP, G–250, G–253A, G–257
G–3EMP G–250 G–253A G–257
On occasion
Businesses or other institutions
Physicians
Small businesses or organizations
General retirement and disability insurance; 21,500 responses, 21,500 hours; $300,000 Federal cost; 4 forms
Barbara F. Young, 202–395–6880
Section 2 of the Railroad Retirement Act provides for the payment of disability annuities to qualified railroad employees who are unable to work in their regular occupation (occupational disability) or any occupation (total disability). The medical reports are needed to determine the employee's entitlement to a disability annuity.

• Request for Payment by Qualified Organizations
G–740B
On occasion
Businesses or other institutions
Physicians, RR Hosp. Assoc. and RR Retirement System Bene.
Small businesses or organizations
General retirement and disability insurance; 1,340,000 responses, 149,667 hours; 1 form
Barbara F. Young, 202–395–6880
The Board administers the medicare program for persons covered by the Railroad Retirement System. The request will obtain information to be used by the Board's carrier. Travelers, to pay Railroad Hospital Associations for medical services covered under part B of the program

• Report of Physical Condition of Claimant Under RUIA
SI–34
On occasion
Businesses or other institutions
Per. physi. of claimants for sickness benefits und. RRUI Act
Small businesses or organizations
Multiple functions; 15,000 responses, 125 hours; 1 form
Barbara F. Young, 202–395–6880
The Railroad Unemployment Insurance Act provides that a railroad employee applying for sickness benefits must obtain a medical report of his or her physical condition. The information on the claimant's physical condition will be used to support the application for sickness benefits.

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–857–2596

Revisions

• Electric Load Research Questionnaire
TVA 6233 TVA6233A TVA 6233B
Other—See SF83
Individuals or households/Farms/Businesses or other institutions
Electric research
SIC: All
Multiple functions; 3,000 responses, 1,500 hours; $89,650 Federal cost; 3 forms
Charles A. Ellett, 202–395–7340
Information needed to evaluate the effects of demographic and other characteristics on the use patterns of electricity. This information is vital as inputs into ratemaking, cost-of-service, and forecasting procedures of the agency.

Reinstatements

• Residential Survey: Customers of Local Electric Systems
Distributing TVA power
On occasion
Individuals or households
Electrical customers served on residential rates
Multiple functions; 2,280 responses, 752 hours; $455,711 Federal cost, 1 form
Charles A. Ellett, 202–395–7340
The 1981 and 1982 interim residential surveys will provide essential information for forecasting the energy needs of region and furnish data to serve a variety of program planning and evaluation purposes. The 1981 and 1982 interim residential surveys will be completed in August 1981 and 1982 respectively.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–3512

Revisions

• Federal Reserve System
Over-the-Counter margin stock report
FR–2048
Semiannually
Businesses
Companies whose stock is traded on NASDAQ
Unassigned; 2,600 responses, 1,300 hours; 01 forms
Warren Topelius, 202–395–7340
Report is used to ensure compliance of certain corporations with the Federal Reserve margin regulations on security credit as authorized by the Over-the-Counter Margin Act of 1968.

C. Louis Kincannon,

Deputy Assistant Director for Reports Management.

[FR Doc. 81–1577 Filed 1–14–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11543; (812–4746)]

Finance for Industry Limited and FFI (UK Finance) Limited; Filing of an Application

January 9, 1981.

Notice is hereby given that Finance for Industry Limited ("FFI") and FFI (UK Finance) Limited ("FFI(UK)"), c/o Charles J. Johnson, Jr., Esq., Brown, Wood, Ivey, Mitchell & Petty, 1 Liberty Plaza, New York, New York 10006, the wholly-owned, principal asset-holding and operating subsidiary of FFI (FFI and FFI(UK) are collectively referred to as "Applicants"), filed an application on October 10, 1980, and amendments thereto on November 12, 1980, and December 12, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting FFI and FFI(UK) from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that FFI's principal office is located at 91 Waterloo Road, London SE1 8XP, England, and that its main activity is to act as a holding company for FFI(UK) and other subsidiaries of FFI, which are engaged, directly or indirectly, in financing small and medium-sized enterprises (through loans and in some cases subscription of new equity) and also large-scale projects, ship financing, leasing, industrial property development and consulting services for clients. According to the application, FFI was formed in 1973 for the purpose of combining in one organization the function of two existing financial institutions which were established to supply capital to British industry and commerce and to satisfy the need for a specialized financial vehicle to provide share and loan capital for small- and medium-sized businesses.

As stated in the application, FFI's consolidated assets as of March 31, 1980, were $2,111,873,000, of which loans accounted for approximately 54% and the remainder included an industrial plant and ships leased to customers (13%), irredeemable preferred stock and common stock of customers (8%), real estate under development and held for investment (5%) and equipment lease obligations (5%).

Applicants state that at the close of the 1980 fiscal year, FFI's subsidiaries had extended credit to approximately 3,100 customers, with over 99% of the total loans and advances to British borrowers, and that the interest on such loans accounted for 64% of FFI's consolidated gross revenues. According to the application, neither FFI nor FFI(UK) nor any of their subsidiaries is engaged in securities brokerage activities. According to Applicants, financing proposals are specifically tailored to the requirements of each situation and may include a combination of loan and equity capital and the leasing or installment sale of plant and equipment; the equity element being included mainly in those cases where insufficient security is available for the loan requested or where the total amount of debt in the customer's balance sheet would be excessive if the financing consisted wholly of loan credit. Applicants state that FFI's policy limits such equity investments as well as industrial and commercial property assets in the aggregate to the total amount of FFI's shareholders' equity and requires that such securities be disposed of as market conditions permit. According to the application, the total dollar value of those equity investments by FFI or its subsidiaries on March 31, 1980, was $163,572,000.

Applicants state that the funding of FFI and its subsidiaries is primarily derived from interest-bearing time deposits, and through the issuance of debentures and unsecured loan stocks (which are fixed-term, fixed-interest debt securities listed on The Stock Exchange, London, and held by institutions and the general public), bonds and, to a minor extent, loans and other advances from banks. At March 31, 1980, according to the Applicants, customer deposits represented $812,668,000, or 49% of consolidated total liabilities, and the other major categories of such liabilities included debentures and unsecured loan stocks (23%), and Euro-bonds (10%), which the remaining 18% including shareholder funds, bank borrowing and current liabilities. Applicants further state that FFI has the benefit of an aggregate $400,000,000 standby lending facility with its shareholder banks. Applicants also state that FFI's share capital at the 1980 fiscal year end amounted to $216,000,000, with a total shareholders' equity of $314,600,000, and that all of the outstanding shares of FFI are owned by the Bank of England and the London and Scottish Clearing Banks.

Applicants represent that as deposit-taking institutions licensed under the Banking Act of 1979 ("Banking Act"), the United Kingdom's comprehensive banking statute, they are subject to extensive regulation by the Bank of England. According to the application, any such license may be refused, revoked or suspended unless the Bank of England is satisfied that the standards laid down by the Banking Act (suitability of management and financial soundness) are met. In addition, when the standards cease to be met, including where the Bank of England considers the interests of depositors to be threatened, the Bank of England may give directions to a deposit-taking institution prohibiting certain transactions or requiring specified corrective action. Applicants represent that their licenses under the Banking Act require them to satisfy liquidity requirements specified by the Bank of England, to make adequate provision for meeting their obligations and to make regular disclosure of their financial position to their depositors and to the Bank of England. In addition, the application states that pursuant to the Protection of Depositors Act 1963, Applicants must, before they advertise for deposits and at other specified times, submit to the Department of Trade financial statements complying with that act. In addition, the Department of Trade has the power to inspect Applicants' books and records. Applicants also state that the protection of depositors will shortly become an additional responsibility of the Bank of England under the Banking Act through establishment of a special fund for partial reimbursement to depositors in insolvent institutions. The Applicants state, moreover, that they are subject to

further disclosure requirements because of their listing on The Stock Exchange, London. Finally, according to the Applicants, each of them is restricted by its Articles of Association to borrowing not more than seven times its share capital and reserves, adjusted to exclude the value of intangible assets and certain other amounts.

Accordingly to the application, FFI proposes to issue and sell unsecured prime quality commercial paper notes ("Notes") with maturities not to exceed nine months, in bearer form and denominated in United States dollars to finance a portion of FFI(UK)'s current transactions. Applicants represent that the Notes will be issued in the minimum denomination of $100,000 and that they presently intend that not in excess of $100,000,000 of the Notes will be outstanding at any one time. The Notes will not have any provisions for renewal at the option of FFI or the holder or for automatic rollover. The Notes will be direct liabilities of FFI and will rank *pari passu* among themselves and equally with all other unsecured unsubordinated indebtedness of FFI, including FFI's deposit liabilities. The Notes will rank prior to any subordinated indebtedness of FFI and to claims of holders of FFI's share capital. However, each Note will be unconditionally guaranteed by FFI(UK) because, in view of the fact that FFI is primarily a holding company, the right of the holders of the Notes to participate in the assets of FFI(UK), whether upon its liquidation or reorganization or in any other distribution, might otherwise be subject to the prior claims of creditors of FFI(UK). The FFI(UK) guarantee will be a direct liability of FFI(UK) and will rank equally with all other unsubordinated indebtness of FFI(UK), including its deposit liabilities, and prior to any subordinated indebtedness of FFI(UK) and to claims of FFI as holder of FFI(UK)'s share capital.

As stated in the application, FFI plans to sell the Notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its United States counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act provided for commercial paper by Section 3(a)(3) thereof. Applicants represent that they will not proceed with the proposed offering until they have received such an opinion letter. Applicants do not request Commission review or approval of such opinion letter, and the Commission expresses no opinion concerning the availability of any such exemption. Applicants further represent that the proposed issue of securities and all future issues of securities of either of the Applicants in the United States will have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its United States counsel shall have certified that such rating has been received; provided, however, that no such rating will be required to be obtained with respect to any such issue if, in the opinion of its United States counsel (such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in various releases and no-action letters made public by the Commission), an exemption from registration is available with respect to such issue under Section 4(2) of the 1933 Act.

Applicants state that the Notes will be sold to a commercial paper dealer in the United States which, as principal, will reoffer them to investors in the United States. In certain cases, however, the commercial paper dealer may offer the Notes as agent. Applicants represent that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional investors, wealthy individuals and other purchasers of the types that normally participate in the commercial paper market. Applicants undertake to ensure that the dealer will provide each offeree of Notes, prior to the sale of any Note to such offeree, with a memorandum describing the business of the Applicants and including the most recent publicly available fiscal year end balance sheet and income statement of Applicants audited by British auditors. Applicants represent that the aforementioned financial statements will be accompanied by a brief paragraph highlighting material differences between applicable British and United States generally accepted accounting principles. Applicants also represent that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. Such memoranda will be updated promptly to reflect material changes in Applicants' business or financial condition. Applicants further represent that any future offerings of their securities in the United States (which Applicants state may include debt securities but will not include shares of capital stock) will be made only pursuant to a registration statement under the 1933 Act, or pursuant to an opinion of special United States counsel that an exempt from registration under the 1933 Act is available, and on the basis of disclosure documents appropriate for such registration or exemption, and in any event at least as comprehensive as those used in the proposed offering. Each Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by that Applicant, prior to any sale of such securities to such offeree, except that, in the case of an offering made pursuant to a registration statement under the 1933 Act, disclosure documents will be provided to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder. Applicants consent to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon their compliance with their undertakings regarding disclosure documents.

Applicants represent that they will appoint a banking establishment or a corporation service company in the United States as their agent to accept service of process in any action based on any of the Notes or the FFI(UK) guarantee thereof in any State or Federal court by a holder of the Notes. Applicants further represent that they expressly will accept the jurisdiction of any State or Federal court in the City and State of New York with respect to any such action and that both their appointment of an authorized agent and their acceptance of jurisdiction will be irrevocable until all amounts due and to become due with respect to the Notes have been paid. Applicants represent that each will similarly appoint an agent for service of process and accept jurisdiction in suits arising from any other offerings of securities that it may make in the United States.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an order pursuant to Section 6(c) of the Act exempting each of them from all provisions of the Act. Applicants assert that, among other things, compliance by them with a number of substantive provisions of the Act would, as a practical matter, conflict

with their operations and that they would thus be effectively precluded from making a public offering of their securities in the United States if they were required to register as investment companies and comply with such provisions of the Act. Applicants represent further that approval of their application would enhance the special cooperative relationship which exists between the United Kingdom (where the Applicants perform a significant public function through the financial support which they provide to industry and commerce) and the United States. Moreover, Applicants state approval of the application would facilitate FFI's access to the United States capital market and would thus implement the general policy of the United States to minimize restrictions on capital flows between nations. In particular, according to the Applicants, approval would enable them to offer loans in the United Kingdom in United States dollars on competitive terms as an alternative to sterling by having access, on a more equal footing with United States lending institutions, to the United States capital markets but without obtaining any advantage over United States lending institutions under United States Federal or State banking laws. Applicants assert that they are subject to extensive regulations by British banking authorities and that they are significantly different from the type of institution that Congress intended the Act to regulate. The Applicants conclude that granting their requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than February 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-1512 Filed 1-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11544; (812-4702)]

Nationwide Life Insurance Co. and Nationwide Variable Account; Application for an Order Approving Certain Offers of Exchange and Granting Exemptions

January 9, 1981.

Notice is hereby given that Nationwide Life Insurance Company ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and its Nationwide Variable Account (the "Variable Account"), One Nationwide Plaza, Columbus, Ohio 43216, registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (hereinafter "Applicants"), filed an application on July 18, 1980, and an amendment thereto on December 22, 1980, pursuant to Section 11 of the Act for an order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d), and Rule 22c–1 of the Act, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below.

Under the combination fixed and variable annuity contracts (the "Contracts") proposed by Applicants, the purchasers will not be assessed a traditional front-end sales load at the time purchase payments are made. A purchaser may make a single purchase payment, an irregular series of periodic purchase payments, or a regular series of periodic purchase payments. The amount and frequency of purchase payments is discretionary with the purchaser, and no requirements are imposed except for minimum amounts of the initial purchase payments ($1,500 for non-qualified contracts and $300 on an annualized basis for the first contract year for qualified contracts). The purchaser may allocate all or a portion of each purchase payment among one or more of four sub-accounts of the Variable Account, each consisting of the shares of one of four mutual funds of the Mutual Investing Foundation managed by Heritage Securities, Inc., or to the general account of Nationwide Life. The Contracts provide for the accumulation of such purchase payments with accrued earnings, until the annuity commencement date selected by the purchaser, at which time annuity payments begin as designated by the contract owner.

The contract owner may, at any time prior to the annuity commencement date, withdraw some or all of the accumulated contract value. However, Applicants propose to assess a contingent deferred sales charge, which will be applied in the case of certain withdrawals by a contract owner from the contract value. The contingent deferred sales charge will equal 5 percent of the lesser of (1) all purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; or (2) the amount surrendered. The cumulative sum of all such charges, per contract owner, will never exceed 5 percent of that owner's purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; and no such charge will be made against any values which have been held under the Contracts for at least 96 months.

An exception to the contingent deferred sales charge would permit certain surrenders without the imposition of a charge after the beginning of the third Contract year. Under the exception, a contract owner may redeem up to 10 percent of purchase payments made within 96 months immediately prior to the valuation period during which the surrender is requested without imposition of the contingent deferred sales charge. Therefore, the contingent deferred sales charge will apply only after an amount equal to 10 percent of such purchase payments has been redeemed free of such charges.

When a surrender is requested to effect a cash withdrawal which does not qualify under the exception, the Custodian of the unit investment trust,

The Huntington National Bank, of Columbus, Ohio, will surrender accumulation units equal in value to the amount of the cash withdrawal requested by the contract owner, plus the applicable contingent deferred sales charge. The requested cash withdrawal will then be remitted to the contract owner. The contingent deferred sales charge will be paid by the Custodian to Nationwide Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, sales administration, and similar sales related expenses.

Other charges assessed by Nationwide Life under the Contracts include an annual contract maintenance charge of $30 per Contract and an asset charge equal, on an annual basis, to 1.3 percent of the daily net asset value of the assets of the Variable Account. The assest charge is composed of a mortality risk premium, equal to .8 percent, and an expense risk charge, equal to .5 percent. These charges are calculated solely to reimburse Nationwide Life for costs related to administration of the Contracts and the assumption of mortality and expense risks.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that the proposed contingent deferred sales charge is consistent with the intent of the definition of "sales load" contained in the Act. While eliminating the traditional front-end sales load deduction from purchase payments, for reimbursement of sales expenses, Nationwide Life will continue to incur expenses related to the sale of the Contracts, including commissions paid to sales personnel and the costs of promotion and sales administration. The contingent deferred sales charge, therefore, would be retained by Nationwide Life to reimburse it solely for expenses related to the sale of the Contracts, which fit within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Applicants assert that the deferral of the sales charge, and making it contingent upon the occurence of an event which might not occur, does not change the basic nature of this charge, which is in every other respect a sales charge. Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35), to the extent necessary, to implement the proposed pricing of the Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that implementation of the contingent deferred sales charge is in no way violative of Section 22(c) or Rule 22c-1 promulgated thereunder. When a surrender is requested to effect a cash withdrawal, the price on redemption will be based on the current net asset value. The contingent deferred sales charge will merely be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value. However, Applicants have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts.

Section 26(a) and Section 27(c)(2)

Sections 26(a) and 27(c)(2) of the Act provide, in substance, that a registered unit investment trust or issuer of a periodic payment plan certificate and any depositor or underwriter for such investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Section 26(a).

Applicants state that the provisions of Section 26(a) were designed to assure performance of contractual obligations under periodic payment plans, to minimize the opportunities for misuse of the assets of unit investment trusts and to prevent sponsors from reaping hidden profits. However, because Nationwide Life is subject to extensive and rigorous supervision and control by the Ohio Insurance Department and the insurance department of each state in which it does business, Applicants contend that such supervision and control provides assurance against misfeasance and affords the essential protection of trusteeship.

Although the assets of the Nationwide Variable Account will be held under a custodian agreement with the Huntington National Bank of Columbus, Ohio, a bank having the qualifications described in Section 26(a) of the Act, the agreement does not create a trust with respect to the assets of the Variable Account because Nationwide Life, as a life insurance company, must retain ownership of and control of the disposition of its property under Ohio Law.

Under the foregoing circumstances, the Applicants contend that the dangers against which Section 26(a) is directed are not present. Accordingly, an exemption from Section 26(a) is requested, to the extent necessary, from the requirement that the assets be held in a trust.

Section 26(a)(2)(C) and Section 27(c)(2)

Section 26(a)(2)(C) provides that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense. Applicants assert that the contingent deferred sales charge is not the typical kind of "expense" contemplated by Section 26(a)(2) and submit that the requirements of this section were not intended to preclude the depositor of a unit investment trust from taking a sales load. Applicants also assert that the contingent deferred sales charge is intended specifically and solely to reimburse Applicants for sales related expenses. The deferral of the imposition of this charge, and making it contingent upon an event which may never occur, do not change the basic nature of this charge as a sales charge to which Section 26(a)(2)(C) was not intended to apply.

Section 27(c)(2) of the Act makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a) (2) and (3) of the Act. Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian. Applicants assert that the contingent deferred sales charge is a sales load to which this exception should apply, and that deferring the imposition of the charge and making it contingent upon an event which might never occur should in no way be construed as violative of Section 27(c)(2).

While Applicants assert the sections should be construed as set forth above, they nevertheless have requested exemptions from Sections 26(a)(2)(C)

and 27(c)(2), to the extent necessary, to permit the imposition of the contingent deferred sales charge and to offer the Contracts.

Applicants consent to the exemptions requested from Sections 26(a), 26(a)(2)(C), and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicant's consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any proceeding before the Commission or iny suit or action in any court, to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 27(c)(1)

Section 27(c)(1) of the Act prohibits restrictions on the redemption of contracts of the nature of those which are the subject of this Application. Applicants submit that the assessment of a contingent deferred sales charge upon certain redemptions, which is fully disclosed in the prospectus, should not be construed as such a restriction on redemption. Applicants assert that the Contracts are still redeemable securities, whether the sales charge is imposed against the purchase payment at the time of purchase, or whether such charge is deferred and made contingent upon an occurrence at a later instant during the contract period. Applicants assert that this is particularly true where the deferral of the contingent sales charge until a redemption is effected has the general effect of increasing the contract value that is available for redemption, as compared with the contract value that would be available for redemption were the sales charge deducted from the purchase payment before investment on behalf of the owner.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d). Applicants assert that Sections 2(a)(32) and 27(d) both contemplate the assessment of a front-end sales load. However, Applicants contend that, with a contingent deferred sales charge, the net amount invested is the gross purchase payments. Thus, the owner's "proportionate share" or account value would be the gross purchase payments, plus or minus any increase or decrease in value, less the contingent deferred sales charge. Applicants assert that deferring the imposition of the sales charge in no way restricts the contract owner from receiving his proportionate share or the value of his account on redemption. Rather, the contingent deferred sales charge will merely be deducted at the time of redemption in determining that proportionate share, instead of being deducted from purchase payments. The contingent deferred sales charge defers the timing of the imposition of the sales charge and make the charge contingent upon an event which might never occur. Applicants submit that this method of assessing sales charge permits the purchaser's net amount invested to be increased, thus providing a benefit to the purchaser.

Applicants suggest that the exemptions requested are appropriate and in the public interest, are consistent with the protection of investors, and are consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to Section 11(a) and 11(c) to permit contract owners, upon written request, to transfer up to 25% of their contract value from the Variable Account to Nationwide Life's general account, or vice versa. Such transfers must be made prior to the earlier of the annuity commencement date or the death of the designated annuitant. However, no such transfers will be permitted prior to the first contract anniversary, or within 12 months of any prior transfer. Applicants also propose to permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, pursuant to such terms and conditions as may be imposed by the mutual funds comprising the sub-accounts of the Variable Account. Both of such types of transfers described above shall be effected at "net asset value," with no assessment of any kind of transaction or sale charge against owners for effective such transfers.

Applicants assert that the proposed transfer rights will afford contract owners the flexibility of choice between Nationwide Life's general account investments and the shares of mutual funds having different investment objectives; and that the granting of these rights is in recognition of the potentially changing nature of owners' investment objectives and retirement needs over the years.

Applicant further assert that the proposed transfers involve only a change in a Contract's underlying accumulation units, which are merely accounting units of measure to quantify contract value, and, thus, do not involve an exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11, Applicants are requesting an order pursuant to Section 11, to the extent deemed necessary, to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 29, 1981, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following January 29, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is order, will receive any notices and orders isued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-1513 Filed 1-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17428; File No. SR-OCC-80-6]

Self-Regulatory Organizations; Proposed Rule Change by the Options Clearing Corp.

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 15, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend OCC's By-Laws and Rules to conform them to the SEC staff's clearing agency registration guidelines.

Statement of Basis and Purpose

The general purpose of the proposed rule change is to conform certain of OCC's By-Laws and Rules to the clearing agency registration standards set forth in SEC Release No. 34–16900 (the "Release"). The specific changes are as follows.

OCC's By-Laws currently provide that only members of OCC's four participating Exchanges are eligible to become Clearing Members of OCC. The proposed amendment to Article V, Section 1 of the By-Laws would make all registered brokers and dealers eligible for Clearing Membership. The proposed amendments to the Interpretations and Policies under Article V, Section 1, to Article I, Section 1(j), and to Rules 1102 and 1203 are conforming changes, required by the extension of eligibility for Clearing Membership to non-Exchange members.

Concurrently with the filing of this proposed rule change, OCC is requesting, pursuant to Section 17A(b)(1) of the Act, that it be exempted from providing access at this time to the entities other than registered broker-dealers that are enumerated as eligible for clearing membership under Section 17A(b)(3)(B) of the Act.

The proposed amendment to Rule 211 would conform OCC's procedures regarding notice of proposed rule changes to the guidelines set forth in the Release.

The proposed amendment to Article III, Section 8 of the By-Laws would give OCC's Board of Directors express authority to interpret its By-Laws and Rules.

Proposed Rule 213 would provide for the furnishing of OCC's financial statements and internal accounting control reports to Clearing Members.

The proposed amendment to Article VIII, Section 5 of the By-Laws would require OCC to give Clearing Members prompt notice of the amount of, and the reasons for, any pro-rata charge to OCC's Clearing Fund, or any charge to current earnings made in lieu of a pro-rata charge to the Clearing Fund.

The proposed rule change is intended to enable OCC to comply with the provisions of the Securities Exchange Act of 1934, as interpreted by the Commission's staff, and to carry out the purposes of Section 17A of that Act.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule changes would impose any burden on competition.

On or before February 19, 1981 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, 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.

George A. Fitzsimmons,

Secretary.

January 8, 1981.

[FR Doc. 81-1514 Filed 1-14-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1965]

Iowa; Declaration of Disaster Loan Area

Benton, Cass, Clark, Dallas, Crawford, Harrison, Ida, Lyon, Plymouth, Polk, Ringgold, Sac, Wayne, Hardin, Page, Pottawattamie, Lee, and Jasper Counties and adjacent counties within the State of Iowa, constitute a disaster area, due to drought conditions from March 21 through October 30, 1980.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 30, 1981, and for economic injury until September 30, 1981, at: Small Business Administration, District Office, 210 Walnut Street, Room 749, Des Moines, Iowa 50309.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 30, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1473 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1966]

Minnesota; Declaration of Disaster Loan Area

Winona County and adjacent counties within the State of Minnesota constitute a disaster area, as a result of damage from torrential rains and flooding which occured on September 19–20, 1980. Eligible persons, firms and organizations may file applications for physical damage until the close of business on March 2, 1981, and for economic injury until September 30, 1981, at: Small Business Administration, District Office, 12 South 6th Street, Minneapolis, Minnesota 55402, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 30, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1474 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1967]

Nevada; Declaration of Disaster Loan Area

The area of the area and casino of the MGM Grand Hotel, located just outside the city limits of Las Vegas in Clark County, Nevada, constitute a disaster area as the result of a fire which occurred on November 21, 1980. Eligible persons, firms and organizations may file applications for physical damage until the close of business on March 2, 1981 and for economic injury until September 30, 1981 at: Small Business Administration, Las Vegas District Office, Box 7527 Downtown Station, 301 East Stewart, Las Vegas, Nevada 39101.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 31, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1475 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1968]

New York; Declaration of Disaster Loan Area

Bronx County and adjacent counties within the State of New York constitute a disaster area because of damage resulting from heavy rains, high winds and flooding which occurred on October 25, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 9, 1981, and for economic injury until October 6, 1981, at: Small Business Administration, Disaster Office, 201 Varick Street, New York, New York 10014, or other locally announced locations.

(Catalog of Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 6, 1981.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1476 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1866; Amdt. No. 1]

North Dakota; Declaration of Disaster Loan Area

The above numbered Declaration (see 45 FR 46955), is amended by extending the filing date for physical damage until the close of business on February 4, 1981, and for economic injury until the close of business on May 4, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 22, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 81-1477 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. #1964]

Texas; Declaration of Disaster Loan Area

Jones County and adjacent counties within the State of Texas constitute a disaster loan area due to heavy rains and flooding from September 5, October 1, 1980. Eligible persons, firms and organizations may file applications for physical damage until the close of business on March 2, 1981, and for economic injury until September 30,1981, at: Small Business Administration, District Office, 1205 Texas Avenue, Room 712, Lubbock, Texas 79401.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 30, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1478 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1900; Amdt. 4]

Texas; Declaration of Disaster Loan Area

The above numbered Declaration and subsequent amendments (See 45 FR 56489, 62599, 79216, 85242) is amended further by including Rockwall County and adjacent counties within the State of Texas, as disaster areas due to drought and extreme hot weather beginning on July 1, 1980 and continuing. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on February 12, 1981, and for filing applications for economic injury is close of business on May 12, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 81-1479 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0040]

Midland Capital Corp.; Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Midland Capital Corporation, License No. 02/02–0040, 110 William Street, New York, New York 10038, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a change of control. Prior approval of change of control is required under § 107.701 of SBA Rules and Regulations (13 CFR § 107.701 (1980)).

Rich–Healy Corporation, 1709 Main Place, Buffalo, New York 14202, owner of 290,770 shares (approximately 20 percent) of the common stock of Midland Capital Corporation, proposes to contribute these shares to Midland Associates (Associates), 245 Park Avenue, New York, New York 10167, in exchange for a limited partnership interest in Associates.

The new owner of the Common Stock of Associates is a newly-formed New York limited partnership. The general partner of Associates is Stanfield, Machinist & Co., a New York limited

partnership ("SM&C"), and the general partner of SM&C is Machinist, Stanfield & Co., a New York general partnership ("MS&C"). Messrs. Michael R. Stanfield and Robert B. Machinist are the sole general partners of MS&C.

Michael Ray Stanfield, 37 Riverdale Drive, New York, New York 10023

Robert Barry Machinist, 23 Park Avenue, New York, New York 10016

None of the limited partners of MS&C own as much as 10 percent of its capital. Each of the above partnerships and persons has a principal office located at c/o Van Ginkel & Benjamin, 245 Park Avenue, New York, New York 10167. Associates will be the only stockholder which will own ten percent of the outstanding stock of the Licensee and as such would be considered to be in a controlling position.

The proposed owners do not intend to make any changes in management or operations. There will be no change in officers and directors in connection with the transfer of shares other than the election of Messrs. Stanfield and Machinist as managing directors of the Licensee.

SBA's consideration of the application includes the general business character and reputation of the above-named persons and their commitment to actively operate the company within the intent and purpose of the Act and SBA Regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW Washington, D.C. 20426, on or before January 26, 1981.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 6, 1981.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-1480 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5197]

Sunbelt Funding Corp.; Issuance of License

On November 4, 1980, a Notice was published in the Federal Register (45 FR 73210) stating that an application had been filed by Sunbelt Funding Corporation, 2720 Riverside Drive, Macon, Georgia 31298, with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (SBIC's) under the provisions of section 301(d) of the Small Business Investment Act of 1958 as amended.

Interested parties were given until the close of business November 19, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 04/04-5197 to Sunbelt Funding Corporation, to operate as a section 301(d) SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: January 6, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 81-1526 Filed 1-14-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[File No. AC 21.23-1]

Advisory Circular; Type Certification—Fixed-Wing Gliders (Sailplanes)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of the issuance of Advisory Circular 21.23-1.

SUMMARY: "Advisory Circular (AC) 21.23-1 provides two comprehensive and detailed criteria, but not the only criteria, that may be used by an applicant in showing compliance with § 21.23(a) of the Federal Aviation Regulations, Part 21, for the type certification of fixed-wing gliders (sailplanes), including self-launching (powered) gliders. General guidance relative to glider type certification is also provided. A draft of AC 21.23-1 was published in the Federal Register on October 14, 1980 (45 FR 67818) for comment. AC 21.23-1 cancels AC 21-3, dated October 18, 1966.

DATES: AC 21.23-1 was issued on January 12, 1981.

ADDRESSES: A copy of AC 21.23-1 can be obtained by writing to: U.S. Department of Transportation, Publications Section M443.1, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. James Zahringer, Technical Standards Branch (AWS-110), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; Telephone: (202) 426-8374. Copies of all comments received on draft AC 21.23-1 may be obtained by contacting this person.

SUPPLEMENTARY INFORMATION: Most of the comments on draft Advisory Circular (AC) 21.23-1 indicate basic agreement with the AC except for the requirement that the engine and propeller of self-launching gliders (sailplanes) be certificated to FAR Part 33 and 35 respectively. Those commenting on this point believe this criteria is too severe. This is particularly true with respect to the comments on engine certification.

In the draft AC 21.23-1, as published for comment, the FAA recognized that requiring glider engines and propellers to meet the requirements of FAR Part 33 and 35 might be too severe because, by definition, gliders would not depend principally upon the engine for free flight. In the Notice, the FAA particularly requested comments or suggestions on acceptable criteria for the certification of engines and propellers for glider use only, and alternatives to the requirement that the engine and propeller be type certificated. After issuance of draft AC 21.23-1, the European Joint Airworthiness Requirements group that developed JAR 22, adopted European requirements for the type certification of glider (sailplane) engines and propellers as Subparts H and J of JAR 22. A copy of new JAR 22 Subparts H and J were provided to the FAA by the JAR group in response to the FAA request for comments and suggestions on this subject.

The Soaring Society of America (SSA) also suggested alternative engine and propeller approval criteria.

The FAA has completed its review of JAR 22, Subparts H and J, and the engine and propeller criteria suggested by the SSA. Both criteria are considered acceptable and both are compatable with the other. The FAA has selected to make particular reference to the JAR 22 requirements as acceptable criteria in AC 21.23-1 in the interest of international standardization of glider standards. Therefore, as stated in AC 21.23-1, engines that meet the criteria of JAR 22, Subpart H, and propellers that meet the criteria of JAR 22, Subpart J, may be approved as an integral part of the glider.

It should be noted that engines and propellers approved as an integral part of a particular glider are not type certificated as separate entities. Each will receive its own separate type

certificate but the type certificate will be limited for the installation of the engine or propeller on specific gliders. A regulatory project is being established to amend FAR Parts 33 and 35 to incorporate special requirements for glider engines and propellers to provide a basis to issue a type certificate for a glider engine and propeller without this limitation.

In addition to the foregoing, additional criteria to supplement JAR 22 were suggested by FAA engineers with respect to handling qualities and airspeed limitations, to be considered analogous to United States national variants to JAR 22. It was also suggested that the FAA apply the Belgium, France, and United Kingdom national variant against JAR 22.207(b) on stall warning systems. Because all of these suggestions were consistent with past FAA practices in the type certification of gliders, these suggestions were adopted in AC 21.23–1, affecting the application of JARs 22.177(b), 22.207(b), and 22.1545 as acceptable criteria.

A new paragraph was added to AC 21.23–1 to highlight to United States designers and manufacturers of gliders that the European countries that participated in the development of JAR 22 would probably require compliance with the JAR requirement for import airworthiness acceptance. Importing countries have the prerogative under the existing bilateral airworthiness agreements and FAR 21.329(f) requires that the special requirements of the importing country be met to obtain an FAA Export Certificate of Airworthiness. Therefore, AC 21.23–1 states that, unless specifically notified to the contrary by the authority of the importing country on a particular case basis, the FAA will consider strict compliance with JAR 22 to be a requirement for issuance of a Class I Export Certificate of Airworthiness for export to a JAR participating country.

Issued in Washington, DC, on January 12, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-1401 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 141—FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communications Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 141 on FM Broadcast Interference Related to Airborne ILS, VOR and VHF Communications Equipment to be held on January 28, 1981 in RTCA Conference Room 261, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Fifth Meeting Held on September 9–10, 1980; (3) Review Comments Received on Final Draft of Committee Report; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on January 5, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-1167 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

Wytwornia Spreztu Komunikacyjnego (WSK) AS_2–62IR–16 and AS_2–62IR–M18; Engine Certification

Wytwornia Sprzetu Komunikacyjnego (WSK) AS_2–62IR–16 and $AS_2$62IR–M18; engine certifiation and availability of documents.

Based on a review of the entire certification process, the Director of FAA New England Region approved issuance of the Type Certificate E10NE, as recommended by New England Region staff, under the terms of the Bilateral Airworthiness Agreement between the United States and the Polish People's Republic (Poland).

A copy of the "Decision Basis for Type Certification of the Wytwornia Sprzetu Komunikacyjnego "PZL-Kalisz" AS_2–62IR–16, AS_2–62IR–M18 Model Piston Engines" is on file in the FAA Rules Docket. The bulk of the "Decison Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein WSK was required to demonstrate compliance with the applicable Federal Aviation Regulations.

The test and appendices of the "Decision Basis" include delineation of the specific legal compliance required by each rule and a summary of the method by which compliance was established for each.

The requirements for certification under the terms of the Bilateral Airworthiness Agreement are also described for imported products.

Detailed appendices and attachments include: (1) The applicable Federal Aviation Regulations, (2) The Type Certificate and Type Certificate Data Sheet issued by the Central Administration of Civil Aviation (CACA) of Poland, (3) The Bilateral Airworthiness Agreement between the U.S.A. and Poland, and (4) FAA Type Certificate E10NE and the Type Certificate Data Sheet. The report is available for examination and copying at the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Copies of the report may be obtained from the Office of the Director, FAA New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on January 6, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-1195 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Charlotte, N.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Charlotte, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a 4-lane divided facility in Charlotte, North Carolina, from the interchange at I–85 and Little Rock Road to the structure over Southern Railway at the entrance to the new Douglas Municipal air terminal, a distance of approximately 1.1 miles. The proposed action is considered necessary to provide access to the proposed terminal which will adequately handle the projected traffic volumes. Also included in this proposal is the construction of an

interchange to accommodate the Inner Loop Connector (under construction) and the future Outer Loop Connector.

Alternatives under consideration include (1) not building the project; (2) using alternative travel modes; (3) widening existing Little Rock Road to seven lanes from I–85 to Wilkinson Boulevard and constructing a four-lane, limited access highway on new location from Wilkinson Boulevard to the southern terminus of the project and; (4) constructing a four-lane, limited access highway on new location east of existing Little Rock Road.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State, and local agencies. A public meeting and meeting with local officials have been held in the study area as a part of earlier studies. The draft EIS will be available for public and agency review and comment. A public hearing will be held following the availability of the draft EIS. Public notice will be given of the time and place of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued: December 23, 1980.

Roger D. Lewis,

Assistant for Division Administrator, Raleigh, N.C.

[FR Doc. 81-1187 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Orange County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to improve the Pacific Coast Highway (State Route 1) between Route 55 in Newport Beach and Golden West Street in Huntington Beach in Orange County, California. The proposed improvement would consist of widening from 4 to 6 lanes between Route 55 and Route 39 (Beach Boulevard) and replacement of the highway bridge over the Santa Ana River. For the portion between Beach Boulevard and Golden West Street traffic operation improvements will be used. These consist of elimination of on-street parking, restriping, and improved signalization.

The project proposed is to improve traffic flow on Pacific Coast Highway between Route 55 and Golden West Street. Presently, most of the roadway has insufficient capacity to accommodate today's traffic volumes at acceptable levels of service.

Alternatives under consideration include (1) taking no action; (2) widening equally on both sides of the highway; (3) widening on the inland side of the highway; (4) widening on the beach side of the highway; and (5) elimination of on-street parking and restriping the highway.

No scoping meetings have been scheduled at this time. Meetings will be scheduled to encourage affected parties to identify the crucial issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: January 1981.

Raymond Okinaga,

Acting District Engineer, Sacramento, California.

[FR Doc. 81-1349 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee; Support for Highway Safety Programs Task Force; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Support for Highway Safety Programs Task Force to be held on February 3–5, 1981. On February 3–4, the Task Force is sponsoring a series of round table discussions to determine how the Department of Transportation could effectively accomplish its highway safety mandate by working more efficiently with existing organizations who sponsor programs that have compatible goals. The meetings will start at 9:00 a.m. on both days in the Jupiter room of the Capitol Holiday Inn, 550 C Street, SW., Washington, D.C. On February 5 the Task Force will convene to discuss the issues identified during the first two days and prepare a draft report. This meeting will take place in room 8238 at the DOT Headquarters Building, 400 7th Street, SW., Washington, D.C.

Attendance is open to the interested public, but limited to the space available. Members of the public may present a written statement to the Task Force.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 7th Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on January 9, 1981.

Wm. H. Marsh,

Executive Secretary.

[FR Doc. 81-1535 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Demonstration Projects; Extension of Date for Invitation for Sources

AGENCY: Materials Transportation Bureau, Department of Transportation (DOT).

ACTION: Extending the date for the submission for sources.

SUMMARY: The Research and Special Programs Administration has the requirement to establish cost sharing demonstration projects to develop hazardous materials accident prevention and emergency response programs. The objectives of the demonstration projects are to document the steps taken by State and local governments, including Council of Governments, to develop a hazardous materials management program (46 FR 1071, January 5, 1981). The DOT has a total of $450,000

available in FY 1981 funds to support these demonstration projects. Not more than six (6) projects shall be approved for FY 9181. Projects reports are intended to be used by other Government agencies for developing similar programs in other jurisdictions. The Department of Transportation reserves the right to make any resulting procurement in the manner determined solely by DOT.

DATES: Sources received on or before Februaru 6, 1981 will be issued a request for proposal.

ADDRESS: Department of Transportation, Research and Special Programs Administration, Procurement Division, DPA-14, 400 Seventh Street, S.W., Washington, D.C., 20590, Attn: John E. Doyle, Jr.

Issued in Washington, D.C., on January 9, 1981.

John E. Doyle, Jr.,

Contratcing Officer.

[FR Doc. 81-1534 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-60

Urban Mass Transportation Administration

Vancouver/Clark County Intermodal Transportation Center; Intent To Prepare an Environmental Impact Statement

Pursuant to the Nationl Environmental Policy Act (83 Stat. 852) and the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500-1508), the Urban Mass Transportation Administration gives notice that an environmental impact statement is being prepared for the proposed Vancouver/Clark County Intermodal Transportation Center to be located in Vancouver, Washington.

The Regional Planning Council of Clark County, in cooperation with the City of Vancouver, proposes to undertake, with Federal capital grant assistance, and intermodal transportation center. The proposed project is designed to serve as an inter-city bus terminal; downtown transit station and transfer point serving the transit carriers through the Portland Metropolitan area; taxi; shuttle and kiss and ride access; and as a complimentary facility to the vicinity area structured parking demand and private development projects. As many as six alternative sites plus a no-build alternative will be analyzed in the environmental impact statement. Two sites identified thus far for detailed analysis are:

1. The block bound by 7th Street, 8th Street, Broadway, and C Street; and

2. The block bound by Mill Plain, Main Street, 15th Street, and Broadway.

A scoping meeting will be held in Vancouver, Washington on Tuesday, February 10, 1980 at 2:00 p.m. The meeting will be held at the Rudy Luepke Center located at 1900 East McLoughlin Boulevard. The Urban Mass Transportation Administration invites the participation of agencies and individuals with expertise or interest to comment on the scope of this environmental impact statement.

Comments and questions regarding the proposed action and environmental impact statement should be referred to: Joel Widder, Environmental Protection Specialist, Planning and Analysis Division, Office of Program Analysis, Urban Mass Transportation Administration, Washington, D.C., telephone number (202) 472-7100.

Dated: January 8, 1981.

Franz K. Gimmler,

Associate Administrator for Transit Assistance.

[FR Doc. 81-1527 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-57-M

TENNESSEE VALLEY AUTHORITY

First Public Notice for Class Review of Repetitive Actions in the 100-Year Floodplain

TVA's Floodplain Management and Protection of Wetlands procedures, 44 FR 45 513-24 (1979), implementing Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands), require TVA to evaluate potential impacts on and consider alternatives to siting in the 100-year floodplain (or a larger floodplain for critical actions) or permitting or taking actions in a wetland in connection with the issuance of licenses, permits, and approvals for land-use activities and in connection with the acquisition, management, and disposition of TVA facilities and Federal lands under TVA control. Item No. 12 of those procedures permits TVA to evaluate, as a class, routine or recurring actions when the considerations of whether to locate in a floodplain are substantially similar. TVA will continue to individually review proposals to permit or take action within a wetland due to the individual characteristics of wetlands.

There are certain recurring activities usually occurring adjacent to streams or TVA reservoirs that TVA has decided to evaluate as a class to determine their impacts on natural and beneficial floodplain values. These activities are conducted at times by TVA or other governmental entities but principally by members of the public. In the latter two cases, TVA is involved due to the need to obtain TVA approval pursuant to Section 26a of the Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. § 831y-1, the need to obtain a license or property interest from TVA, or because of a cooperative agreement to which TVA is a party. To date a large number of these activities have been reviewed on an individual basis by TVA pursuant to its procedures, with public notice and opportunity to comment, and the results of the reviews have indicated consistently and uniformly that through application of routine criteria TVA had minimized the adverse impact on natural and beneficial floodplain values. No significant public comments to the contrary have been received.

After this class review is completed, further public reviews will not be undertaken for individual actions which are determined to fall within the class.

This review will in no way constitute or evidence approval by TVA, where TVA property rights are involved or within the meaning of Section 26a of the TVA Act, of any structure or facility falling within the class. Persons wishing to undertake the activities listed here or other activities requiring TVA approval are cautioned that they must apply for TVA approval in the same manner as they are currently required to do.

The following actions will be evaluated to determine their impacts on natural and beneficial floodplain values:

1. Private water-use facilities (e.g., fixed or floating boat docks, fixed or floating boathouses, floats, fixed piers, rafts, floating ski jumps and slalom courses, and buoy lines for swimming areas);

2. Commercial recreation boat dock and water-use facilities (e.g., docks, fixed piers, floats, fixed or floating boat slips, fixed or floating water-related dock buildings but not including habitable structures, fuel handling facilities, floodproof buildings for dry boat storage, and minor dredging for boat channels and harbors);

3. Picnic tables, benches, grills, and fences on TVA lands;

4. Underground, overhead, or anchored utility and related lines and support structures (e.g., cable TV, electric, pipeline, sewer, telephone, and water);

5. Water intake structures;

6. Outfalls;

7. Mooring and loading facilities for barge terminals;

8. Agricultural use of TVA land;

9. Minor grading and fills (e.g., slopes for boat launching ramps, public highways, railroad crossings, pedestrian walkways and crossings, private

driveways, retaining walls and riprap for bank stabilization, and parking lots);

10. Bridges and culverts for pedestrian, highway, and railroad crossings; and

11. Small private land-based storage sheds and buildings having less than 25 square feet of floor space and used for storage of water use related equipment.

Measures will be taken to minimize impacts on natural and beneficial floodplain values when no practicable alternative to taking an action in the floodplain exists. Appropriate conditions and terms will be included in the authorizations and approvals issued by TVA. TVA will also take these measures if it maintains or constructs any of these facilities.

Any comments on this review by TVA should be submitted to: John R. Paulk, Director, Division of Land and Forest Resources, Tennessee Valley Authority, Norris, Tennessee 37828, no later than February 17, 1981. Comments may also be telephoned to TVA's Citizen Action Line at 1-800-362-9250 (inside Tennessee), 1-800-251-9242 (outside Tennessee), and 632-4100 in Knoxville.

Lawrence L. Calvert,

Assistant to the Director (Program Planning and Development), Division of Land and Forest Resources.

[FR Doc. 81-1456 Filed 1-14-81; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 88 (Rev. 5)]

Authority Delegation; District Directors, Employee Plans and Exempt Organizations Key Districts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: D.O. 88 (Rev. 5) grants authority to the District Director of each Employee Plans and Exempt Organizations Key District to issue notices of Revocation and Re-establishment of Exemption with respect to organizations or trusts referred to in section 4975 (g)(2) or (3), or described in section 501 (c)(17) or (18) of the Internal Revenue Code, and provides a current listing of Key District Offices. The text of the delegation order appears below.

EFFECTIVE DATE: January 12, 1981.

FOR FURTHER INFORMATION CONTACT: Edward J. Kulich, E:EO:D, 1111 Constitution Ave., N.W. Room 2218, Washington, D.C. 20224 Telephone Number (202)566-3570.

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

S. A. Greer,

Chief, Employee Plans Determination Branch.

Date of issue: January 12, 1981.

Effective Date: January 12, 1981.

Subject: Issuance of Notices of Revocation and Re-establishment of Exemption.

1. Pursuant to the provisions of 26 CFR 1.503(a)-1 and Treasury Department Order 150-37, the authority vested in the Commissioner of Internal Revenue to determine that any organization or trust described in section 401(a) which is referred to in section 4975(g)(2) or (3) or any trust described in section 501(c)(17) or 501(c)(18) has engaged in a prohibited transaction and to notify such entity in writing of the revocation of exemption is delegated to the District Director of each of the following Employee Plans and Exempt Organizations Key Districts.

Key Districts—IRS District Covered

Central Region

Cincinnati—Cincinnati, Louisville and Indianapolis
Cleveland—Cleveland and Parkersburg
Detroit—Detroit

Mid-Atlantic Region

Baltimore—Baltimore, Pittsburgh, Richmond, and Office of International Operations
Philadelphia—Philadelphia and Wilmington
Newark—Newark

Midwest Region

Chicago—Chicago
St. Paul—St. Paul, Aberdeen, Fargo, and Milwaukee
St. Louis—St. Louis, Des Moines, Omaha, and Springfield

North-Atlantic Region

Boston—Boston, Augusta, Burlington, Providence, Hartford, and Portsmouth
Manhattan—Manhattan
Brooklyn—Brooklyn, Albany, and Buffalo, Southeast Region
Atlanta—Atlanta, Birmingham, Columbia, Greensboro, Jackson, Jacksonville, and Nashville

Southwest Region

Dallas—Dallas, Albuquerque, Austin, Cheyenne, Denver, Little Rock, New Orleans, Oklahoma City, and Wichita

Western Region

Los Angeles—Los Angeles, Phoenix, and Honolulu
San Francisco—San Francisco, Reno, and Salt Lake City
Seattle—Seattle, Portland, Anchorage, Boise, and Helena

2. Such Key District Directors are also delegated authority to determine that such organizations and trusts will not knowingly again engage in a prohibited transaction and that they also satisfy all other requirements of section 501(c)(17), 501(c)(18) or applicable requirements of section 401(a) of the Internal Revenue Code of 1954 and to notify such trust or organization in writing of the re-establishment of its exemption pursuant to 26 CFR 1.503(c)-(1).

3. The authority delegated in this order may be redelegated but not below Chief, Employee Plans and Exempt Organizations Division.

4. This order supersedes Delegation Order No. 88 (Rev. 4) issued August 6, 1975.

William E. Williams,

Acting Commissioner.

[FR Doc. 81-1503 Filed 1-14-81; 8:45 am]

BILLING CODE 4830-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Information on Imports During First 10 Months of 1980

This notice is for information only, and has no legal effect. It is provided in order to inform the public of certain import statistics covering the period of January through October 1980. These statistics are relevant to the "competitive need" limits set forth in section 504(c) of the Trade Act of 1974 (19 U.S.C. 2464(c)), pertaining to the Generalized System of Preferences (GSP). Those limits provide, in effect, that any GSP beneficiary country that exported to the United States during the most recent calendar year a quantity of any one GSP eligible article in excess of (1) $25 million, adjusted annually to reflect changes in the U.S. Gross National Product, or (2) 50 percent of total U.S. imports of the article, is to cease receiving duty-free treatment under GSP for such article not later than 90 days after the close of that calendar year.

Based on preliminary data, subject to revision, the dollar limit cited in the preceding sentence is expected to be approximately $43.0 million for calendar year 1980.

Section 1111 of the Trade Agreements Act of 1979 amends section 504(c)(1)(B) of the Trade Act of 1974 so that the President may disregard the 50 percent "competitive need" limit with respect to any eligible article if the value of total imports of the article during the most recent calendar year did not exceed $1 million, adjusted annually to reflect changes in the U.S. Gross National Product.

Based on preliminary data, subject to revision, the dollar limit cited in the preceding sentence is expected to be approximately $1.45 million for calendar year 1980.

An executive order will be issued to be effective March 31, 1981, making the adjustments that are required by section 504(c) of the Trade Act, on the basis of official data covering all of calendar year 1980. Such data are not currently available. It should be emphasized that the information set forth below covers only the first ten months of 1980. While this is not complete information on which adjustments will be based, it is being published now in order to provide maximum possible advance indication as to adjustments that may be made to meet requirements of sections 504(c) of the Trade Act.

List I below shows how the "competitive-need" list of countries ineligible to receive GSP benefits for particular articles might look if that list were based on data covering the period January through October 1980. In fact, the "competitive-need" list that will become effective on March 31 will be based on data for the full twelve months of 1980, so that List I below is indicative only and is subject to change.

List II below shows countries which, on the basis of data for the first ten months of 1980, were close to exceeding the "competitive-need" limits for particular articles, but which had not actually exceeded those limits.

List III below shows countries which supplied 47 percent or more of GSP eligible articles, based on data for January–October 1980, and where the total value of U.S. imports did not exceed $1.45 million.

The column headed "TSUS" in the Lists below sets forth item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), representing categories of imported articles.

Ann H. Hughes,
Chairman, Trade Policy Staff Committee.

List I.—*GSP Eligible Articles for Which a Beneficiary Country Supplied*

(a) 50 pct or more of U.S. imports in January–October 1980 and the total value of U.S. imports during this period exceeded $1.45 million, or
(b) Imports valued at $43 million or more during that period.

TSUS item No.	Country	Percent	Value
107.48	Brazil	59	$57,702,719
107.80	Brazil	51	817,768
113.01	Thailand	58	1,153,701
114.04	Thailand	57	[1] 1,019,702
121.55	India	75	5,374,353
121.62	India	57	11,942,721
121.65	Argentina	51	5,076,629
135.90	Mexico	98	24,594,884
136.00	Dominican Republic	89	3,6291,973
136.30	Mexico	77	6,096,953
136.80	Mexico	75	1,209,428
137.71	Mexico	94	1,574,690
137.81	Columbia	59	[1] 1,024,214
138.05	Mexico	55	6,020,993
138.35	Costa Rica	72	[1] 1,291,852
140.21	Mexico	96	7,773,855
141.70	Taiwan	73	6,767,031
141.77	Mexico	64	14,561,421
146.32	Turkey	79	3,101,916
146.44	Philippines	75	2,394,336
147.98	Haiti	54	919,526
148.12	Mexico	91	4,854,331
148.27	Mexico	66	4,359,678
148.72	Chile	87	2,261,209
149.50	Mexico	88	1,450,721
152.54	Brazil	53	855,411
154.53	Taiwan	55	810,385
155.20	Brazil	15	235,721,904
155.20	Colombia	4	63,517,494
155.20	Dominican Republic	15	237,801,588
155.20	Guatemala	6	95,453,795
155.20	Mozambique	3	49,781,949
155.20	Panama	4	60,001,171
155.20	Philippines	8	124,736,928
155.20	Swaziland	2	44,338,074
176.15	Brazil	99	4,398,479
192.17	Israel	52	1,137,194
192.21	Colombia	89	[1] 59,486,420
192.45	Israel	54	2,714,288
192.85	Mexico	62	2,117,686
200.91	Honduras	67	3,510,048
202.62	Mexico	99	18,853,655
206.47	Taiwan	70	2,255,842
206.60	Mexico	67	21,391,812
206.96	Taiwan	59	33,067,914
220.20	Portugal	85	1,337,429
220.25	Portugal	83	1,769,885
220.48	Portugal	51	2,349,017
222.10	Hong Kong	65	7,534,859
240.02	Philippines	96	13,428,059

List I.—*GSP Eligible Articles for Which a Beneficiary Country Supplied*

(a) 50 pct or more of U.S. imports in January–October 1980 and the total value of U.S. imports during this period exceeded $1.45 million, or

(b) Imports valued at $43 million or more during that period.

TSUS item No.	Country	Percent	Value
240.21	Philippines	57	3,620,332
240.38	Philippines	51	6,779,468
256.87	Mexico	88	43,581,419
315.25	Mexico	67	3,264,152
319.01	India	99	1,766,468
319.05	India	97	1,436,681
360.35	India	88	1,741,585
418.80	Argentina	99	6,702,105
419.60	Chile	95	1,430,673
425.84	Netherlands Antilles	86	1,763,939
473.52	Mexico	99	7,405,916
522.21	Mexico	51	25,585,046
532.31	Mexico	54	946,038
534.94	Taiwan	43	49,944,954
545.53	Mexico	51	7,006,693
547.37	Taiwan	61	5,260,824
602.10	Peru	50	10,804,023
603.40	Chile	83	13,921,003
603.45	Chile	94	1,405,081
610.62	Republic of Korea	55	1,362,924
612.03	Chile	82	69,133,917
612.06	Chile	23	178,943,738
612.06	Peru	6	51,066,418
612.06	Zambia	12	96,680,911
632.02	Bolivia	56	3,406,553
642.14	Republic of Korea	60	1,542,016
646.90	Mexico	60	3,477,850
648.97	Taiwan	45	49,635,050
651.21	Taiwan	54	3,424,950
653.30	Hong Kong	52	954,646
653.47	Taiwan	77	1,140,273
653.85	Taiwan	83	2,255,423
654.12	Taiwan	89	4,754,470
654.13	Hong Kong	70	6,618,963
656.10	Argentina	59	3,757,684
657.24	Taiwan	58	1,871,206
661.06	Hong Kong	31	68,036,659
662.35	Mexico	54	1,589,801
676.20	Hong Kong	13	43,368,945
676.52	Hong kong	15	119,023,838
676.52	Mexico	7	61,357,982
676.50	Taiwan	6	59,735,969
682.60	Mexico	19	67,685,932
683.15	Mexico	52	23,295,765
683.80	Hong Kong	78	4,512,571
684.15	Singapore	96	8,789,170
684.50	Hong Kong	49	87,716,315
684.70	Taiwan	18	63,904,653
685.24	Hong Kong	25	109,200,732
685.24	Taiwan	10	46,557,301
685.90	Mexico	15	116,390,774
686.24	El Salvador	56	4,366,002
686.30	Taiwan	64	10,237,382
687.30	Malaysia	53	11,079,089
687.42	Taiwan	55	3,044,396
688.10	Taiwan	78	37,964,692
688.12	Mexico	77	56,678,169
688.15	Mexico	45	53,633,105
688.44	Hong Kong	50	[1]5,677,318
692.32	Mexico	9	120,964,572
696.35	Taiwan	69	4,503,023
696.50	Brazil	94	1,656,837
702.32	Mexico	76	1,410,742
702.47	Mexico	93	2,533,934
706.40	Hong Kong	71	1,048,115
709.40	Hong Kong	68	3,661,583
712.15	Israel	55	7,929,845
713.15	Mexico	61	3,575,873
722.44	Hong Kong	57	4,783,133
726.90	Mexico	50	6,418,122
727.06	Mexico	56	21,303,598
727.12	Philippines	56	[1]3,581,203
727.35	Taiwan	17	46,851,052
727.47	Taiwan	70	3,671,140
731.20	Republic of Korea	51	1,181,786
732.52	Taiwan	56	947,397
734.10	Taiwan	88	7,330,048
734.15	Taiwan	61	23,575,696
734.20	Hong Kong	39	145,486,048
734.20	Taiwan	22	83,948,322
734.25	Hong Kong	55	1,478,871
734.51	Taiwan	83	3,223,318
734.54	Republic of Korea	53	20,986,420
734.56	Haiti	78	25,093,927
734.87	Taiwan	63	3,995,259
734.90	Taiwan	83	37,033,077
737.15	Hong Kong	60	36,424,742
737.21	Hong Kong	53	7,929,986
737.25	Taiwan	81	5,027,903
737.30	Republic of Korea	56	29,451,302

List I.—*GSP Eligible Articles for Which a Beneficiary Country Supplied*

(a) 50 pct or more of U.S. imports in January-October 1980 and the total value of U.S. imports during this period exceeded $1.45 million, or
(b) Imports valued at $43 million or more during that period.

TSUS item No.	Country	Percent[1]	Value
737.50	Hong Kong	82	1,510,464
737.60	Hong Kong	53	2,472,978
737.95	Hong Kong	42	102,935,555
737.95	Taiwan	16	43,673,921
740.30	Hong Kong	69	1,452,459
740.34	Hong Kong	90	3,182,683
740.70	Israel	69	3,858,205
740.75	Republic of Korea	59	1,292,096
741.25	Hong Kong	57	1,645,034
750.25	Hong Kong	57	2,308,023
751.05	Taiwan	73	32,401,925
755.25	Hong Kong	55	11,197,984
772.35	Taiwan	83	24,295,238
772.51	Republic of Korea	6	57,670,477
772.97	Hong Kong	51	16,618,172
774.45	Hong Kong	73	20,732,943
790.10	Taiwan	50	4,136,859
790.39	Taiwan	85	26,012,981
790.70	Republic of Korea	86	30,756,181
791.28	Mexico	52	2,480,395
792.50	Philippines	66	3,879,853
792.60	Hong Kong	94	5,802,161
Total			4,063,921,083

[1] Estimated.

List II.—*GSP Eligible Articles for Which a Beneficiary Country Supplied*

(a) 47 pct or more, but less than 50 pct, of U.S. imports in January-October 1980 and the total value of U.S. imports during this period exceeded $1.45 million, or
(b) Imports valued at $41 million or more, but less than $43 million, during that period.

TSUS item No.	Country	Percent	Value
155.35	Dominican Republic	48	$3,814,352
220.50	Portugal	49.3	860,959
222.44	Philippines	48	6,894,632
245.20	Brazil	48	11,960,387
429.34	Brazil	48	1,723,134
535.31	Mexico	48	5,054,622
544.51	Hong Kong	48	16,528,369
618.15	Venezuela	49.3	6,588,956
652.90	Taiwan	48	2,951,645
652.84	Mexico	48	10,833,358
653.90	Taiwan	47	3,025,116
674.35	Taiwan	5	42,367,006
685.24	Republic of Korea	9	41,260,854
685.24	Singapore	9	42,291,082
685.29	Singapore	16	41,338,362
726.70	Mexico	48	2,772,792
734.70	Republic of Korea	48	5,605,484
735.09	Taiwan	48	5,851,222
735.12	Taiwan	48	1,157,135
737.07	Hong Kong	47	9,831,806
737.45	Hong Kong	47	3,395,766
737.80	Hong Kong	49.3	8,190,657
741.50	Hong Kong	47	1,324,790
750.40	Hong Kong	47	1,551,098
750.65	Taiwan	47	1,093,967
772.95	Hong Kong	48	7,163,204
774.55	Taiwan	16	41,086,803
Total			326,517,558

List III.—*GSP Eligible Articles for Which a Beneficiary Country Supplied 47 pct or More of U.S. Imports in January-October 1980 and the Total Value of U.S. Imports During This Period Did Not Exceed $1.45 Million*

TSUS item No.	Country	Percent	Country Value	Total value of item
107.45	Haiti	49	$386,744	$788,288
107.70	Haiti	100	304	304
121.52	India	53	129,579	243,000
130.32	Argentina	67	532,600	785,678
130.40	Mexico	97	27,132	27,874
135.51	Mexico	96	436,515	452,009
135.80	Nicaragua	100	49,111	49,111
136.97	Taiwan	50	550,777	1,081,326
137.02	Dominican Republic	92	951,148	1,027,031
137.40	Mexico	73	969,019	1,353,167
137.75	Costa Rica	85	688,281	803,363
137.79	Mexico	97	11,020,473	1,051,355

List III.—*GSP Eligible Articles for Which a Beneficiary Country Supplied 47 pct or More of U.S. Imports in January–October 1980 and the Total Value of U.S. Imports During This Period Did Not Exceed $1.45 Million—Continued*

TSUS item No.	Country	Percent	Country Value	Total value of item
140.14	Thailand	71	827,450	1,158,875
140.20	Nepal	65	217,876	332,672
140.54	Israel	57	115,842	201,665
141.35	Turkey	58	106,864	187,545
146.42	Ecuador	97	736,845	752,189
147.33	Morocco	50	58,004	115,759
147.36	India	49	2,331	4,705
147.85	Brazil	52	183,429	348,592
148.19	Honduras	71	22,500	31,491
148.35	Guatemala	74	48,393	66,160
148.65	Dominican Republic	49	384,772	776,526
148.77	Philippines	47	1,963	4,185
149.15	Honduras	55	224,788	403,033
152.00	Panama	55	15,415	27,643
152.43	Dominican Republic	81	73,416	89,701
153.28	Portugal	56	49,208	87,516
154.40	Taiwan	47	176,342	372,203
154.43	Taiwan	56	14,968	26,706
154.60	Taiwan	50	92,813	182,170
161.69	Mexico	89	102,300	113,634
168.13	Trinidad and Tobago	99	291,514	291,946
169.39	Brazil	67	417,830	621,123
169.46	Mexico	72	460,540	635,762
169.49	Colombia	50	21,450	42,173
177.12	Panama	94	1,010,980	1,072,763
182.90	Panama	71	491,873	692,142
184.65	Taiwan	64	173,901	267,642
190.68	Mexico	50	289,602	572,634
206.45	Haiti	98	19,532	19,886
220.10	Portugal	94	456,617	485,672
220.15	Portugal	86	174,045	200,426
220.35	Portugal	100	25,667	25,667
220.37	Portugal	100	8,054	8,054
220.41	Portugal	88	24,779	28,014
222.36	Republic of Korea	57	109,991	192,419
222.62	Philippines	72	165,940	227,617
240.10	Brazil	97	457,393	469,796
240.12	Brazil	72	25,834	35,545
240.19	Taiwan	75	701,198	925,457
240.54	Taiwan	77	73,579	95,310
252.05	Taiwan	79	290,604	361,466
253.45	Taiwan	61	16,629	26,932
254.25	Taiwan	96	14,880	15,360
254.40	Israel	77	17,360	22,296
254.48	Brazil	77	616,911	791,785
254.56	Brazil	96	63,335	65,840
304.44	Brazil	100	22,125	22,125
304.58	Thailand	77	73,822	95,715
305.20	Thailand	53	167,474	312,126
305.22	India	74	225,847	304,189
305.28	Thailand	94	940,073	989,942
306.52	Bolivia	100	50,136	50,136
306.71	Argentina	63	18,880	29,762
308.06	Taiwan	100	475	475
308.18	Argentina	100	10,271	10,271
308.30	Brazil	58	73,650	126,349
308.50	Hong Kong	57	655,738	1,135,807
315.30	Portugal	76	81,508	106,620
319.03	India	98	1,067,224	1,084,051
319.07	India	92	249,704	269,461
335.50	India	63	370,609	579,613
347.30	India	91	1,095,887	1,202,290
347.72	India	53	28,091	52,357
347.75	Israel	62	30,255	36,810
360.36	Brazil	60	37,629	61,693
360.82	India	78	28,429	36,395
409.38	Romania	50	160,627	320,891
412.76	Israel	100	91,933	91,933
412.80	Mexico	68	20,497	30,137
416.05	Mexico	100	102,858	102,858
417.54	Bolivia	72	27,596	38,006
418.24	India	91	344,900	376,401
419.54	Mexico	73	147,544	199,696
420.02	Israel	65	279,781	426,333
420.78	Turkey	58	50,400	86,068
420.82	Israel	79	159,179	200,805
420.98	Brazil	99	697,619	699,339
421.90	Hong Kong	98	386,700	393,382
422.74	Mexico	80	226,400	281,031
422.76	Mexico	60	903,733	1,119,332
426.56	India	69	21,182	30,620
427.25	Mexico	63	57,489	90,343
429.22	Brazil	58	359,307	617,010
437.13	India	97	55,499	57,094

List III.—*GSP Eligible Articles for Which a Beneficiary Country Supplied 47 pct or More of U.S. Imports in January–October 1980 and the Total Value of U.S. Imports During This Period Did Not Exceed $1.45 Million—Continued*

TSUS item No.	Country	Percent	Country Value	Total value of item
437.15	India	99	176,194	177,409
437.50	Mexico	54	4,308	7,945
448.10	Malaysia	86	820,231	952,270
450.35	Singapore	56	217,769	383,114
460.60	Hong Kong	100	83,552	83,552
460.70	Brazil	100	61,875	61,875
461.15	Bermuda	88	89,499	100,944
465.25	Mexico	78	30,864	39,337
465.85	India	100	648	648
465.70	Argentina	100	60,648	60,648
466.05	Jamaica	80	45,285	56,107
466.10	Republic of Korea	98	165,568	167,338
470.18	Israel	69	[1]130,522	[1]186,813
472.48	Cyprus	96	8,102	8,358
473.50	Mexico	100	16,785	16,785
473.56	Mexico	92	1,093,623	1,183,045
473.66	Mexico	100	27,377	27,377
473.78	Mexico	91	17,165	18,763
473.82	Republic of Korea	88	235,067	264,241
474.02	Hong Kong	100	773	773
490.32	Argentina	51	249,183	483,465
511.31	Mexico	70	908,630	1,281,582
514.54	Mexico	67	92,515	136,237
516.71	India	90	1,014,455	1,121,433
516.73	India	100	15,106	15,106
516.74	India	96	65,734	67,778
516.76	India	66	299,466	450,105
516.94	India	47	39,950	84,411
518.41	Mexico	68	849,136	1,239,912
520.37	India	55	30,081	54,083
533.15	Taiwan	53	413,211	767,673
544.11	Taiwan	48	396,336	822,836
545.65	Mexico	74	891,385	1,202,607
545.85	Taiwan	92	646,235	697,375
546.23	Hong Kong	49	26,036	52,723
547.41	Hong Kong	90	38,337	42,263
605.05	Philippines	100	1,246	1,246
605.66	Argentina	96	1,284,024	1,305,610
610.71	Israel	100	97,042	97,042
612.15	Mexico	98	360,836	365,590
612.30	Yugoslavia	98	509,569	519,628
613.15	Mexico	68	29,563	43,447
622.40	Brazil	98	416,589	424,242
624.42	Mexico	99	590,159	593,740
628.50	Peru	72	79,866	110,850
628.95	Hong Kong	100	368	368
642.58	Portugal	77	7,539	9,718
642.85	Taiwan	63	12,395	19,632
644.26	Mexico	100	17,668	17,668
646.06	Taiwan	74	109,995	147,384
646.82	Taiwan	53	61,216	114,386
646.98	Mexico	98	762,107	776,475
649.89	Republic of Korea	72	29,000	39,963
650.79	Hong Kong	100	7,836	7,836
650.93	Hong Kong	94	5,309	5,603
650.87	Hong Kong	74	108,890	146,385
650.89	Taiwan	49	688,591	1,398,538
651.03	Hong Kong	48	56,136	115,803
651.04	Hong Kong	76	907	1,185
651.13	Hong Kong	72	1,026,588	1,421,959
651.15	Taiwan	79	254,650	322,276
652.13	Taiwan	60	500	830
652.93	Taiwan	76	132,921	174,793
653.70	Hong Kong	59	27,041	45,231
672.10	Hong Kong	78	620,808	811,541
676.23	Hong Kong	67	135,582	201,443
684.10	Taiwan	79	643,446	811,902
685.42	Republic of Korea	64	262,852	407,722
686.50	Mexico	86	1,035,627	1,192,641
702.06	Republic of Korea	66	4,536	6,853
702.45	Brazil	79	54,283	67,918
702.85	Taiwan	83	5,935	7,076
703.25	Philippines	100	666	666
703.55	Portugal	55	665,784	1,203,913
703.65	Mexico	90	960,428	1,076,683
703.75	Mexico	67	534,310	794,919
704.34	Taiwan	85	18,053	21,220
704.95	Philippines	88	59,859	67,598
705.82	Brazil	73	211,586	289,360
705.90	Republic of Korea	49	282,082	587,227
706.50	Hong Kong	85	291,123	341,696
710.06	Republic of Korea	95	127,008	133,409
710.67	Republic of Korea	66	5,894	8,814
711.77	Mexico	66	612,693	917,132
713.17	Hong Kong	80	328,599	408,598

List III.—*GSP Eligible Articles for Which a Beneficiary Country Supplied 47 pct or More of U.S. Imports in January-October 1980 and the Total Value of U.S. Imports During This Period Did Not Exceed $1.45 Million—Continued*

TSUS item No.	Country	Percent	Country Value	Total value of item
713.19	Mexico	72	227,033	311,300
725.36	Hong Kong	63	58,800	92,024
726.20	Portugal	94	31,989	33,844
730.29	Brazil	63	546,818	869,823
730.41	Brazil	100	194,400	194,400
730.57	Brazil	100	48,510	48,510
731.10	Taiwan	57	513,276	866,915
731.30	Taiwan	52	368,965	707,488
731.50	Taiwan	54	339,392	627,827
732.50	Taiwan	54	183,708	336,881
734.30	Hong Kong	62	191,423	230,978
734.34	Hong Kong	61	871,132	1,427,693
734.60	Taiwan	91	254,925	277,593
734.71	Taiwan	54	145,928	265,536
735.11	Taiwan	67	83,550	123,318
741.20	Hong Kong	96	183,927	190,643
745.08	Hong Kong	97	15,148	15,523
748.12	Haiti	64	30,156	47,062
748.15	Taiwan	54	151,188	276,463
750.05	Hong Kong	93	405,858	435,073
750.35	Taiwan	64	539,006	831,592
750.50	Republic of Korea	70	1,004,501	1,421,151
751.10	India	47	9,428	19,683
751.15	Taiwan	72	11,626	16,125
751.20	Taiwan	87	594,096	675,871
755.30	Malta	78	369,102	468,764
756.23	India	77	91,551	117,802
756.40	Hong Kong	74	96,043	131,075
756.50	Hong Kong	79	25,389	32,055
760.38	Mexico	82	187,564	227,714
771.05	Colombia	58	625	1,071
772.03	Hong Kong	53	741,223	1,394,903
773.20	Hong Kong	92	9,300	10,055
774.20	India	77	20,324	26,271
790.59	Taiwan	64	100,469	154,728
790.61	Taiwan	63	711,104	1,118,669
790.62	Taiwan	68	667,369	960,854
791.35	Brazil	48	28,696	59,758
792.75	Hong Kong	85	1,105,287	1,299,717
Total			59,136,966	79,248,703

Estimated.

[FR Doc. 81-1252 Filed 1-14-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 10
Thursday, January 15, 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

CHRYSLER CORPORATION LOAN GUARANTEE BOARD.

TIME AND DATE: 4 p.m., January 14, 1981.

PLACE: Room 4121, Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C.

STATUS: Closed to the public.

MATTERS TO BE DISCUSSED: The Board will continue its discussion of Chrysler's new Operating and Financing Plans and related documents and its request for additional guarantees. The Board expects to begin considering whether to grant preliminary approval to Chrysler's application for an additional $400 million of guarantees.

CONTACT PERSON FOR MORE INFORMATION:
Bruce D. Bolander, Secretary of the Board (202) 566-2278.

This notice is given as a result of a court order. The position of the Board is that it is not subject to the Government in the Sunshine Act.

Dated: January 13, 1981.

Bruce D. Bolander,
Secretary of the Board.

[S-54-81 Filed 1-13-81; 3:42 pm]
BILLING CODE 4810-27-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Friday, January 9, 1981.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: H-0015-81.

CHANGE IN THE MEETING: The following item, previously announced as being on the open portion of the agenda was moved to the portion closed to the public:

"Contact #9/3500/9182"

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:

Eleanor Holmes Norton, Chair
Daniel E. Leach, Vice Chair
Armando M. Rodriguez, Commissioner
J. Clay Smith, Jr., Commissioner

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued January 12, 1981.

[S-56-81 Filed 1-12-81; 4:57 pm]
BILLING CODE 6570-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday January 13, 1981.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: H-0034-81.

CHANGE IN MEETING: The following item was announced as being on the closed portion of the agenda: "OFCCP Final Regulations, 41 CFR 60-1.11." This item has been placed on the open portion of the agenda and is entitled:

"OFCCP Final Regulation Concerning Payment of Membership Fees and Other Expenses to Private Organizations."

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible. In favor of change:

Eleanor Holmes Norton, Chair
Daniel E. Leach, Vice Chair
Armando M. Rodriguez, Commissioner
J. Clay Smith, Jr., Commissioner

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued January 12, 1981.

[S-54-81 Filed 1-12-81; 4:57 pm]
BILLING CODE 6570-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 13, 1981.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: H-0034.81.

CHANGES IN THE MEETING: 1. The following Freedom of Information Act Appeal Number was incorrectly cited:

"Freedom of Information Act Appeal No. 80-12-FOIA-566

The item should read as follows: "Freedom of Information Act Appeal No. 80-11-FOIA-008MK"

2. The following item is added to the agenda:

"Freedom of Information Act Appeal No. 80-10-FOIA-3-DT, concerning a request for access to part of an age discrimination charge file."

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible. In favor of change:

Eleanor Holmes Norton, Chair
Daniel E. Leach, Vice Chair
Armando M. Rodriguez, Commissioner
J. Clay Smith, Jr., Commissioner

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued January 12, 1981.

[S-55-81 Filed 1-12-81; 4:57 pm]
BILLING CODE 6570-06-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, January 14, 1980 at 2:00 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda Item No., and Subject

Broadcast—1—*Title: Report and Order* in the Matter of Radio Deregulation (BC Docket No. 79-219). *Summary:* On September 6, 1979, the Commission adopted a *Notice of Inquiry and Notice of Proposed Rule Making* (FCC 79-518) looking into the

possibility of removing or relaxing several Commission regulations concerning commercial broadcast radio. The specific regulations included nonentertainment programming and commercial guidelines, community ascertainment requirements and program log keeping requirements. The *Report and Order* Discusses and resolves the issues present in that proceeding.

General—1—*Title:* Amendment of Parts 2, 21, 87, and 90 of the Commission's Rules to allocate Spectrum for, and to establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Common Carrier Digital Telecommunications Services. *Summary:* The Commission shall consider a First Report and Order arising from the Notice of Proposed Rulemaking and Inquiry (Notice) in Docket 79–188. The Notice, issued in response to a petition from the Xerox Corporation, proposed a reallocation of the 10.55–10.68 GHz band and other rules and policies for Digital Termination Systems (DTS) and the common carrier digital communications services to be provided over them.

Common Carrier—1—Title: In the Matter of Inquiry into the Policies to be followed in the Authorization of Common Carrier Facilities to meet North Atlantic Telecommunications needs during the 1985–1995 period. *Summary:* The Commission considers general policy guidelines regarding the choice and use of major facilities in the North Atlantic during the 1985–1995 period.

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.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-62-81 Filed 1-13-81; 2:45 pm]

BILLING CODE 6712-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 12, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Home Savings Bank of Upstate New York, Albany, New York, for consent to establish a branch on Columbia Turnpike, 200 yards southwest of Sherwood Avenue, Town of East Greenbush, New York.

Application of Auburn Savings Bank, Auburn, New York, for consent to establish a branch at 34 South Main Street, Moravia, New York.

Application of the Community Savings Bank, Rochester, New York, for consent to establish a branch at the southeast corner of Muller Boulevard and Jefferson Road, Town of Henrietta, New York.

Application of Monroe Savings Bank, Rochester, New York, for consent to establish a branch at 18 State Street, Village of Pittsford, New York.

Recommendation Regarding Modification of the Terms of a Promissory Note Payable to FDIC.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Drovers' National Bank of Chicago, Chicago, Illinois

Memorandum and Resolution re: Surety Bank and Trust Company, Wakefield, Massachusetts

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter 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 matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: January 12, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-65-81 Filed 1-13-81; 3:51 pm]

BILLING CODE 6714-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2767, January 12, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 14, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG–20. CP80–211, Florida Gas Transmission Co. and Southern Natural Gas Co.

RP–1. RP80–61, Consolidated Gas Supply Corp.

CP–3. CI81–22–000, Southern Union Gathering Co.

CP–4. Delhy Gas Pipeline Corp. and Sugar Bowl Gas Corp.

CP–5. ST80–288 and ST80–336, Sugar Bowl Gas Corp.

CP–6. CP80–335, Arkansas Louisiana Gas Co.

Kenneth F. Plumb,

Secretary.

[S-58-81 Filed 1-13-81; 10:19 am]

BILLING CODE 6450-85-M

8

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 2246, January 8, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 14, 1981.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

1. National Association of Recycling Industries, Inc., et al. v. Federal Maritime Commission and United States of America, D.C. Cir. No. 79–1267.

[S-57-81 Filed 1-13-81; 9:25 am]

BILLING CODE 6730-01-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., January 21, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Sea-Land Service, Inc.—18 percent general increase applying between U.S. Atlantic and Gulf ports and ports in Puerto Rico and between San Juan, Puerto Rico and Canadian ports via Elizabeth, New Jersey.

2. Gulf Caribbean Marine Lines, Inc.—16 percent general increase applying between United States Atlantic and Gulf ports and ports in Puerto Rico.

3. Trailer Marine Transport Corporation—16 percent general increase applying between United States Atlantic and Gulf ports and ports in Puerto Rico and the Virgin Islands and between San Juan, Puerto Rico and ports in the Virgin Islands.

4. Puerto Rico Maritime Shipping Authority—18 percent general increase applying between North Atlantic ports and ports in Puerto Rico; 16 percent general increase applying between South Atlantic and Gulf ports and ports in Puerto Rico; and 30 percent general increase applying between ports in Puerto Rico and ports in the U.S. Virgin Islands.

5. Agreement No 7770–19: Modification of the North Atlantic French Atlantic Freight Conference Agreement to provide for appointment of a European representative.

6. Agreement No. T–3788–3: Modification of a lease between the Port of Seattle and six

Japanese lines to provide for additional improvements.

7. Discussion of conference voting procedures for joint services and pools.

8. Informal Docket No. 420(I): Stop & Shop Companies, Inc., Bradlees Division v. Barber Blue Line and Barber Steamship Lines, Inc.—Review of Settlement Officer's Decision.

Portion closed to the public:

1. Agreement No. 10402: The Bank and Savill Line, Ltd., Service Agreement and reconsideration of Agreement No. 10355 between The Bank and Savill Line, Ltd., and the Shipping Corporation of New Zealand.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-63-81 Filed 1-13-81; 2:45 pm]

BILLING CODE 6730-01-M

10

PAROLE COMMISSION.

TIME AND DATE: 10:30 a.m., Thursday, January 8, 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 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda W. Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (202) 724–3094.

[S-56-81 Filed 1-13-81; 12:07 pm]

BILLING CODE 4410-01-M

11

POSTAL RATE COMMISSION.

TIME AND DATE:

2:00 p.m., Tuesday, January 13, 1981.

9:30 a.m., Wednesday and Thursday, January 14–15, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Issues in Docket No. R80–1

[Closed pursuant to 5 U.S.C. § 552 b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, DC. 20268; telephone (202) 254–5614.

[S-53-81 Filed 1-12-81; 4:23 pm]

BILLING CODE 7715-01-M

12

POSTAL SERVICE BOARD OF GOVERNORS.

During its January 9, 1981, meeting the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the meeting. The portion to be closed was to involve a discussion of a proposed capital investment for the E-COM System.

The Board determined, pursuant to 5 U.S.C. 552b(c)(9)(B), that the portion of the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act on the grounds that the public interest did not require otherwise and that the portion to be closed was likely to disclose information whose premature disclosure would be likely to significantly frustrate the proposed action by divulging the maximum dollar amount that the Postal Service might be willing to invest before the contract price was finally negotiated.

The members of the Board voting in favor of closing this portion of the meeting were: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan, Postmaster General Bolger and Deputy Postmaster General Benson.

Prior to its January 9 meeting, the Board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on December 24, 1980 (45 FR 85245). On January 9, the Board determined by a unanimous vote that a change in the earlier plan to conduct the entire meeting in the open was required by the business of the Board and that no earlier announcement of the change was possible.

In accordance with 5 U.S.C. 552b(f)(1), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation pursuant to 5 USC 552b(c)(9)(B).

The persons who attended this closed portion of the meeting were Board Members Babcock, Benson, Bolger, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Secretary to the Board Cox; Senior Assistant Postmaster General for Research and Technology Jaquish; and Mr. Hamilton, representing Mr. Califano, Counsel to the Governors.

Louis A. Cox,

Secretary.

[S-61-81 Filed 1-13-81; 2:13 pm]

BILLING CODE 7710-12-M

13

POSTAL SERVICE BOARD OF GOVERNORS.

On January 9, 1981, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its next meeting, scheduled for February 5, 1981. Each of the members of the Board voted in favor of partially closing this meeting, which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger, Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

One portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organzations representing certain postal employees, which is scheduled to expire in July of 1981.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular intererest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted

from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

The other portion of the meeting to be closed is to involve a discussion concerning adjustments in the compensation of certain officers of the Postal Service. The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the officials immediately affected, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion of these compensation adjustments be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the portion of the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code and section 7.3(f) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-60-81 Filed 1-13-81; 2:12 pm]

BILLING CODE 7710-12-M

federal register

Thursday
January 15, 1981

Part II

Department of Transportation

Federal Aviation Administration

Parts Manufacturer Approvals; Falsification of Airworthiness Certification Documents

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 45

[Docket No. 17147; Notice 77-19C]

Parts Manufacturer Approvals; Falsification of Airworthiness Certification Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice withdraws and supersedes outstanding notices of proposed rule making insofar as they pertain to Parts Manufacturer Approvals (PMA), and proposes amended PMA rules which will eliminate unnecessary procedural burdens, improve safety, and standardize the PMA process between FAA regions. With regard to the PMA rules, the proposed changes (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. In addition to the proposed changes to the PMA rules, this notice also proposes a rule to clarify and strengthen the agency's enforcement policy by prohibiting and prescribing administrative sanctions for certain described acts involving falsification of applications, reports, and records under Part 21. Finally, the notice provides an advanced announcement of plans for a regulatory review of Federal Aviation Regulations pertaining to quality control during the manufacture, maintenance, and rebuilding of aeronautical products.

DATES: Initial comments must be received on or before April 15, 1981. Reply comments must be received on or before May 15, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 17147, 800 Independence Avenue, SW., Washington, D.C. 20591 or delivered in duplicate to Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked "Docket No. 17147."

FOR FURTHER INFORMATION CONTACT: Mr. Eli Newberger, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of this proposal may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. Initial comments on this notice must be received on or before the first date specified above. Reply comments which specifically respond to the initial comments on this notice must be received on or before the second date specified above. All communications received on or before these dates will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket between 8:30 a.m. and 5:00 p.m. for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of the proposal will be filed in the Rules Docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 17147." The postcard will be dated, time stamped, and returned to the commenter.

Additional Copies of Notice

Any person may obtain a copy of this NPRM by submitting a request to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: (202) 426-8058. Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

Background

On August 24, 1977, the FAA issued Notice No. 77-19 (42 FR 43985; September 1, 1977) which invited comments on a proposed amendment to the Federal Aviation Regulations (FAR). The FAA proposed to: (1) revise the application and reporting requirements applicable to Parts Manufacturer Approvals (PMA); (2) clarify the means by which an applicant for a PMA can show that the design of the applicant's part is identical to the design of a part that is covered under a type certificate (TC); (3) update certain form number references; (4) provide for the issuance of export certificates of airworthiness for unassembled normal category rotorcraft; and (5) provide for the issuance of export airworthiness approvals for aeronautical products that do not meet certain requirements if the importing country agrees to accept the products in such condition.

On November 25, 1977, the FAA issued Notice 77-19A which reopened the comment period to allow the public additional time to submit comments to the Docket. This action was requested by Superior Air Parts, Inc.

On April 6, 1978, the FAA issued Notice 77-19B which again reopened the comment period to allow additional persons and organizations to submit comments to the Docket. This action was requested by AVCO Lycoming.

The portions of the notice dealing with form number revisions and export airworthiness requirements (Items 3, 4, and 5) were adopted by Amendment 21-48 (44 FR 15648; March 15, 1979) and are not discussed in this notice.

In response to Notices 77-19, 77-19A, and 77-19B, the FAA received replies from 147 commenters on the PMA portion, including manufacturers, operators of aircraft, repair facilities, industry groups, and government agencies.

Discussion of the Comments Received Dealing With PMA Application and Reporting Requirements

Notice 77-19 proposed to amend the lead-in of § 21.303(c) and § 21.303(c)(2) to require an application for a PMA to be made to the regional office in which the applicant is located rather than in the region in which the manufacturing facilities are located, and that the application include the address of the applicant. From comments received, the region of application appears to be of minor concern to industry. However, for reasons discussed later in this preamble it is proposed that the region of application be the region where the applicant's facility which controls the design and quality of the part is located.

In addition, it was proposed to revise § 21.303(j) to relieve the PMA holder of the requirement of making timely reports

to the FAA of changes in location of domestic manufacturing facilities. Bell Helicopter Textron objects to this proposal, contending in effect that the recordkeeping requirement proposal in lieu of advising the FAA within 10 days of changes in manufacturing facilities does not afford the FAA adequate opportunity to provide needed surveillance over the new facilities. The FAA agrees that it is not appropriate to adopt the proposal at this time, and that further study is needed in order to develop the final rule. Accordingly, the proposal to amend § 21.303(j) at this time is withdrawn.

Discussion of the Comments Received Dealing With Design Identicality

The majority of the comments addressed the proposal to clarify § 21.303(c)(4) to specify the available methods of showing design identicality. Most of the commenters oppose the proposal. The major issues concern safety of PMA parts, economic consequences, interpretation of how the FAA intends to administer the proposal if adopted, and apprehension regarding the handling and possible abuse of the proprietary nature of data submitted by TC holders.

For the most part, those opposed assume the proposed rule would make it more difficult to obtain the design approval leading to a PMA on the basis of design identicality to a previously approved design. Others, principally Superior Air Parts, Inc., a holder of many PMA's based on design identicality, and the Department of Justice, base their opposition primarily on an interpretation of the proposal that is not intended by the FAA. In effect, their interpretation is that an applicant will no longer be able to submit drawings and specifications for inspection by the FAA to determine whether the design of a part is the same as that previously approved by the FAA because of differences in drawing revisions and revision dates which document minor design changes. Interested type certificate holders, such as AVCO Lycoming, Pratt & Whitney, and related trade associations, oppose the proposed rule because it continues the practice of issuing PMA's based on design identicality without requiring the applicant to demonstrate its right to the design data presented for approval.

A major source of contention is the proposal to require an applicant for a PMA based on design identicality to "completely identify the part covered under the type certificate by the part name, part number, and drawing revisions and revision dates, if any." (See proposed § 21.303(c)(4)(ii), Notice 77-19.) Commenters conclude from the use of the term "completely" and the plural "revisions and revision dates", without preamble explanation, that the proposed rule increases the difficulty of obtaining a PMA based on design identicality.

The FAA does not intend to materially increase the PMA applicant's burden. The purpose of the proposed change is to relieve the need for the FAA to compare the applicant's data with every approved revision level of the part with which the applicant claims design identicality. Under the current system, FAA personnel frequently must compare the applicant's data with a multitude of approved versions of the part with which design identicality is claimed. Under the proposed rule, the intent was that FAA personnel compare the applicant's data with only a single set of FAA-approved data. The proposal does not require the applicant to have knowledge of other revisions made by the holder of the type design approval, except the general knowledge that use of the specific PMA version is not affected by an airworthiness directive. The revised proposal in this notice clarifies the FAA's intent regarding the specificity required of the PMA applicant.

Discussion of Miscellaneous Comments

The General Aviation Manufacturers Association (GAMA) comments on the apparent inconsistency of requiring evidence of a licensing agreement from those applicants who obtain a design by license, while other applicants are not required to show how the design was obtained. The FAA has historically refrained from any involvement in conflicting claims concerning PMA applicants' rights in the data they present to the FAA. The FAA's primary concern is safety and the FAA has no authority to determine proprietary rights. Therefore, the FAA agrees with GAMA that it is somewhat anomalous to require evidence of a licensing agreement when one exists. This notice proposes deleting that portion of the rule dealing with licensing agreements in § 21.303(c)(4).

Although Notice 77-19 contains no related proposals, the commenters offer several suggestions concerning the marking of parts produced under a PMA. The marking of parts is critical for determining the eligibility of a replacement part, when dealing with service difficulties and airworthiness directives to identify parts with their actual manufacturers, and to properly assign responsibility for correcting any service or airworthiness problem. The FAA agrees with the commenters that an additional marking requirement is necessary for the reasons given and should properly be a part of this rulemaking action. Accordingly, this notice proposes an additional marking requirement in Part 45 for PMA parts. In this connection, the FAA will give further consideration to identification and marking requirements for all types of aeronautical products during the regulatory review announced in this notice.

The comments also raise questions concerning the need for increased uniformity in the manner in which design and production approvals are issued by the FAA. Regarding design approvals, the FAA does not agree with those who suggest that every applicant for design approval show by test or calculation how the part meets the applicable standards. Since 1972, the FAA has allowed an applicant for a PMA to obtain design approval by a showing of identicality to a previously approved design. Regarding production approvals, the FAA does agree that uniform procedures for the approval of production systems, not only for PMA's but for all airworthiness certification approvals, is a reasonable objective, and the regulatory review announced in this notice is intended to address that objective.

Discussion of Proposals

Fraudulent or Intentionally False Statements

The effectiveness of the FAA's certification and post-certification surveillance activities under Part 21 is dependent, in a substantial measure, on the accuracy and truthfulness of the information provided in applications, reports, and records submitted by applicants or, as appropriate, in the data retained by the certificate or approval holders. The certificates and approvals issued under Part 21 that would be affected by this change include type certificates, supplemental type certificates, production certificates, approved production inspection systems, airworthiness certificates, special flight permits, technical standard order authorizations, and parts manufacturer approvals. Accordingly, a new § 21.2 is proposed that would make any fraudulent or intentionally false statement on any application, report, or record submitted to the FAA with an application, or required to be kept by a certificate or approval holder under Part 21, grounds for revocation of any or all FAA certificates or approvals issued under Part 21 to any person involved in the falsification.

Parts Manufacturer Approval

General

By this notice, the FAA proposes to divide § 21.303 into three separate sections: a new § 21.301 that addresses the applicability of the PMA requirements; a new § 21.302 that addresses the design approval requirements for obtaining a PMA; and a revised § 21.303 which retains the existing manufacturing quality control requirements for a PMA without substantial change. Present § 21.301 would be redesignated as § 21.300.

Many of the provisions of § 21.303 would be recodified to the new §§ 21.301 and 21.302 without substantive change. Therefore, only those areas are discussed where substantive change is intended.

Section 21.301

Section 21.303(a) and (b) would be recodified as § 21.301(a) and (b), respectively, and § 21.303(g) would be recodified as § 21.301(e). However, the phrase "for sale" would be removed from § 21.301(a) because whether or not a part is manufactured "for sale" is irrelevant to the safety of the product on which it is installed.

New § 21.301(b)(1) would clarify that § 21.301(a) would not apply to, among other things, parts manufactured under an approved production inspection system. Proposed new § 21.301(b)(4) would exclude import materials, parts, and applicances accepted under §21.105 from the PMA requirements.

New § 21.301(c) provides the eligibility requirement for a PMA which would replace existing § 21.301(d). New § 21.301(d) would revise the existing requirements on where applications for PMA are to be made. Since many PMA holders have the parts manufactured by suppliers located at various places, it is proposed that the application be made to the FAA regional office in the region where the applicant's facility which controls the design and quality of the part is located. The proposed § 21.301(d) location would provide a focal point for FAA quality control surveillance and accountability for each approved part. New § 21.301(f) would preclude the issuance of PMA's for modification parts for articles manufactured under a technical standard order (TSO) authorization. This prohibition is consistent with existing § 21.611(c) which prohibits any person other than the TSO authorization holder from making design changes to articles approved under a TSO system.

Section 21.302

The portion of present § 21.303(c) dealing with design approval would be recodified and amended by new § 21.302. New § 21.302(a)(1) would clarify the extent to which a PMA applicant must identify the part to be approved. For replacement parts, the FAA considers it important to safety to be able to determine precisely which parts from the original equipment manufacturer can be replaced by PMA parts. The exclusive reference to "structural strength," which appears in existing § 21.303(c)(3)(ii), would be deleted in new § 21.302(a)(2)(ii) because "structural strength" is only one of the performance attributes that must be defined by the design description. A new § 21.302(a)(2)(iii) would be added to clarify that, in certain cases, the design of a part must include performance data to be used in functional tests leading to final airworthiness acceptance of each production part.

By new § 21.302(a)(3), two basic methods would be used to approve the design of the part prior to issuance of a PMA. The first method under § 21.302(a)(3)(i), is through FAA acceptance of a "certification" that the design of the part is identical to an existing approved design. This certification could be made either by the PMA applicant or the holder of the existing design approval, for example, the type certificate holder for the part in question. When such a certification is received, the FAA would accept the design of the applicant as identical to the previously approved design without further data comparison prior to approval. FAA manufacturing inspection specialists would review the design data submitted, not for design approval, but to ensure that the design of the part is adequately defined to produce duplicates of the part and to perform final airworthiness acceptance functional or performance tests. An applicant who obtains a design approval on the basis of certification of indenticality under § 21.302(a)(3)(i) and the design is later disclosed not to be identical would be subject to the falsification sactions of proposed § 21.2.

The second method of gaining design approval, specified in proposed § 21.302(a)(3)(ii), is substantively unchanged from the basic method provided under existing § 21.303(c)(4). In effect, the applicant may make an independent showing, through analysis and tests, that the replacement part meets the same Federal Aviation Regulations and is equivalent in form, fit, and function to the part to be replaced without a showing of design identicality.

The FAA recognizes that in certain cases, a PMA applicant's design may be close to the type certificated design for the part but with identifiable differences as to dimensions, material, strength, hardness, color, or other characteristics. While any such difference may be small, it nevertheless would preclude the applicant's design from being identical to the approved type design. In such cases, under the proposed rule, it is anticipated and intended that the FAA, acting on full disclosure by the applicant as to the differences, would proceed under § 21.302(a)(3)(ii) to determine if test reports and computations are necessary and base ultimate design approval, where justified, on that paragraph.

An applicant who obtains a design approval on the basis of certification of identicality and the design is later disclosed not to be indentical, would be subject to the falsification sanctions of proposed § 21.2 and any criminal penalties provided under Section 1001 of Title 18, United States Code. The FAA emphasizes that under these provisions, the PMA holder could not only lose its PMA authority, but also is subject to having its other FAA certificates suspended or revoked.

It has been the FAA's experience that certain kinds of high-precision parts, manufactured to identical design data but by different manufacturers or suppliers, perform differently due to subtle differences in production processes. For this reason, under proposed § 21.302(b), the FAA would retain the prerogative to require endurance or environmental testing, or both, for certain critical parts when the FAA determines such testing essential to safety even though a design identicality certification is provided in accordance with proposed § 21.302(a)(3)(i).

Proposed § 21.301(c)(1) would clarify that FAA design approval of the part under § 21.302 is a prerequisite for obtaining a PMA. Also the requirement would be dropped for an applicant to provide evidence of claimed licensing agreements as is now the case with existing § 21.303(c)(4). The existence of a licensing agreement is irrelevant to FAA design approval of parts to be manufactured under a PMA.

Section 21.303

The production quality control and recordkeeping requirements of present § 21.303 (e), (f), (h), (i), (j), and (k) would be retained in new § 21.303 without substantive change. These paragraphs

would be redesignated as §§ 21.303 (a), (b), (c), (d), (e), and (f), respectively.

Marking Requirements

The marking requirements for parts manufactured under a PMA are contained in § 45.15. It is proposed that a new § 45.15(a)(5) be added, for replacement parts, to require identification of the part by part number and, as applicable, drawing revision designation for which the PMA part is approved as an acceptable replacement.

Regulatory Review

The FAA will, within the next 18 months and in a separate notice, announce a comprehensive regulatory review program which will address the quality control of aeronautical products during original manufacture, maintenance, and rebuilding. Many parts are manufactured by repair stations and by aircraft owners and operators for installation on a type certificated product by the repair station, owner, or operator, respectively. The intent of the review is to develop regulations to ensure that appropriate and consistent quality control standards are applied to all persons who manufacture aeronautical parts and components, including holders of production certificates, approved production inspection systems, technical standard order authorizations, parts manufacturer approvals, repair station certificates, and aircraft owners and operators. The review will be broad enough to address such issues as the distribution of unapproved parts and the marking and identification requirements for all types of aeronautical products. During the interim while the FAA is formulating the regulatory review, the FAA encourages any submissions on the subject that the public believes are relevant to this effort. These comments should be submitted to this docket.

The Proposed Amendment

In consideration of the foregoing, the FAA withdraws Notice 77-19 (44 FR 43985), Notice 77-19A (42 FR 61048), and Notice 77-19B (43 FR 15432) insofar as they pertain to § 21.303, and proposes to amend Parts 21 and 45 of the FAR (14 CFR Parts 21 and 45) as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. By adding a new § 21.2 to read as follows:

§ 21.2 Falsification of applications, reports, or records.

(a) No person shall make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or approval under this part;

(2) Any fraudulent or intentionally false entry in any record or report that is required to be kept, made, or used to show compliance with any requirement for the issuance or the exercise of the privileges of any certificate or approval issued under this part;

(3) Any reproduction for a fraudulent purpose of any certificate or approval issued under this part; or

(4) Any alteration of any certificate or approval issued under this part.

(b) Any violation of paragraph (a) of this section is grounds for suspending or revoking all FAA certificates and approvals issued under this part to persons involved in the violation.

2. By redesignating § 21.301 as § 21.300.

3. By adding a new § 21.301 to read as follows:

§ 21.301 Replacement and modification parts.

(a) Except as provided in paragraph (b) of this section, no person may produce a replacement or modification part for installation on type certificated products unless it is produced under a Parts Manufacturer Approval issued under this subpart.

(b) Paragraph (a) of this section does not apply to—

(1) Parts produced under a type certificate, production certificate, or an approved production inspection system;

(2) Parts produced by an owner or operator for maintaining or altering that person's own product;

(3) Parts produced under an FAA technical standard order authorization;

(4) Import materials, parts, and appliances approved under § 21.502; or

(5) Standard parts (such as bolts and nuts) conforming to established industry or U.S. specifications.

(c) An applicant is entitled to a Parts Manufacturer Approval for a replacement or modification part if—

(1) The design of the part is approved under § 21.302; and

(2) The applicant submits a statement certifying that the fabrication inspection system required by § 21.303(c) has been established.

(d) An application for a Parts Manufacturer Approval is made to the regional office of the region where the applicant's facility which controls the design and quality is located and must include the names and addresses of all suppliers and facilities at which manufacturing operations are performed on the part and the information required by §§ 21.302 and 21.303.

(e) The Administrator does not issue a Parts Manufacturer Approval if either the applicant's facility which controls the design and quality or the manufacturing facilities for the part are located outside of the United States, unless the Administrator finds that the location of such facilities places no burden on the FAA in administering applicable airworthiness requirements.

(f) The Administrator does not issue a Parts Manufacturer Approval for modification parts for articles manufactured under a Technical Standard Order Authorization.

4. By adding a new § 21.302 to read as follows:

§ 21.302 Design approval of replacement and modification parts.

(a) An application for design approval of a part to be produced under a Parts Manufacturer Approval must include the following:

(1) The identity of all products on which the part is to be installed and, for replacement parts, the original part number, including drawing revision designation for which the replacement part is equivalent.

(2) The design of the part, which consists of—

(i) Drawings and specifications necessary to show the configuration of the part;

(ii) Information on dimensions, materials, and processes necessary to produce duplicates of the part; and

(iii) When applicable, the performance data for final airworthiness acceptance testing of each production part.

(3) Either—

(i) A statement in a form and manner approved by the Administrator from either the Parts Manufacturer Approval applicant or the holder of the applicable design approval, certifying that the applicant's design, submitted with the application, is identical to the design of a part covered by an approved design which the applicant specifically identifies by name, part number, and, as applicable, drawing revision designation; or

(ii) Test reports and computations as necessary to show that the design of the part meets the airworthiness requirements of the Federal Aviation Regulations applicable to the product on which the part is to be installed.

(b) For certain precision parts (such as certain critical engine parts, power transmission gears and drive train parts, gear boxes, gear box components, rotorcraft rotor drive system components, parts for valves or complex hydraulic power units, and detail parts for small appliances and instruments), the Administrator may require an

applicant who has provided a certification under § 21.302(a)(3)(i) to demonstrate the acceptability of the part by conducting endurance or environmental testing or both, equivalent to the testing requirements of the Federal Aviation Regulations applicable to the product on which the part is to be installed.

(c) An applicant is entitled to design approval for a replacement or modification part if the administrator either accepts the applicant's certification made under paragraph (a)(3)(i) of this section or finds, upon examination of the design and after completing all necessary tests and inspections, that the design meets the airworthiness requirements of the Federal Aviation Regulations applicable to the product on which the part is to be installed.

5. By amending § 21.303 by removing paragraphs (a), (b), (c), (d), and (g); by redesignating (e), (f), (h), (i), (j), and (k) as (a), (b), (c), (d), (e), and (f), respectively; and by revising the section heading to read as follows:

§ 21.303 Production approval of replacement and modification parts.

* * * * *

PART 45—IDENTIFICATION AND REGISTRATION MARKING

6. By amending § 45.15 by removing the word "and" at the end of § 45.15(a)(3), by removing the period at the end of § 45.15(a)(4) and inserting a semicolon and the word "and" in its place, and by adding a new § 45.15(a)(5) to read as follows:

§ 45.15 Replacement and modification parts.

(a) * * *

(5) For replacement parts, the part number, and, as applicable, the drawing revision designation for which the part is an acceptable replacement.

* * * * *

(Secs. 313, 314 and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355 and 1421 through 1430); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is significant under the procedures and criteria prescribed by Executive Order 12044 as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contracting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

It has been determined that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As explained in Section II.A., *Benefits*, of The Draft Regulatory Evaluation, the changes proposed in this notice would relieve the administrative burden currently encountered by applicants for Parts Manufacturer Approvals. Relief is provided by allowing the applicant to make a certifying statement that the design submitted for approval is identical to a specifically identifiable version of a part covered by a type certificate and by eliminating the requirement for submission of type certificated data showing identicality.

Issued in Washington, D.C., on January 8, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-1240 Filed 1-14-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
January 15, 1981

Part III

Department of Transportation

Federal Aviation Administration

Airplane and Airport Operator Security Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108, 121, 129, and 135

[Docket No. 19726; Amdt. Nos. 107-1, 108 (New), 121-167, 129-11, and 135-10]

Airplane and Airport Operator Security Rules

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: These amendments revise and consolidate security regulations for scheduled passenger and public charter operations in a new part of the Federal Aviation Regulations and extend those regulations to certain commuter and air taxi operations and small airplane operations conducted by U.S. and foreign air carriers. The consolidation facilitates public access to aviation security regulations. These changes provide an appropriate response to the current threat of criminal violence and air piracy against scheduled and public charter operations of U.S. air carriers, intrastate operators, and foreign air carriers.

EFFECTIVE DATE: April 1, 1981, or 60 days after a notice of approval of the recordkeeping and reporting requirements of new Part 108 by the Office of Management and Budget is published in the **Federal Register**, whichever is later.

FOR FURTHER INFORMATION CONTACT: H. E. Smith, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: On November 1, 1979, the FAA published Notice of Proposed Rule Making No. 79-17 (44 FR 63048), to extend the FAA security regulations applicable to scheduled passenger and public charter operations of U.S. and foreign air carriers and U.S. intrastate operators to certain air taxi operators and small airplane operations conducted by U.S. and foreign operators. It also proposed to simplify these regulations and consolidate them (for U.S. certificate holders) into a new part of the Federal Aviation Regulations to facilitate public access to security regulations.

All interested persons have been given an opportunity to participate in the making of this new Part 108 and the revisions to Parts 107, 121, 129, and 135. Due consideration has been given to all matters presented. In response to comments received and after further study by the FAA, a number of changes are reflected in the rule as adopted.

Background

Since their inception in 1972, FAA security regulations have been designed to meet threats of hijacking and other crimes against the specific kinds of aircraft operations that have proven to be most attractive to the potential hijacker or saboteur. For the most part these operations have involved large transport type airplanes with scheduled departure times, and generally have been conducted by air carriers under Certificates of Public Convenience and Necessity (CPCN) and other limited economic authority issued by the Civil Aeronautics Board (CAB), as well as by certain wholly intrastate operators who are not air carriers. Operating rules for these operators are set out in Part 121 (14 CFR Part 121) and, for this reason, FAA security regulations were initially placed in that part.

Scheduled operations with large airplanes also have been conducted under § 135.2 of Part 135 (14 CFR Part 135). Security for these operations has been achieved through voluntary compliance with requirements similar to those in Part 121; however, the number of these operations is increasing.

Recently, and in particular since the passage of the Airline Deregulation Act of 1978 (Deregulation Act), the CAB has liberalized its policies and has granted broad authority to conduct scheduled operations with large aircraft. There now are numerous air carriers referred to in the Deregulation Act as "commuters" operating under Part 135 with authority to conduct operations similar to those that were previously conducted only by CPCN holders under Part 121. While CPCN holders are being allowed to discontinue service at different terminals, commuter air carriers are gaining these terminal and route authorizations. As a result, commuter air carriers are now using identical aircraft in scheduled and public charter operations formerly used only by CPCN holders. These airplanes are being operated over routes formerly served by CPCN holders, and the operations are conducted without being subject to full FAA security requirements.

The Deregulation Act carries with it a mandate that there be no diminution in safety in situations where commuter carriers provide substitute service on routes previously served by route carriers. Section 33(c)(3) of the Deregulation Act requires the FAA to "impose requirements upon such commuter air carriers to assure that the level of safety provided to persons traveling on such commuter air carriers is, to the maximum feasible extent, equivalent to the level of safety provided to persons traveling on air carriers which provide service pursuant to certificates issued under Section 401 of this title."

The Proposal

To ensure consistent application of FAA's security rules and to achieve the necessary level of security, Notice 79-17 proposed security requirements based upon airplane complexity instead of CAB authorizations. The proposal called for multilevel security requirements to be equally applicable to all scheduled and public charter passenger operations conducted by air carriers and other FAA certificate holders. The FAA certificate holder would have been required to meet the full security requirements that have been set out in Part 121, including an approved screening system, for operations conducted in airplanes with a seating configuration of 20 or more passenger seats. For operations conducted in airplanes configured for less than 20 passenger seats, the certificate holder would have been subject only to minimal security requirements, including passenger and shipper identification, airplane security, and arrangements for law enforcement response when needed. The proposal also would have retained the existing requirement in Part 135 for crewmember antihijack training.

A number of changes have been made in the final rules, as discussed in this preamble. A table is provided for comparing the major provisions of the proposed rule and the final amendments. It is to assist in understanding the changes that have been made and should not be relied upon as a complete statement of the amendments.

Passenger seating configuration	Security requirements
Notice of Proposed Rulemaking	
1 to 19	Modified airplane and airport operator security program would have been adopted and implemented.
More than 19	Full airplane and airport operator security program would have been adopted and implemented, including screening of all passengers and law enforcement presence.

Final Amendments

1 to 30	No security program is required unless passengers have uncontrolled access to a sterile area and then a screening system and law enforcement presence must be provided for those passengers.
31 to 60	Airplane and airport operator security program must be adopted, but screening and law enforcement presence must be implemented only when the FAA identifies a security threat or passengers have uncontrolled access to a sterile area.
More than 60	Full security program must be adopted and implemented, including screening of all passengers, law enforcement presence, and other significant safeguards.

Comments

Approximately 320 public comments were received in response to Notice 79–17. Nearly all of the commenters were against the proposal. The major objections were the cost of implementing the security requirements and the absence of any threat that justified extending screening and other security requirements to commuter operations. The commenters argued that the proposal would place an undue hardship on small communities and inhibit industry growth by causing commuters to avoid use of larger airplanes in order to gain advantage of the minimal security requirements for airplanes with less than 20 passenger seats.

Economic Study

In analyzing financial data provided by the commenters, the security costs per passenger enplanement were found to vary so much that the FAA decided that further economic study was necessary. A sample of typical airports was examined to determine what the actual costs would be to implement the proposed requirements. The results of this small sampling indicated that a comprehensive indepth cost study was needed.

This indepth study identified potentially affected airplane operators (25) and airports (20). The personnel of FAA regional security divisions completed structured interview forms for each potentially affected airline station (90) and for each airport. This information was collected and analyzed by the FAA's Office of Aviation Policy and Plans; and in many cases followup discussions were held with airline and airport personnel. The final regulatory evaluation that resulted from this study is available in the public docket for this rulemaking action.

The study indicates that the FAA estimated costs provided in Notice 79–17 are generally accurate when considered against the total projected enplanements. However, when viewed for a particular airport, or for a particular flight, costs might be unreasonably high because of the limited enplanements at that airport or for that flight.

Considerable reduction in the cost impact of this final rule has been effected through the changes in the proposal. While adoption of Notice 79–17 could have resulted in an estimated maximum annual operating cost of $8.80 million and maximum capital investments of $5.30 million (for airplane operators) and $.36 million (for airports), the maximum annual operating cost for the final rule will not exceed $3.15 million and no capital investment will be necessary. These changes and their economic impact are discussed below.

Security Threat

The increased security threat to the commuter industry that was expected to result from implementation of the Deregulation Act has not materialized. Only one attempted hijacking of a commuter-operated airplane has occurred since the Deregulation Act was implemented. This attempt was thwarted by skillful FBI negotiations resulting in apprehension of the hijacker.

While the threat of air piracy and sabotage exists for all levels of air transportation, the historical record clearly establishes that the threat is very serious for some levels and less serious for others. Although all sizes of aircraft have been subjected to hijackings, the most severe threat has been against the larger, longer-range, jet airplanes in scheduled passenger operations. Typically these airplanes have more than 60 passenger seats, the smallest being the BAC–111, which may be configured for as few as 65 passenger seats, and the more commonly used DC–9, which is typically configured for approximately 90 passenger seats. The number of U.S. hijackings of such airplanes has continued to rise in relation to worldwide hijackings and, over the past 3 years, the U.S. air transportation system has experienced 40 hijackings of these air carrier airplanes.

Final Rule

Considering the economic burden that could be imposed on the small airport and airplane operators and the fact that the hijacking threat directed against commuters has not significantly increased, it is not appropriate to fully implement the proposed rule changes at this time. This final rule requires implementing a full security program only for scheduled and public charter operations with airplanes having a passenger seating configuration of more than 60 seats and for operations providing deplaned passengers access to a sterile area at the next landing when the access is not controlled by another airplane operator's security program.

For operations with airplanes having a passenger seating configuration of more than 30 but less than 61 seats, a full security program need not be implemented. A full program for these operations will have to be implemented only if the FAA notifies the airplane operator that a security threat exists with respect to a particular operation or set of operations.

While the frequency and extent of these threats cannot be predicted, the FAA expects that this contingency seldom will be invoked. If it is, it will probably not involve all airplane operators or all points served by a single operator, nor would all precautions have to be taken in every contingency.

Antihijack security training will continue to be required for all crewmembers of FAA certificate holders operating under Part 121 or Part 135. In addition, throughout Part 108 and the changes to Part 107 and § 129.25 of this chapter, the term "airplane" instead of "aircraft" is used since threatened operations have only involved airplanes and no other aircraft.

Airplane Operator Security Requirements

None of the comments suggest, nor does FAA intend, lessening in any way the current security requirements for U.S. or foreign air carriers utilizing airplanes configured for more than 60 passenger seats or for U.S. airports presently served by these carriers on a regular basis. To ensure that passengers in scheduled or public charter operations with these airplanes benefit from a degree of security commensurate with the existing threat, the rule, as adopted, continues to require the implementation of a full security program for these operations.

For airplanes with a passenger seating configuration of less than 61 seats, the larger the airplane, the more attractive it can be expected to be for the potential hijacker. The great majority of airplanes currently used by commuters are of less than 31 seat configuration. However, a number of larger airplanes are now in

production or "on the drawing board" to serve the commuter airline market. The larger airplanes have a greater stage length and fuel capacity and carry many more passengers than those in current use. As a result, potential hijackers are more apt to see them as containing more hostages and having the range to serve their purposes.

Additionally, the FAA's economic study generally reflects significant increases in security costs per passenger as the airplane capacity decreases. The study indicates that for the lower half of the spectrum (the 1- through 30-seat airplanes), the economic hardship far outweighs the security benefit derived from even the minimal security requirements proposed in Notice 79-17 for airplanes configured for less than 20 seats.

For these reasons, the FAA has determined that airplanes with a seating configuration of 31 through 60 should be treated differently from those with 30 or fewer seats. Part 108, as adopted, requires FAA certificate holders conducting scheduled passenger and public charter operations in 31- through 60-seat airplanes to continue to conduct security training for crews, as presently required by §§ 121.417 and 135.331. Further, Part 108 and changes to Part 129 require the adoption of a comprehensive security program for operations with 31 through 60 seats comparable to that required for operations with airplanes having more than 60 seats. However, the operator will normally only have to implement for 31- through 60-seat airplanes those portions of the program that call for (1) having procedures for contacting the law enforcement agency indentified by the airport operator and arranging for response to an incident when needed; and (2) advising appropriate employees, including crewmembers, of the procedures and instructing them when and how to use them. If the operator also uses airplanes above 60 seats, a full security program must be implemented for these operations.

Each operator of 31- through 60-seat airplanes must be prepared to implement its full security program for all or part of its operations at a particular station or systemwide upon notification by the FAA that a threat exists. Such a threat would exist, for example, where operations in this category have been subjected to hijacking and a specific threat has been made that more hijackings will be perpetrated. Such a threat might also exist where information has been received or developed concerning airplanes in this category without a prior hijacking.

FAA certificate holders utilizing airplanes with a seating configuration of 1 through 30 seats, under the provisions of this rule, are only required to conduct antihijack crew training currently required by § 135.331. Because of the size, range, and public perception of the capacity and capability of these airplanes, this reactive security measure is considered adequate to meet the level of threat against this type operation.

Law Enforcement Support

When a U.S. or foreign air carrier is required to implement a security screening system at an airport governed by Part 107, the airport operator is required to provide law enforcement support for that screening. When a carrier conducts operations from an airport not governed by Part 107 of this chapter and is required to use a screening system, the carrier continues to be required to provide law enforcement officers to support the screening system.

Access to Sterile Areas

To protect the security of sterile areas, this amendment provides that operators of airplanes of any seating configuration may not discharge scheduled or public charter passengers into a sterile area unless: (1) the passengers and their accessible items are properly screened by the airplane operator; or (2) their access is controlled through surveillance and escort procedures or through the screening procedures of another operator.

Thus, unscreened passengers may have access to a sterile area where the discharging operator has made a prior arrangement with another FAA certificate holder or foreign air carrier, or in some cases the airport operator, having responsibility for the sterile area either for escort of the deplaning passengers into, through, and out of the sterile area or for the screening of those passengers before entry. Without these arrangements, operators not otherwise required by Part 108 or 129 to screen their passengers who wish to deplane their passengers in a particular operation into a sterile area at a particular airport must adopt and implement all the provisions of an appropriate security program with respect to that passenger operation. This requires that: (1) 100 percent screening of the passengers and their accessible items be completed before the last departure; (2) the airplane be protected; and (3) procedures be used to prevent or deter the introduction of explosives and incendiaries into checked baggage and cargo for those flights.

This process currently is being followed by a number of air carriers operating under § 135.2. These air taxi and commuter operators, because of their desire to allow their passengers to have direct and uncontrolled access to a sterile area, have voluntarily elected to amend their operations specifications to adhere to the security requirements of § 121.538. With implementation of Part 108, this will no longer be necessary, and operators requiring direct uncontrolled access to sterile areas for their passengers will follow the security program procedures in § 108.25.

As a result of these amendments, certain FAA certificate holders that operate smaller airplanes and have been required to meet the security provisions of § 121.538 are no longer required to implement full security programs. Under § 108.5 these operators or other operators utilizing 1- through 60-seat airplanes may elect to continue to operate under a full security program in order to discharge passengers into a sterile area, or may elect to operate under a full or modified security program to meet passenger expectations, to fulfill company security policies, or for other reasons. However, when FAA approval is obtained for any security program, § 108.5 requires that the airplane operator carry out the provisions of that program. Operators utilizing smaller airplanes who use their own separate facilities at certain airports will now be able, at those airports, to operate without screening passengers or providing law enforcement presence. For these operators this rule may represent a considerable economic savings.

An Air Carrier Standard Security Program meeting the requirements of this rule is available for use by all certificate holders. This program, jointly developed by FAA and industry, has proven very effective in lessening the certificate holder's administrative burden. The FAA encourages adoption of the Air Carrier Standard Security Program to ensure uniform implementation and use of security procedures.

Airport Security Requirements

At U.S. airports regularly serving scheduled passenger operations of FAA certificate holders and foreign air carriers utilizing airplanes with more than 60 seats, this final rule requires the airport operator to adhere to the current provisions of Part 107.

At those airports regularly serving scheduled passenger operations utilizing 31- through 60-passenger-seat airplanes

and at which the airplane operator is not required to screen its passengers, the airport operator must only identify the law enforcement agency that will respond to the airplane operator's request for assistance. Responsibility for establishing and implementing the actual arrangements and for obtaining assistance in the case of an incident rests with the airplane operator.

For these operations, the airport operator is required to submit to the FAA for approval a security program that identifies: (1) the law enforcement support available to respond upon request of the airplane operator; (2) a description of the procedure to be used by the air carrier to summon support; (3) a description of the training the law enforcement officers have received; and (4) a description of the system of records of law enforcement actions taken in support of aviation security as called for by § 107.23.

If an airplane operator using airplanes with less than 61 passenger seats must adopt and carry out a full security program with a screening system, the airport operator must provide law enforcement support during all required passenger screening operations. The airport operator is required to submit to the FAA for approval a security program identifying the law enforcement support, the training received by law enforcement officers, and a description of the system for recording law enforcement actions taken in support of aviation security. These law enforcement support requirements are the only security requirements imposed on the airport operator for operations with airplanes configured for less than 61 passenger seats where screening is performed under a required security program.

Economic evaluation

Assessment of the economic impact of these amendments indicates that certain airplane and airport operators not previously required to have a security program may incur some costs in connection with scheduled and public charter passenger operations with airplanes having a passenger seating configuration of 31 through 60 passenger seats. Some additional costs will occur for these operators if they must implement contingency procedures included in security programs because of a threat condition. Most, if not all, of the costs of meeting contingencies would be associated with personnel and would not involve investments in X-ray machines, metal detectors, and alterations to airport terminals as might have been the case if the proposal in Notice 79-17 had been adopted. If a threat situation occurs, the FAA will work closely with the affected parties to ensure adequate, efficient, and cost-effective implementation of contingency procedures.

The only other new cost resulting from this rule may occur when some operators of airplanes with less than 61 passenger seats desire to discharge passengers directly into a sterile area. No additional cost will occur to the many operators already voluntarily providing security for these operations through amendments to their operations specifications. Airplane operators that do not now provide this security, and who desire access to a sterile area, will incur new costs for providing the necessary security safeguards.

The economic assessment indicates that the final rule may have an impact on 11 Part 135 operators of airplanes seating 31 through 60 passengers at as many as 39 stations. Virtually all of this cost impact would occur if contingency procedures are implemented. Based on the FAA's analysis of the current threat, coupled with the historical record, airplane and airport operators will rarely, if ever, be required to take these heightened precautions and a threat necessitating such action would probably never involve all 11 carriers or 39 stations at a time.

However, in the unlikely event that all operators of 31- through 60-seat airplanes are required to implement contingency procedures at all stations for an entire year because of the greatest hijacking threat, the annual cost could be a high as $3.15 million. Whatever costs occur may be recovered through fare or temporary subsidy increases.

This $3.15 million maximum cost contrasts with the possible costs that would have resulted from the proposed rule. The FAA's evaluation indicates that it could have resulted in as much as $8.8 million in new annual operating costs for the affected airplane operators, $5.3 million in investments for security equipment and construction by airplane operators and $360,000 in airport improvements.

Because these amendments impose uniform security requirements on the basis of airplane size and the protection of sterile areas instead of the kind of FAA and CAB operating authority, some Part 121 operators will have an opportunity to reduce security costs at some stations. As is the current case, all Part 135 operators now screening voluntarily under an operations specifications amendment can elect to discontinue screening under this rule if they choose not to continue to have access to a sterile area. While the FAA cannot determine the exact amount of cost savings, it estimates the maximum possible annual operating cost savings at $13,720,526.

Adoption of the Amendment

Accordingly, Parts 107, 121, 129, and 135 are amended and new Part 108 is added as follows, effective April 1, 1981, or 60 days after a notice of approval of the recordkeeping and reporting requirements of new Part 108 by the Office of Management and Budget is published in the **Federal Register**, whichever is later:

PART 107—AIRPORT SECURITY

1. By revising paragraphs (a)(1), (a)(2), (b)(1), and (b)(5) of § 107.1 to read as follows:

§ 107.1 Applicability and definitions.

(a) This part prescribes aviation security rules governing—

(1) The operation of each airport regularly serving the scheduled passenger operations of a certificate holder required to have a security program by § 108.5(a) of this chapter;

(2)The operation of each airport regularly serving scheduled passenger operations of a foreign air carrier required to have a security program by § 129.25 of this chapter; and

* * * * *

(b) For purposes of this part—

(1) "Airport operator" means a person who operates an airport regularly serving scheduled passenger operations of a certificate holder or a foreign air carrier required to have a security program by § 108.5(a) or § 129.25 of this chapter.

* * * * *

(5) "Sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program or a security program used in accordance with § 129.25.

2. By amending § 107.3 by revising paragraphs (a)(3), introductory paragraph of (b), and (c), and adding new paragraphs (f) and (g) to read as follows:

§ 107.3 Security program.

(a) * * *

(3) Includes the items listed in paragraph (b), (f), or (g) of this section, as appropriate; and

* * * * *

(b) For each airport subject to this part regularly serving scheduled passenger operations conducted in airplanes having a passenger seating configuration (as defined in § 108.3 of this section of this chapter) of more than

60 seats, the security program required by paragraph (a) of this section must include at least the following:

* * * * *

(c) The airport operator may comply with paragraph (b), (f), or (g) of this section by including in the security program as an appendix any document which contains the information required by paragraph (b), (f), or (g).

* * * * *

(f) For each airport subject to this part regularly serving scheduled passenger operations conducted in airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of more than 30 but less than 61 seats, the security program required by paragraph (a) of this section must include at least the following:

(1) A description of the law enforcement support necessary to comply with § 107.15(b), and the procedures which the airport operator has arranged to be used by the certificate holder or foreign air carrier to summon that support.

(2) A description of the training program for law enforcement officers required by § 107.17.

(3) A description of the system for maintaining the records described in § 107.23.

(g) For each airport subject to this part where the certificate holder or foreign air carrier is required to conduct passenger screening under a security program required by § 108.5(a)(2) or (3) or § 129.25(b)(2) or (3) of this chapter, or conducts screening under a security program being carried out pursuant to § 108.5(b), as appropriate, the security program required by paragraph (a) of this section must include at least the following: (1) A description of the law enforcement support necessary to comply with § 107.15.

(2) A description of the training program for law enforcement officers required by § 107.17.

(3) A description of the system for maintaining the records described in § 107.23.

§ 107.7 [Amended]

3. By amending § 107.7(a)(3) by inserting the phrase ", (f)(1), or (g)(1)" after the phrase "§ 107.3(b)(7)."

§ 107.13 [Amended]

4. By amending § 107.13(a) by deleting the words "airport operator" in the introductory phrase and substituting the words "operator of an airport serving scheduled passenger operations where the certificate holder or foreign air carrier is required to conduct passenger screening under a program required by § 108.5(a)(i) or § 129.25(b)(1) of this chapter as appropriate."

5. By revising § 107.15 to read as follows:

§ 107.15 Law enforcement support.

(a) Each airport operator shall provide law enforcement officers in the number and in a manner adequate to support—

(1) Its security program; and

(2) Each passenger screening system required by Part 108 or § 129.25 of this chapter.

(b) For scheduled or public charter passenger operations with airplanes having a passenger seating configuration (as defined in § 108.3 of this chapter) of more than 30 but less than 61 seats for which a passenger screening system is not required, each airport operator shall ensure that law enforcement officers are available and committed to respond to an incident at the request of a certificate holder or foreign air carrier and shall ensure that the request procedures are provided to the certificate holder or foreign air carrier.

§ 107.17 [Amended]

6. By amending § 107.17(a) by inserting the words ", or arrange for response by," after the word "use" in the introductory phrase.

7. By adding to Subchapter F of 14 CFR Chapter 1 a new Part 108 to read as follows:

PART 108—AIRPLANE OPERATOR SECURITY

Sec.

108.1 Applicability.
108.3 Definitions.
108.5 Security program: adoption and implementation.
108.7 Security program: form, content, and availability.
108.9 Screening of passengers and property.
108.11 Carriage of weapons.
108.13 Security of airplanes and facilities.
108.15 Law enforcement officers.
108.17 Use of X-ray systems.
108.19 Bomb or air piracy threats.
108.21 Carriage of passengers under the control of armed law enforcement escorts.
108.23 Crewmember emergency training: hijacking and other unusual situations.
108.25 Approval of security programs and amendments.

Authority: Secs. 313, 315, 316, 317, 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421 and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

§ 108.1 Applicability.

This part prescribes aviation security rules governing the operations of holders of FAA air carrier operating certificates or operating certificates engaging in scheduled passenger operations or public charter passenger operations. This part does not apply to helicopter operations or to all-cargo operations.

§ 108.3 Definitions.

The following are definitions of terms used in this part: (a) "Certificate holder" means a person holding an FAA operating certificate when that person engages in scheduled passenger or public charter passenger operations or both.

(b) "Passenger seating configuration" means the total number of seats for which the aircraft is type certificated that can be made available for passenger use aboard a flight and includes that seat in certain airplanes which may be used by a representative of the Administrator to conduct flight checks but is available for revenue purposes on other occasions.

(c) "Private charter" means any charter for which the charterer engages the total capacity of an airplane for the carriage of: (1) Passengers in civil or military air movements conducted under contract with the Government of the United States of the Government of a foreign country; or

(2) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

(d) "Public charter" means any charter that is not a "private charter."

(e) "Scheduled passenger operations" means holding out to the public of air transportation service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine, or other advertising medium.

(f) "Sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program or a security program used in accordance with § 129.25.

§ 108.5 Security program: adoption and implementation.

(a) Each certificate holder shall adopt and carry out a security program that meets the requirements of § 108.7 for each of the following scheduled or public charter passenger operations: (1) Each operation with an airplane having a passenger seating configuration of more than 60 seats.

(2) Each operation that provides deplaned passengers access, that is not otherwise controlled by a certificate holder using an approved security program or a foreign air carrier using a security program required by § 129.25, to a sterile area.

(3) Each operation with an airplane having a passenger seating configuration of more than 30 but less than 61 seats; except that those parts of the program effecting compliance with the requirements listed in § 108.7(b) (1), (2), and (4) need only be implemented when the Director of Civil Aviation Security or a designate of the Director notifies the certificate holder in writing that a security threat exists with respect to the operation.

(b) Each certificate holder that has obtained FAA approval for a security program for operations not listed in paragraph (a) of this section shall carry out the provisions of that program

§ 108.7 Security program: form, content, and availability.

(a) Each security program required by § 108.5 shall—

(1) Provide for the safety of persons and property traveling in air transportation and intrastate air transportation against acts of criminal violence and air piracy;

(2) Be in writing and signed by the certificate holder or any person delegated authority in this matter;

(3) Include the items listed in paragraph (b) of this section, as required by § 108.5; and

(4) Be approved by the Administrator.

(b) Each security program required by § 108.5 must include the following, as required by that section: (1) The procedures and a description of the facilities and equipment used to perform the screening functions specified in § 108.9.

(2) The procedures and a description of the facilities and equipment used to perform the airplane and facilities control functions specified in § 108.13.

(3) The procedures used to comply with the applicable requirements of § 108.15 regarding law enforcement officers.

(4) The procedures used to comply with the requirements of § 108.17 regarding the use of X-ray systems.

(5) The procedures used to comply with the requirements of § 108.19 regarding bomb and air piracy threats.

(c) Each certificate holder having an approved security program shall—

(1) Maintain at least one complete copy of the approved security program at its principal business office;

(2) Maintain a complete copy or the pertinent portions of its approved security program or appropriate implementing instructions at each airport where security screening is being conducted;

(3) Make these documents available for inspection upon request of any Civil Aviation Security Inspector;

(4) Restrict the availability of information contained in the security program to those persons with an operational need-to-know; and

(5) Refer requests for such information by other persons to the Director of Civil Aviation Security of the FAA.

108.9 Screening of passengers and property.

(a) Each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program to prevent or deter the carriage aboard airplanes of any explosive, incendiary device, or a deadly or dangerous weapon on or about each individual's person or accessible property, and the carriage of any explosive or incendiary device in checked baggage.

(b) Each certificate holder required to conduct screening under a security program shall refuse to transport—

(1) Any person who does not consent to a search of his or her person in accordance with the screening system prescribed in paragraph (a) of this section; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by paragraph (a) of this section.

108.11 Carriage of weapons.

(a) No certificate holder required to conduct screening under a security program may permit any person to have, nor may any person have, on or about his or her person or property, a deadly or dangerous weapon, either concealed or unconcealed, accessible to him or her while aboard an airplane for which screening is required unless: (1) The person having the weapon is—

(i) An official or employee of the United States, or a State or political subdivision of a State, or of a municipality who is authorized by his or her agency to have the weapon; or

(ii) Authorized to have the weapon by the certificate holder and the Administrator and has successfully completed a course of training in the use of firearms acceptable to the Administrator.

(2) The person having the weapon needs to have the weapon accessible in connection with the performance of his or her duty from the time he or she would otherwise check it in accordance with paragraph (d) of this section until the time it would be returned after deplaning.

(3) The certificate holder is notified—

(i) Of the flight on which the armed person intends to have the weapon accessible to him or her at least 1 hour, or in an emergency as soon as practicable, before departure; and

(ii) When the armed person is other than an employee or official of the United States, that there is a need for the weapon to be accessible to the armed person in connection with the performance of that person's duty from the time he or she would otherwise check it in accordance with paragraph (d) of this section until the time it would be returned to him or her after deplaning.

(4) The armed person identifies himself or herself to the certificate holder by presenting credentials that include his or her clear, full-face picture, his or her signature, and the signature of the authorizing official of his or her service or the official seal of his or her service. A badge, shield, or similar device may not be used as the sole means of identification.

(5) The certificate holder—

(i) Ensures that the armed person is familiar with its procedures for carrying a deadly or dangerous weapon aboard its airplane before the time the person boards the airplane;

(ii) Ensures that the identity of the armed person is known to each law enforcement officer and each employee of the certificate holder responsible for security during the boarding of the airplane; and

(iii) Notifies the pilot in command, other appropriate crewmembers, and any other person authorized to have a weapon accessible to him or her aboard the airplane of the location of each authorized armed person aboard the airplane.

(b) No person may, while on board an airplane operated by a certificate holder for which screening is not conducted, carry on or about that person a deadly or dangerous weapon, either concealed or unconcealed. This paragraph does not apply to—

(1) Officials or employees of a municipality or a State, or of the United States, who are authorized to carry arms; or

(2) Crewmembers and other persons authorized by the certificate holder to carry arms.

(c) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport, any explosive, incendiary, device or a loaded firearm in checked baggage aboard an airplane. For the purpose of this section, a loaded firearm means a firearm which has a live round of ammunition, cartridge, detonator, or powder in the chamber or

in a clip, magazine, or cylinder inserted in it.

(d) No certificate holder may knowingly permit any person to transport, nor may any person transport or tender for transport, any unloaded firearm in checked baggage aboard an airplane unless—

(1) The passenger declares to the certificate holder, either orally or in writing before checking the baggage, that any firearm carried in the baggage is unloaded;

(2) The firearm is carried in a container the certificate holder considers appropriate for air transportation;

(3) When the firearm is other than a shotgun, rifle, or other firearm normally fired from the shoulder position, the baggage in which it is carried is locked, and only the passenger checking the baggage retains the key or combination; and

(4) The baggage containing the firearm is carried in an area, other than the flightcrew compartment, that is inaccessible to passengers.

(e) No certificate holder may serve any alcoholic beverage to a person* having a deadly or dangerous weapon accessible to him or her nor may such person drink any alcoholic beverage while aboard an airplane operated by the certificate holder.

(f) Paragraphs (a), (b), and (d) of this section do not apply to the carriage of firearms aboard air carrier flights conducted for the military forces of the Government of the United States when the total cabin load of the airplane is under exclusive use by those military forces if the following conditions are met:

(1) No firearm is loaded and all bolts to such firearms are locked in the open position; and

(2) The certificate holder is notified by the unit commander or officer in charge of the flight before boarding that weapons will be carried aboard the aircraft.

§ 108.13 Security of airplanes and facilities.

Each certificate holder required to conduct screening under a security program shall use the procedures included, and the facilities and equipment described, in its approved security program to perform the following control functions with respect to each airplane operation for which screening is required:

(a) Prohibit unauthorized access to the airplane.

(b) Ensure that baggage carried in the airplane is checked in by a responsible agent and that identification is obtained from persons, other than known shippers, shipping goods or cargo aboard the airplane.

(c) Ensure that cargo and checked baggage carried aboard the airplane is handled in a manner that prohibits unauthorized access.

(d) Conduct a security inspection of the airplane before placing it in service and after it has been left unattended.

§ 108.15 Law enforcement officers.

(a) At airports within the United States not governed by Part 107 of this chapter, each certificate holder engaging in scheduled passenger or public charter passenger operations shall—

(1) If security screening is required for a public charter operation by § 108.5(a), or for a scheduled passenger operation by § 108.5(b) provide for law enforcement officers meeting the qualifications and standards, and in the number and manner specified, in Part 107; and

(2) When using airplanes with a passenger seating configuration of 31 through 60 seats in a public charter operation for which screening is not required, arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident, and provide to its employees, including crewmembers, as appropriate, current information with respect to procedures for obtaining law enforcement assistance at that airport.

(b) At airports governed by Part 107 of this chapter, each certificate holder engaging in scheduled or public charter passenger operations, when using airplanes with a passenger seating configuration of 31 through 60 seats for which screening is not required, shall arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident and provide its employees, including crewmembers, as appropriate, current information with respect to procedures for obtaining this law enforcement assistance at that airport.

§ 108.17 Use of X-ray systems.

(a) No certificate holder may use an X-ray system within the United States to inspect carry-on articles unless specifically authorized under a security program required by § 108.5 of this part or use such a system contrary to its approved security program. The Administrator authorizes certificate holders to use X-ray systems for inspecting carry-on articles, under an approved security program, if the certificate holder shows that—

(1) For a system manufactured before April 25, 1974, it meets either the guidelines issued by the Food and Drug Administration (FDA), Department of Health, Education, and Welfare (HEW) and published in the **Federal Register** (38 FR 21442, August 8, 1973); or the performance standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(2) For a system manufactured after April 24, 1974, it meets the standards for cabinet X-ray systems designed primarily for the inspection of carry-on baggage issued by the FDA and published in 21 CFR 1020.40 (39 FR 12985, April 10, 1974);

(3) A program for initial and recurrent training of operators of the system is established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles;

(4) Procedures are established to ensure that each operator of the system is provided with a personal dosimeter (such as a film badge or thermo luminescent dosimeter). Each dosimeter used will be evaluated at the end of each calendar month, and records of operator duty time and the results of dosimeter evaluations will be maintained by the certificate holder; and

(5) The system is capable of distinguishing an insulated 24-gauge, solid copper wire.

(b) No certificate holder may use an X-ray system within the United States unless within the preceding 12 calendar months a radiation survey has been conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the FDA in the **Federal Register** of August 8, 1973 (38 FR 21442).

(c) No certificate holder may use an X-ray system after the system is initially installed or after it has been moved from one location to another, unless a radiation survey is conducted which shows that the system meets the applicable performance standards in 21 CFR 1020.40 or guidelines published by the FDA in the **Federal Register** of August 8, 1973 (38 FR 21442) except that a radiation survey is not required for an X-ray system that is moved to another location if the certificate holder shows that the system is so designed that it can be moved without altering its performance.

(d) No certificate holder may use an X-ray system that is not in full compliance with any defect notice or modification order issued for that system by the FDA, unless that

Administration has advised the FAA that the defect or failure to comply does not create a significant risk or injury, including genetic injury, to any person.

(e) No certificate holder may use an X-ray system to inspect carry-on baggage or items unless a sign is posted in a conspicuous place which notifies passengers that such items are being inspected by an X-ray system and advises them to remove all X-ray and scientific film from the carry-on articles before inspection. This sign shall also advise passengers that they may request that a physical inspection be made of their photographic equipment and film packages without exposure to an X-ray system. If the X-ray system exposes any carry-on article to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on articles before inspection. If requested by passengers, their photographic equipment and film packages shall be physically inspected without exposure to an X-ray system.

(f) Each certificate holder shall maintain at least one copy of the results of the most recent radiation survey conducted under paragraph (b) or (c) of this section and shall make it available for inspection upon request by the Administrator at each of the following locations:

(1) The certificate holder's principal business office; and

(2) The place where the X-ray system is in operation.

§ 108.19 Bomb or air piracy threats.

(a) Upon receipt of a bomb threat against a specific airplane, each certificate holder shall attempt to determine whether or not any explosive or incendiary device is aboard the airplane involved by doing the following:

(1) Conducting a security inspection on the ground before the next flight or, if the airplane is in flight, immediately after its next landing.

(2) If the airplane is being operated on the ground, advising the pilot in command to immediately submit the airplane for a security inspection.

(3) If the airplane is in flight, immediately advising the pilot in command of all pertinent information available so that necessary emergency action can be taken.

(b) Immediately upon receiving information that an act or suspected act of air piracy has been committed, the certificate holder shall notify the Administrator. If the airplane is in airspace under other than United States jurisdiction, the certificate holder shall also notify the appropriate authorities of the State in whose territory the airplane is located and, if the airplane is in flight, the appropriate authorities of the State in whose territory the airplane is to land. Notification of the appropriate air traffic controlling authority is sufficient action to meet this requirement.

§ 108.21 Carriage of passengers under the control of armed law enforcement escorts.

(a) Except as provided in paragraph (e) of this section, no certificate holder required to conduct screening under a security program may carry a passenger in the custody of an armed law enforcement escort aboard an airplane for which screening is required unless—

(1) The armed law enforcement escort is an official or employee of the United States, of a State or political subdivision of a State, or a municipality who is required by appropriate authority to maintain custody and control over an individual aboard an airplane;

(2) The certificate holder is notified by the responsible government entity at least 1 hour, or in case of emergency as soon as possible, before departure—

(i) Of the identity of the passenger to be carried and the flight on which it is proposed to carry the passenger; and

(ii) Whether or not the passenger is considered to be in a maximum risk category;

(3) If the passenger is considered to be in a maximum risk category, that the passenger is under the control of at least two armed law enforcement escorts and no other passengers are under the control of those two law enforcement escorts;

(4) No more than one passenger who the certificate holder has been notified is in a maximum risk category is carried on the airplane;

(5) If the passenger is not considered to be in a maximum risk category, the passenger is under the control of at least one armed law enforcement escort, and no more than two of these persons are carried under the control of any one law enforcement escort;

(6) The certificate holder is assured, prior to departure, by each law enforcement escort that—

(i) The officer is equipped with adequate restraining devices to be used in the event restraint of any passenger under the control of the escort becomes necessary; and

(ii) Each passenger under the control of the escort has been searched and does not have on or about his or her person or property anything that can be used as a deadly or dangerous weapon;

(7) Each passenger under the control of a law enforcement escort is—

(i) Boarded before any other passengers when boarding at the airport where the flight originates and deplaned at the destination after all other deplaning passengers have deplaned;

(ii) Seated in the rear-most passenger seat when boarding at the airport where the flight originates; and

(iii) Seated in a seat that is neither located in any lounge area nor located next to or directly across from any exit; and

(8) A law enforcement escort having control of a passenger is seated between the passenger and any aisle.

(b) No certificate holder operating an airplane under paragraph (a) of this section may—

(1) Serve food beverage or provide metal eating utensils to a passenger under the control of a law enforcement escort while aboard the airplane unless authorized to do so by the law enforcement escort.

(2) Serve a law enforcement escort or the passenger under the control of the escort any alcoholic beverages while aboard the airplane.

(c) Each law enforcement escort carried under the provisions of paragraph (a) of this section shall, at all times, accompany the passenger under the control of the escort and keep the passenger under surveillance while aboard the airplane.

(d) No law enforcement escort carried under paragraph (b) of this section or any passenger under the control of the escort may drink alcoholic beverages while aboard the airplane.

(e) This section does not apply to the carriage of passengers under voluntary protective escort.

§ 108.23 Crewmember emergency training: hijacking and other unusual situations.

Each certificate holder shall provide each appropriate crewmember hijack emergency training as required by § 121.417(c)(1)(v) or § 135.331(b)(2)(v).

§ 108.25 Approval of security programs and amendments.

(a) Unless otherwise authorized by the Administrator, each certificate holder required to have a security program for a passenger operation shall submit its proposed security program to the Administrator for approval at least 90 days before the date of the intended passenger operations. Within 30 days after receiving the program, the Administrator either approves the program or notifies the certificate holder to modify the program to comply with the applicable requirements of this part. The certificate holder may petition the Administrator to reconsider the notice to modify within 30 days after receiving the notice, and, except in the case of an

emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(b) The Administrator may amend an approved security program if it is determined that safety and the public interest require the amendment, as follows:

(1) The Administrator notifies the certificate holder, in writing, of the proposed amendment, fixing a period of not less than 30 days within which it may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the Administrator notifies the certificate holder of any amendment adopted or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives the notice, unless the certificate holder petitions the Administrator to reconsider the amendment, in which case the effective date is stayed by the Administrator.

(3) If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation or in air commerce that makes the procedure in this paragraph impracticable or contrary to the public interest, the Administrator may issue an amendment, effective without stay, on the date the certificate holder receives notice of it. In such a case, the Administrator incorporates the findings, and a brief statement of the reasons for it, in the notice of the amendment to be adopted.

(c) A certificate holder may submit a request to the Administrator to amend its program. The application must be filed with the Administrator at least 30 days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by the Administrator. Within 15 days after receiving a proposed amendment, the Administrator either approves or denies the request. Within 30 days after receiving from the Administrator a notice of refusal to approve the application for amendment, the applicant may petition the Administrator to reconsider the refusal to amend.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

8. By revising § 121.538 to read as follows:

§ 121.538 Airplane security.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

§ 121.538a [Removed]

§ 121.584 [Removed]

§ 121.585 [Removed]

9. By revoking and removing §§ 121.538a, 121.584, and 121.585.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

10. By revising § 129.25 to read as follows:

§ 129.25 Airplane security.

(a) The following are definitions of terms used in this section:

(1) "Approved security program" means a security program required by Part 108 of this title approved by the Administrator.

(2) "Certificate holder" means a person holding an FAA air carrier operating certificate or operating certificate when that person engages in scheduled passenger or public charter operations, or both.

(3) "Passenger seating configuration" means the total number of seats for which the aircraft is type certificated that can be made available for passenger use aboard a flight and includes that seat in certain airplanes which may be used by a representative of the Administrator to conduct flight checks but is available for revenue purposes on other occasions.

(4) "Private charter" means any charter for which the charterer engages the total capacity of an airplane for the carriage only of:

(i) Passengers in civil or military air movements conducted under contract with the Government of the United States or the Government of a foreign country; or

(ii) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

(5) "Public charter" means any charter that is not a "private charter."

(6) "Scheduled passenger operations" means holding out to the public of air transportation service for passengers from identified air terminals at a set time announced by timetable or schedule published in a newspaper, magazine, or other advertising medium.

(7) "Sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program or a security program used in accordance with § 129.25.

(b) Each foreign air carrier landing or taking off in the United States shall adopt and use a security program, for each scheduled and public charter passenger operation, that meets the requirements of—

(1) Paragraph (c) of this section for each operation with an airplane having a passenger seating configuration of more than 60 seats;

(2) Paragraph (c) of this section for each operation that will provide deplaned passengers access, that is not controlled by a certificate holder using an approved security program or a foreign air carrier using a security program required by this section, to a sterile area;

(3) Paragraph (c) of this section for each operation with an airplane having a passenger seating configuration of more than 30 seats but less than 61 seats for which the FAA has notified the foreign air carrier that a threat exists; and

(4) Paragraph (c) of this section for each operation with an airplane having a passenger seating configuration of more than 30 seats but less than 61 seats, when the the Director of Civil Aviation Security or a designate of the Director has not notified the foreign air carrier in writing that a threat exists with respect to that operation.

(c) Each security program required by paragraph (b) (1), (2), or (3) of this section shall be designed to—

(1) Prevent or deter the carriage aboard airplanes of any explosive, incendiary device or a deadly or dangerous weapon on or about each individual's person or accessible property, except as provided in § 129.27 of this part, through screening by weapon-detecting procedures or facilities;

(2) Prohibit unauthorized access to airplanes;

(3) Ensure that baggage is accepted by a responsible agent of the foreign air carrier; and

(4) Prevent cargo and checked baggage from being loaded aboard its airplanes unless handled in accordance with the foreign air carrier's security procedures.

(d) Each security program required by paragraph (b)(4) of this section shall include the procedures used to comply with the applicable requirements of paragraphs (h)(2) and (i) of this section regarding law enforcement officers.

(e) Each foreign air carrier required to use a security program by paragraph (b) of this section shall, upon request of the Administrator, and in accordance with applicable law, provide information

regarding the implementation and operation of its security program.

(f) No foreign air carrier may land or take off an airplane in the United States, in passenger operations, after receiving a bomb or air piracy threat against that airplane, unless the following actions are taken:

(1) If the airplane is on the ground when a bomb threat is received and the next scheduled flight of the threatened airplane is to or from a place in the United States, the foreign air carrier ensures that the pilot in command is advised to submit the airplane immediately for a security inspection and an inspection of the airplane is conducted before the next flight.

(2) If the airplane is in flight to a place in the United States when a bomb threat is received, the foreign air carrier ensures that the pilot in command is advised immediately to take the emergency action necessary under the circumstances and a security inspection of the airplane is conducted immediately after the next landing.

(3) If information is received of a bomb or air piracy threat against an airplane engaged in an operation specified in paragraph (f)(1) or (f)(2) of this section, the foreign air carrier ensures that notification of the threat is given to the appropriate authorities of the State in whose territory the airplane is located or, if in flight, the appropriate authorities of the State in whose territory the airplane is to land.

(g) Each foreign air carrier conducting an operation for which a security program is required by paragraph (b)(1), (2), or (3) of this section shall refuse to transport—

(1) Any person who does not consent to a search of his or her person in accordance with the security program; and

(2) Any property of any person who does not consent to a search or inspection of that property in accordance with the security program.

(h) At airports within the United States not governed by Part 107 of this chapter, each foreign air carrier engaging in public charter passenger operations shall—

(1) When using a screening system required by paragraph (b) of this section, provide for law enforcement officers meeting the qualifications and standards, and in the number and manner, specified in Part 107; and

(2) When using an airplane having a passenger seating configuration of more than 30 but less than 61 seats for which a screening system is not required by paragraph (b) of this section, arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident and provide to appropriate employees, including crewmembers, current information with respect to procedures for obtaining law enforcement assistance at that airport.

(i) At airports governed by Part 107 of this chapter, each foreign air carrier engaging in scheduled passenger operations or public charter passenger operations when using an airplane with a passenger seating configuration of more than 30 but less than 61 seats for which a screening system is not required by paragraph (b) of this section shall arrange for law enforcement officers meeting the qualifications and standards specified in Part 107 to be available to respond to an incident and provide to appropriate employees, including crewmembers, current information with respect to procedures for obtaining law enforcement assistance at that airport.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

11. By adding a new § 135.125 to read as follows:

§ 135.125 Airplane security.

Certificate holders conducting operations under this part shall comply with the applicable security requirements in Part 108 of this chapter.

(Secs. 313, 315, 316, 317, 601–610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, 1358, 1421–1430); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)))

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

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

Langhorne Bond,

Administrator.

[FR Doc. 81-1403 Filed 1-14-81; 8:45 am]

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Thursday
January 15, 1981

Part IV

Department of Health and Human Services

Health Care Financing Administration

Conditions for Coverage of Suppliers of ESRD Services; Self-Dialysis and Home Dialysis Training

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Conditions for Coverage of Suppliers of ESRD Services Self-Dialysis and Home Dialysis Training

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations will provide for program approval of a facility that furnishes training and support services for self-dialysis and/or home dialysis, either as the only service or in combination with self-dialysis services. The requirements for a training facility are the same as those for facilities furnishing staff-assisted dialysis, with some additional specific training requirements. The intent of this change is to encourage greater use of self-dialysis. Other changes are being made to facilitate program administration, and to respond to comments on the regulations implementing the 1978 amendments, as well as to adapt the requirements to a recently developed treatment technique known as continuous ambulatory peritoneal dialysis (CAPD), to provide for approval of special purpose renal dialysis facilities, and to require open staffs in ESRD facilities.

DATE: Consideration will be given to written comments or suggestions mailed on or before March 16, 1981.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, P.O. Box 17082, Baltimore, Maryland 21235.

In commenting, please refer to HSQ–73P. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 309G of the Department's Offices at 200 Independence Ave., S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:30 p.m., telephone 202–245–7890.

FOR FURTHER INFORMATION CONTACT: Janet Harryman, Director, Division of Hospital Services, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207, 301–594–9712.

SUPPLEMENTARY INFORMATION:

Background

The Social Security Amendments of 1972 (Pub. L. 92–603) extended Medicare protection to individuals with end-stage renal disease who require dialysis or transplantation. Those amendments authorized the Secretary to prescribe regulations for facilities that furnish such services.

The End-Stage Renal Disease Program Amendments of 1978 (P.L. 95–292) became effective June 13, 1978, and the implementing requirements for self-dialysis units and self-dialysis services were published as a final rule with comment period in the **Federal Register**, October 19, 1978, (43 FR 48948). Those regulations prescribed the requirements for approval of self-dialysis units but did not permit approval of facilities that furnished only self-dialysis services.

General Considerations

These proposed amendments clarify and expand the types of dialysis services which facilities will be approved to furnish, and they include changes directed toward more effective administration of the program.

1. *Training Only Facilities*—One of the changes we propose will classify training as a dialysis service. This will permit the approval of a facility which furnishes only training and support for self-dialysis or home dialysis, to participate in the ESRD program. Approval of a training only facility is consistent with the intent of Congress to encourage self-dialysis. Since dialysis training is essentially the same as staff-assisted dialysis, we are proposing that facilities providing training must meet standards as stringent as those for facilities providing other dialysis services. The amended regulations of October 19, 1978 did not permit approval of facilities furnishing only self-dialysis; a self-dialysis unit could be approved only as part of a facility that furnishes transplantation or a dialysis service other than self-dialysis. Since the proposed amendments define self-dialysis training as a dialysis service, a self-dialysis unit could also be approved as a part of a facility furnishing training.

2. *Special Purpose Renal Dialysis Facilities*—Present regulations do not permit us to approve for Medicare coverage temporary dialysis units. We continue to receive inquiries regarding the feasibility of approving for Medicare reimbursement dialysis services provided to ESRD beneficiaries on a short term basis for special rehabilitative or emergency purposes when those beneficiaries cannot be accommodated by facilities approved under the present regulations.

For example, in many cases existing ESRD facilities are too remote or too near capacity to serve vacationing dialysis patients. Accordingly, some hospitals and universities have developed programs which provide dialysis services to these patients while they are on extended vacations. These programs include both transient or mobile units in State parks and fixed location units such as children's camps. All proposals which we have received to approve these types of units as special purpose dialysis facilities emphasize the importance of these units in programs designed to assist ESRD patients and their families toward the goals of total rehabilitation and a normal lifestyle. The availability of these units allows patients some respite from severely restricted lifestyles caused by the need for dialysis treatments three times a week at a single location.

Under this proposed regulation, if a facility approved under the present regulations located in the area serving the vacationing patients has the capacity to accommodate the patients, treatment must be administered in that unit. However, frequently the units we have been asked to approve are part of rehabilitative programs which have been developed in response to specific, unmet needs of patients. For example, one particular program provides dialysis services to patients in National Parks. These parks are generally not close to permanent facilities that could accommodate these patients. Consequently this program affords patients an opportunity to enjoy the outdoors by vacationing for an extended period in a setting which would otherwise be inaccessible to them. After carefully reviewing these proposals, we have decided that the benefits of the programs are significant, and are proposing that the units furnishing dialysis services in these programs be approved as special purpose renal dialysis facilities.

Under these proposed regulations, these special purpose dialysis facilities would receive Medicare reimbursement only for those services that are reimbursed under Medicare when provided in permanent facilities approved under the present regulations. The patient would continue to pay for all other costs such as actual vacation expenses.

We are also proposing to approve special purpose dialysis units when these units are necessary to accommodate patients on an emergency, short term basis. Examples of these emergencies are facility closings due to strikes or bankruptcies when the backup facilities to the closed facilities cannot accommodate the patients of the closed facilities.

As we considered whether to propose approval of these special purpose facilities we were most concerned about three problems: safety and quality of care, proliferation of dialysis facilities,

and increased program costs. With respect to the quality of care provided in these units, the evidence available to us indicates that these units have not experienced any problems in providing quality care. We are requiring these units to meet all conditions for approval for dialysis facilities, including all health and safety standards, with the exception of §§ 405.2132, 405.2134, and 405.2137. We will, of course, monitor the performance of these units carefully. We expect that any unit that can meet existing health and safety standards will provide quality and safe care.

We are proposing to exempt special purpose renal dialysis facilities only from the requirements of §§ 405.2132, 405.2134, and 405.2137. We do not think that compliance with § 405.2132 (fulfillment of service needs in a network) should be required because of the short range, transient nature of the population to be served in such units. This requirement applies only to the on-going permanent needs of the network to provide adequate services for the dialysis population residing within network boundaries, and as such, is not appropriate for special purpose facilities.

Compliance with § 405.2134 (membership in a network) will not be required for basically the same reasons. The temporary nature of the facility and the high turnover of patients make membership in a network impractical and administratively burdensome. Moreover, since these facilities do not have responsibility for the long term care of their patients, we think that it is inappropriate for them to participate in setting and implementing network goals and objectives, particularly those for transportation and home dialysis. We see these units as fulfilling important program goals and objectives such as patient rehabilitation. We expect to be able to collect whatever data are necessary to monitor their performance in fostering program goals and in providing quality care through the survey process and through the requirement of § 405.2133 for furnishing data and information for ESRD program administration.

In lieu of compliance with the requirements of § 405.2137 for patient long-term program and patient care plan, we propose to substitute a requirement which would require the special purpose renal dialysis facility to consult with a patient's physician to assure that care provided in the special purpose facility is consistent with the patient's long-term care program and the long-term plan that the patient's permanent facility is required to maintain under § 405.2137. In our opinion this requirement will assure continuity of care.

In developing our proposal for special purpose renal dialysis facilities, we considered requiring these facilities to operate directly under the auspices of a renal dialysis facility, approved under the present regulations. However, we were concerned that such a proposal might lead to a monopoly, and limit competition in providing special rehabilitative or emergency dialysis services. Since we are requiring special puspose dialysis facilities ot meet all health and safety standards, we feel the need for a direct operating agreement with an approved dialysis facility is unnecessary. We are, of course, proposing to require that all special purpose facilities comply with the requirement of § 405.2160 that a renal dialysis facility have in effect an affiliation agreement or arrangement with a renal dialysis center for backup services.

The final requirement for special purpose dialysis facilities relates to the period of approval. We propose to limit approval to six consecutive months in any given calendar year. This time limitation is necessary to emphasize the temporary nature of such facilities, and to prevent unnecessary proliferation of, and possible abuse of, this category of approval. We do not think that these units need to operate for a longer period. Most of the special rehabilitative programs are designed to operate for only a limited period. In addition, the six month time frame is particularly important in the application of this provision in emergency situations. The six month timeframe will provide us with enough time to either arrange permanent alternative placement for patients or to successfully resolve the emergency, yet it is short enough to prevent possible abuse by parties seeking to provide dialysis services while circumventing the established determination of need procedures.

If this proposal is adopted, we will propose any necessary changes in the corresponding reimbursement regulations. We recognize that our proposal may result in some increased program costs, but intend to hold these costs to a minimum.

3. *Continuous Ambulatory Peritoneal Dialysis*—Continuous ambulatory peritoneal dialysis (CAPD) is a recent development in ESRD treatment. Several changes are included in these proposed amendments to reflect this newer method of treatment. The proposed regulatory changes recognize essential differences between CAPD and other dialysis techniques.

4. *Program Administration*—The proposed amendment will improve program administration through changes in reporting requirements.

One change will remove the requirements for disclosure of 10% ownership of an ESRD facility and will require compliance with § 420.206. Section 420.206 was effective July 17, 1979, (44 FR 41636) and was part of the regulations implementing the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (Pub. L. 95-142). Pub. L. 95-142 imposes a more stringent requirement of disclosure of 5% ownership.

Current regulations require an ESRD facility to be needed in its area before it can be approved. A proposed amendment will require an ESRD facility to notify in advance and obtain written approval from the Health Care Financing Administration Regional Office before making changes in location, services provided, or expansion or reduction of approved capacity. Failure to do so may jeopardize continued reimbursement for ESRD services. These proposed amendments would require an ESRD facility to obtain a State certificate of need (CON) as a condition for approval in any State whose CON program covers ESRD facilities. This proposed change would codify present administrative practice.

In addition, one requirement relating to the reporting of services performed has been eliminated as being duplicative of the survey by the State survey agency, and a daily reporting by a self-dialysis trained patient has been eliminated as inappropriate.

5. Open staff requirement. Present regulations at 42 CFR 405.2136(h) require that the governing body of an ESRD facility establish written policies regarding appointments to the medical staff. The regulations further provide that the governing body is responsible for maintaining and implementing written personnel policies and procedures that support sound patient care. 42 CFR 405.2136(d). These policies and procedures must ensure that all members of the facility's staff are qualified to perform the duties and responsibilities assigned to them.

When the present regulations were issued in proposed form on July 1, 1975 (40 FR 27782), we received public comment suggesting that we add a requirement that all ESRD facilities maintain an open staff for all nephrologists. As we explained in the preamble to the final regulations published on June 3, 1976 (41 FR 22502, 22508), we decided not to impose an

open staff requirement at that time because we believed that such a requirement might then be seen as interfering with a facilities prerogative to pass on medical staff qualifications and because we assumed that decisions concerning the granting of privileges would be based on the physician's qualifications and the facility's capacity to accommodate a physician's patients.

It now appears that our original assumption was not correct. Some facilities apparently are restricting medical staff privileges on the basis of criteria unrelated to sound patient care, professional qualifications, or facility capacity. For example, some facilities apparently grant staff privileges only to physicians who are employed by the facilities. Other facilities are apparently agreeing among themselves to refuse staff privileges to any physician discharged from one of the facilities. We do not think these criteria promote the sound medical care of ESRD patients, and we never intended that such criteria be used to deny staff privileges in ESRD facilities. We think their use is inconsistent with out present requirement that personnel policies support sound patient care.

Moreover, we believe that we have a unique obligation to strengthen federal requirements for the ESRD program, if necessary, to ensure sound medical care for patients in the program. We have significantly limited the number of facilities that may receive Medicare reimbursement for dialysis and that consequently can offer Medicare-reimbursed treatment to ESRD patients. For example, federal regulations at 42 CFR 405.2132 require as a condition for approval a determination that the ESRD facility is needed to increase the available ESRD services which would otherwise be inadequate for the network area. Section 1881(b)(1) of the Act and implementing regulations at 42 CFR 405.2130 also require as a condition of approval that ESRD facilities meet certain minimum utilization rates. In addition, the federal government through the Medicare program provides almost all of the financial support for these dialysis facilities. Under these conditions of a federally supported and limited supply of ESRD facilities—in effect a government "franchise"—we have a special responsibility to address any facility policies that interfere with the sound medical care of ESRD patients.

An ESRD facility policy that limits staff privileges on the basis of criteria such as whether the physician is employed by the facility has the effect of restricting the right of an ESRD patient to select his or her treating physician in a manner that is unrelated to sound medical care. As a result of the limited supply of ESRD facilities, a patient might be forced to accept treatment at a facility that restricts staff privileges in such a manner. If the patient's own physician has been excluded from the facility staff, the patient's treatment would be supervised by another physician who otherwise might not have been selected by the patient.

We believe that the special characteristics of ESRD patients make the patient's right to choose his or her own physician a particularly important element of quality patient care. ESRD patients suffer from a sever chronic disease that must be treated several times a week over a lengthy period. Further complications, requiring emergency or acute care treatment, often arise. As a result, an ESRD patient has a special pychological need for a physician whom the patient trusts to supervise the entire continuum of that patient's care. This right to select one's own physician should be restricted only to the extent necessary to ensure quality care.

Since we can no longer rely on our original assumption that facilities would base staff privileges solely on professional qualifications or other criteria related to sound patient care, we are proposing to amend the regulation at 42 CFR 405.2136(h) to require that staff privileges in an ESRD facility be granted solely on the basis of professional qualifications unless the facility demonstrates that any other criteria that it uses have a sound medical basis and are needed to promote quality care. We have concluded that, under the conditions of the ESRD program, such an explicit open staff requirement is necessary and appropriate to protect the right of ESRD patients to choose their own physicians.

We would like to emphasize that we are not proposing to restrict the types of professional qualifications that a facility may impose as criteria for staff privileges, nor are we proposing to control the manner in which those criteria are applied in a particular case. For example, under our proposed regualtion, a facility could decide to limit staff privileges to board certified or board eligible nephrologists, or a university hospital could decide to limit privileges to university faculty. Our proposed regulation would only prohibit a facility from using criteria other than professional qualifications unless the facility demonstrates that other criteria which it uses are needed to promote quality care. Under the proposed regulation, a facility would be required to grant staff privileges (for the future) to a physician who qualifies under the facility's criteria even though the facility may be currently operating at full capacity and could not accept a new patient from the physician at the present time.

We particularly solicit comments on this open staff proposal, including information on the number of closed staff facilities which exist, the kinds of problems that have arisen in such facilities, and any specific information on difficulties that may be presented by our proposed change.

Summary of Changes

The proposed regulatory changes have been numbered in sequence. The following discussion of each change is numbered to correspond to the number of the proposed change.

1. Definitions—In the current regulations, § 405.2102(c) defines the dialysis process and lists two common types of dialysis, i.e., hemodialysis and peritoneal dialysis. A recently developed treatment technique known as continuous ambulatory peritoneal dialysis (CAPD) is now a covered service and is sufficiently different from other methods of dialysis as to require several changes in regulations. Therefore, the definition of dialysis is to be expanded to provide a more detailed listing of types of dialysis. Since dialysis involves removal of substances from the blood, all dialysis is hemodialysis; the difference in types of dialysis is the location of the dialyzing membrane. In hemodialysis, the dialyzing membrane is located outside the body, and in peritoneal dialysis, the peritoneum in the abdomianal cavity is the dialyzing membrane. As a result, we propose to expand the list of types of dialysis to:

- extracorporeal hemodialysis
- intermittent peritoneal dialysis
- continuous ambulatory peritoneal dialysis.

This terminology is generally in use in the professional community and we see little necessity for defining each type of dialysis.

In the current regulations, § 405.2102(f) classifies dialysis services and training for self-dialysis and/or home dialysis separately as ESRD services. The regulations at § 405.2163 require that a renal dialysis facility provide dialysis services. The proposed amendment will classify training as a dialysis service rather than an ESRD service; this will permit the approval of a facility which furnishes only the training service and required support service. Our rationale for this change is

that we think that approval of a training-only facility will encourage self and home dialysis. Our proposed change is not a significant change form our present practice, since training is basically staff assisted dialysis plus an additional training component. We propose that a facility that furnishes dialysis training only must meet all the requirements of Subpart U, including the specific requirements for training units.

Current regulations permit approval of a facility that furnishes self-dialysis and another dialysis service. These proposed amendments will permit approval of a self-dialysis unit in a facility that is approved to furnish self or home-dialysis training.

A minor change is being proposed in defining self-dialysis as dialysis being performed with little or no professional assistance to include reference to the requirement that a licensed health professional be on duty whenever dialysis is performed.

We propose to amend the current regulations to approve for reimbursement special purpose renal dialysis facilities. We propose to require that special purpose dialysis facilities meet all the applicable conditions for coverage specified in Subpart U, with the exception of those relating to need (405.2132), network participation (405.2134) and patient care plan (405.2137). Approval will be limited to six months in any calendar year.

2. *Reporting of Utilization Rates*—The ESRD final regulations published June 3, 1976, (41 FR 22502) implemented the statutory requirement for minimal utilization rates (MUR) by specifying the MURs for transplant and dialysis services. Each facility was required to report these rates on an annual basis.

The regulations were amended on October 19, 1978, (43 FR 48948) to include requirements for self-dialysis units. However, no MUR requirements were established for self-dialysis since utilization data on existing self-dialysis units were limited. To obtain such data, the reporting requirement was amended to require each dialysis facility to report, by type of service, the number of treatments at each station. These regulations were published as a final rule with a comment period.

A comment was made by the National Kidney Foundation that the additional reporting requirement was unnecessary because the State survey agencies obtain the information at the time of their annual facility surveys. We have agreed with the commenters and are proposing to remove the additional requirement. The State survey agencies use HCFA approved forms which ask for this information.

3. *Calculation of Utilization Rates*—In an effort to encourage self-dialysis training, the ESRD regulations have permitted a facility to exclude from the calculation of utilization rates a dialysis machine which has been used to train at least six self-dialysis patients per year. We propose to remove the exclusion provision from § 405.2130(d) and to place it in § 405.2124, the section which pertains to the calculation of utilization rates.

4. *Minimal Utilization Rate (MUR) for Training*—We propose to establish an MUR for a facility that only furnishes self-dialysis and/or home dialysis training. We would require such a facility to train 12 or more patients per calendar year. A person trained would be a person who has completed the training as determined from the patient's medical record. The utilization rate for a facility may be met by any type of dialysis for which the patient is trained. For example, hemodialysis and peritoneal dialysis (including CAPD) may be used in meeting the MUR. The proposed MUR for training is sufficiently low that we have not proposed conditional status; training only units must meet the MUR by the end of each calendar year. We are now evaluating ESRD program MUR requirements, and we welcome comments on this proposed MUR for training.

5. *Facility Notification of Change*—Current regulations (§ 405.2132) require that an ESRD facility be needed in its network area, and that expansion of dialysis capacity must also be needed. The proposed amendment will make the regulation more specific with respect to an approved facility and require the facility to make no change in its physical location, services provided, or expansion or reduction of approved capacity without notifying in advance and obtaining the approval of the Health Care Financing Administration Regional Office. Failure to notify and obtain approval may jeopardize the facility's continuing participation in the ESRD program. The proposed amendments would also require a facility to obtain a CON if its State CON program covers ESRD facilities.

6. *Network Goals*—The conditions for membership of an ESRD facility in a network are contained in section 405.2134 of Subpart U. The ESRD legislation of 1978 required that networks establish goals on placement of ESRD patients in the appropriate modality, and identify facilities which do not cooperate in meeting the network goals. By way of implementing this provision, the ESRD regulations of October 19, 1978 required that the membership agreement between a facility and the network contain the facility plan for meeting the network goals. Comments by the National Kidney Foundation on this requirement pointed out that plans should be as flexible as the goals and by making them a part of an agreement, the plans would likely become more permanent. Therefore, a change in the regulation is proposed which will commit the facility to pursue network goals as part of the membership agreement; the facility will be required to have a plan for fulfilling its role in attaining network goals and must submit this plan to the network.

7. *Disclosure of Ownership and Patient Care Policies*—Current regulations in Subpart U (§ 405.2136(a)) require disclosure of ownership of an ESRD facility of 10% or more. The Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (Pub. L. 95-142) requires disclosure of 5% ownership and this disclosure requirement has been published as a regulation (§ 420.206). This section provides the requirements for:

—information that must be disclosed
—time and manner of disclosure
—consequence of failure to disclose, and
—public disclosure.

The 5% disclosure requirement supersedes the 10% disclosure requirement in § 405.2136(a). This amendment would revoke the 10% requirement and simply require the facility to comply with the disclosure requirements of § 420.206. The Health Care Financing Administration will withdraw a determination of eligibility of an ESRD facility which fails to comply with the provisions of § 420.206.

Another change in § 405.2136 will require a facility with patients undergoing peritoneal dialysis to have patient care policies that contain procedures for detection and treatment of peritonitis. The regulation will not, of course, outline what treatment procedures are required but will require that each facility have such policies so that each facility employee will have the opportunity to understand what the facility policy is with respect to peritonitis in patients undergoing peritoneal dialysis.

8. *Medical Record Entries*—Section 405.2139(d) requires a self-dialysis patient to keep records concerning the daily dialysis process and that this information becomes a part of the patient's medical record. the intent of the regulation was to ensure that the self-dialysis patient's clinical information is centralized in the medical

record so that the facility furnishing the support services for the self-dialysis patient has the record of the dialysis process. However, in most instances, hemodialysis is not performed on a daily basis, and, therefore, the recording concerning the daily dialysis process is inappropriate and has been deleted. This was commented upon by representatives of the National Kidney Foundation shortly after the requirement was published in the October 19, 1978 amendments.

The National Kidney Foundation also questioned the requirement that entries in the medical record by self dialysis patients are to be countersigned by staff. We have deleted this requirement since staff should sign only on entries of information in which they had participated in generating. This would not not usually occur during self-dialysis.

9. *Control of Peritonitis*—We propose to amend § 405.2140(b)(1) by requiring additional written policies and procedures in the prevention and control of peritonitis in recognition of the potential complication of peritoneal dialysis. (See also § 405.2136.)

10. *Self-Dialysis Training and Support Services*—In addition to the change in definition which will permit training only facilities, § 405.2163 will be amended by adding training for self-dialysis and home dialysis as a dialysis service. Several additional changes are proposed in § 405.2163(e) which lists self-dialysis support services. We anticipate the support program will become more complex due to greater numbers of home-dialysis patients and increase in use of continuous ambulatory peritoneal dialysis. We propose to require that a qualified chief executive officer or a qualified nurse coordinate the suport services of the facility furnishing the dialysis training. The ESRD facility which trains a patient in peritoneal self-dialysis will furnish on a regular basis, either directly or under arrangement or agreement with another approved ESRD facility, monitoring of the patient's medical condition and continuing self-dialysis capability.

A major purpose of the regular monitoring at an approved training facility is to reduce the hazard of peritonitis. A training only facility will make an arrangement or agreement with another ESRD facility which has the capability to furnish all necessary staff-assisted hemo and-or peritoneal dialysis to the patients for whom the training unit furnishes support services.

11. *Open-Staff Policies*—We are proposing to change § 405.2136(h) to require that the written policies on medical staff developed by the facility's governing body must specify the professional qualifications required of physicians seeking staff privileges at the facility, and must provide that staff privileges are granted solely on the basis of professional qualifications unless the facility demonstrates that any criteria other than professional qualifications that it uses have a sound medical basis and are needed to promote quality patient care. The policies would also be required to specify provisions to be employed in granting staff privileges to physicians when the facility is at full capacity.

42 CFR Part 405 is amended as set forth below:

1. In § 405.2102, paragraphs (c), (e)(5), (f), and (r)(4) are revised to read as follows:

§ 405.2102 Definitions.

* * * * *

(c) *Dialysis.* A process by which disolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermiable membrane. The two types of dialysis that are currently in common use are extracorporeal hemodialysis and peritoneal dialysis, including intermittenent peritoneal dialysis (IPD) and continuous ambulatory peritoneal dialysis (CAPD).

* * * * *

(e)(5) Special purpose renal dialysis facility. A renal dialysis facility which is approved under § 405.2164 to furnish special rehabilitative or emergency dialysis services on a short term basis to a group of dialysis patients otherwise unable to obtain treatment.

* * * * *

(f) *ESRD service.* The type of care or services furnished to an ESRD patient. Such types of care are:

(1) *Transplantation service.* A process by which (a) a kidney is excised from a live or cadaveric donor, (b) that kidney is implanted in an ESRD patient, and (c) supportive care is furnished to the living donor and to the recipient following implantation.

(2) *Dialysis service:*

(i) *Inpatient dialysis.* Dialysis which, because of medical necessity, is furnished to an ESRD patient on a temporary inpatient basis in a hospital;

(ii) *Outpatient dialysis.* Dialysis furnished on an outpatient basis at a renal dialysis center on facility. Outpatient dialysis includes:

(A) *Staff-assisted dialysis.* Dialysis performed by the staff of the center or facility.

(B) *Self-dialysis.* Dialysis performed, with little or no professional assistance except for the oversight required by § 405.2161(b)(1) by an ESRD patient who has completed an appropriate course of training.

(iii) *Home dialysis.* Dialysis performed by an appropriately trained patient at home.

(iv) *Self-dialysis and home dialysis training.* A program that trains ESRD patients to perform self-dialysis or home dialysis including CAPD, and trains other individuals to assist patients in performing self-dialysis or home dialysis.

(r) *Qualified personnel.* Personnel that meet the requirements specified in this paragraph. (1) Chief executive officer. A person who:

* * * * *

(4) *Nurse responsible for nursing service.* A person who is licensed as a registered nurse by the State in which practicing, and (i) has at least 12 months of experience in clinical nursing, and an additional 6 months of experience in nursing care of the patient with permanent kidney failure or undergoing kidney transplantation, including training in and experience with the dialysis process; or

(ii) Has 18 months of experience in nursing care of the patient on maintenance dialysis, or in nursing care of the patient with a kidney transplant, including training in and experience with the dialysis process.

(iii) If self-dialysis and home dialysis training is offered, the nurse in charge of training meets the requirements of paragraph (r)(4) (i) or (ii) of this section; and

(A) At least 3 months of the total required ESRD experience must be in training patients in self-care dialysis; and

(b) If CAPD training is offered, at least 3 months of the total required ESRD experience must be in the care and maintenance of patients on peritoneal dialysis, in the instruction of ESRD patients in CAPD techniques, or a combination of both covering a 3 months time span; or the nurse must have completed a training program in CAPD techniques.

* * * * *

2. Section 405.2123(b) is revised to read as follows:

405.2123 Reporting of utilization rates for classification.

* * * * *

(b) Each hospital or nonhospital facility furnishing dialysis service must report the number of dialysis stations it had operating and the total number of dialyses performed during both the most recent year of operation and each of the preceding 2 calendar years.

3. Section 405.2124 is revised to read as follows:

§ 405.2124 Calculation of utilization rates for comparison with minimal utilization rate(s) and notification of status.

For purposes of classification, HCFA will use either the utilization rate for the preceding 12 months from the date of the survey or the average utilization rate of the preceding 2 calendar years, whichever is higher. In a facility that furnishes other dialysis services, self-dialysis training stations which were used to train at least 6 self-dialysis patients per station per calendar year and the dialyses performed on these stations may be excluded from the calculation of utilization rates. HCFA will inform each ESRD facility and the network coordinating council of the network area in which the ESRD facility is located of the results of this classification.

4. Section 405.2130(d) is revised to read as follows:

§ 405.2130 Condition: Minimal utilization rates.

* * * * *

(d) Standard: Dialysis facility which furnishes only training for dialysis and home dialysis:

(1) Unconditional status—12 or more patients trained each calendar year;

(2) There is no conditional status provision for a facility which furnishes only training. A facility which has not previously participated in the ESRD program must submit a plan detailing how it expects to meet the minimal utilization rate by the conclusion of 1 calendar year of its operation and must have met that rate at the conclusion of that year.

5. Section 405.2132 is amended to read as follows:

§ 405.2132 Condition: fulfillment of service needs in network.

The ESRD facility, or an expansion of the renal dialysis center or facility's capacity, is needed to increase the available ESRD services which would otherwise be inadequate for the network area. (a) The facility furnishes evidence in support of its request for approval showing that:

(1) There are ESRD patients in the network area for whom the proposed services of the facility are needed;

(2) These patients cannot be expected to receive appropriate therapy from another ESRD treatment facility in the network area; and

(3) The facility has received a State certificate of need (CON) if the CON program in the State in which the facility is located covers ESRD facilities.

(b) The ESRD facility may make no change in physical location services provided, or expansion or reduction in approved capacity, without notifying HCFA in advance and obtaining its written approval.

6. Section 405.2134 is revised to read as follows:

§ 405.2134 Condition: Membership in a network.

The ESRD facility has a membership agreement with the network coordinating council and is providing acceptable representation on the council.

(a) *Standard: Membership agreement.* The membership agreement is signed by an authorized individual on behalf of the facility, and:

(1) Provides that the facility will participate in council activities and medical evaluation studies; and

(2) Commits the facility to pursue network goals, including the placement of patients in self-dialysis and the encouragement of renal transplantation.

(b) *Standard: Representation.* The facility appoints at least one representative to the Council and more than one representative, when necessary, for proper administration of the network's general program functions (see § 405.2111).

(c) *Standard: Goals and plans.* The facility fulfills its role for attaining the network goals and carrying out the network plans in accordance with a plan approved by the network.

7. Section 405.2136 is amended (1) by revising paragraph (a), (2) by adding subparagraph (f)(1)(xii), and (3) by revising paragraph (h), as follows:

§ 405.2136 Condition: Governing body and management.

* * * * *

(a) Standard: Disclosure of ownership. The facility complies with the disclosure requirements of § 420.206 of this chapter.

* * * * *

(f) *Standard: Patient care policies.*

* * *

(1) The patient care policies cover the following:

* * * * *

(xi) The provision of home dialysis support services, if offered (see § 405.2163(e)).

(xii) A system of procedures for detection and treatment of peritonitis for all patients on peritoneal dialysis.

* * * * *

(h) *Standard: Medical staff.* The governing body of the ESRD facility designates a qualified physician (see § 405.2102(r)(5) as director of the ESRD services; the appointment is made upon the recommendation of the facility's organized medical staff, if there is one. The governing body establishes written policies regarding the development, negotiation, consummation, evaluation, and termination of appointments to the medical staff. Such policies must specify the professional qualifications required of physicians seeking staff privileges at the facility, and must provide that staff privileges are granted solely on the basis of professional qualifications unless the facility demonstrates that any criteria other than professional qualifications that it uses have a sound medical basis and are needed to promote quality patient care. The policies must also specify methods to be used in granting staff privileges to physicians when the facility is at full capacity.

8. Section 405.2139(d) is revised to read as follows:

§ 405.2139 Condition: Medical records.

* * * * *

(d) *Standard: Completion of medical records and centralization of clinical information.* Current medical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is kept in the patient's medical record. Provision is made for collecting and including in the medical record medical information generated by self-dialysis patients. Entries may either be completed by staff, or be completed by trained self-dialysis patients, trained home dialysis patients or trained assistants.

9. Section 405.2140(b) is revised to read as follows:

§ 405.2140 Condition: Physical environment

* * * * *

(b) *Standard: favorable environment for patients.* The facility is maintained and equipped to provide a functional, sanitary, and comfortable environment with an adequate amount of well-lighted space for the services provided.

(1) There are written policies and procedures in effect for preventing and controlling hepatitis, peritonitis and other infections. These policies include, but are not limited to, appropriate procedures for surveillance and reporting of infections, housekeeping, handling and disposal of waste and contaminants, and sterilization and disinfection, including the sterilization and maintenance of equipment.

* * * * *

10. In § 405.2163, paragraphs (a) and (e) are revised to read as follows:

§ 405.2163 Condition: Minimal service requirements for a renal dialysis facility or renal dialysis center.

The facility must provide dialysis services, as well as adequate laboratory, social, and dietetic services to meet the needs of the ESRD patient.

(a) Standard: *Dialysis Services.*—(1) *Outpatient dialysis services.*—(A) *Staff-assisted dialysis services.* The facility must provide all necessary institutional dialysis services and staff required in performing the dialysis.

(B) *Self-dialysis services.* If the facility offers self-dialysis services, it must provide all medically necessary supplies and equipment and any other service specified in the facility's patient care policies.

* * * * *

(2) *Self-dialysis and home dialysis training.*—If the facility offers self-dialysis and home dialysis training, it furnishes all necessary training services including support services listed in § 405.2163(e);

* * * * *

(e) *Standard: Self-dialysis support services.* The renal dialysis facility or center furnishing self-dialysis training coordinates services to patients through a qualified chief executive officer or qualified nurse. The facility, upon completion of the patient's training, furnishes (either directly, under agreement or under arrangement with another ESRD facility) the following services:

(1) Surviellance of the patient's home adaptation, including provisions for visits to the home or the facility;

(2) Consultation for the patient with a qualified social worker and a qualified dietitian;

(3) A recordkeeping system which assures continuity of care and which provides data from which incidence rates for peritionitis can be computed;

(4) Installation and maintenance of equipment used in dialysis;

(5) Testing and appropriate treatment of the water used in dialysis;

(6) Ordering of supplies on an ongoing basis;

(7) If the facility or center is approved for training in peritioneal self-dialysis, it furnishes monitoring of the patient's medical condition and continuing self-dialysis capability on a regular basis. This monitoring can be performed either directly, under agreement, or under arrangement with another facility approved to furnish training in peritioneal self-dialysis or peritioneal staff-assisted dialysis. If the monitoring indicates the patient needs retraining, the patient is retrained at any facility approved for training in peritioneal self-diaylsis; and

(8) If the training facility is not also approved to furnish staff-assisted dialysis, it has an arrangement with an approved ESRD facility(ies) to furnish all necessary hemo and/or peritioneal staff-assisted dialysis to patients for whom the training unit furnishes support services.

11. A new section 405.2164 is added to read as follows:

§ 405.2164 Conditions for coverage of special purpose renal dialysis facilities.

(a) A special purpose renal dialysis facility must comply with all conditions for coverage for renal dialysis facilities specified in §§ 405.2130 through 405.2163, with the exception of §§ 405.2132, 405.2134, and 405.2137.

(b) A special purpose renal dialysis facility must consult with a patient's physician to assure that care provided in the special purpose renal dialysis facility is consistent with the patient's long-term program and patient care plan required under § 405.2137.

(c) The period of approval for a special purpose renal dailysis facility may not exceed six consecutive months in any calendar year.

(d) A special purpose renal dialysis facility may provide services only to those patients who would otherwise be unable to obtain treatments in the geographical area served by the facility.

(Sec. 226A, 1102, 1871, 1881 of the Social Security Act (42 U.S.C. 426–1, 1302, 1395hh, 1395rr))

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: December 3, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

Approved: January 9, 1981.

Patricia Roberts Harris,

Secretary.

[FR Doc. 81-1529 Filed 1-14-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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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

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

COMMERCE DEPARTMENT

Maritime Administration—

81567 12–11–80 / Admission and training of Midshipmen at the U.S. Merchant Marine Academy; pay increase

CONSUMER PRODUCT SAFETY COMMISSION

82625 12–16–80 / Bicycle safety; Alternative for satisfying reflectivity requirements

ENVIRONMENTAL PROTECTION AGENCY

82633 12–16–80 / Approval of portion of Florida State Implementation Plan

82844 12–16–80 / Procedures for notification of chemical exports

JUSTICE DEPARTMENT

Office of Attorney General—

82631 12–16–80 / Bankruptcy provisions

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.**

A complete listing for the second session of the 96th Congress is published in the Reader Aid section of the issue of January 7, 1981.

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WHEN: February 13 and 27; March 13 and 27; at 9 a.m. (identical sessions).

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