2-10-81
Vol. 46 No. 27
Pages 11655-11800

federal register

Tuesday
February 10, 1981

Highlights

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Highlights

Contents

Federal Register
Vol. 46, No. 27
Tuesday, February 10, 1981

MEETINGS ANNOUNCED IN THIS ISSUE

CANCELED MEETINGS

CANCELED HEARING

CONSUMER SUBJECT LISTING

The following items have been identified by the issuing agency as documents of particular consumer interest. This listing highlights the broad subject area of consumer interest followed by the specific subject matter of the document, issuing agency, and document category.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 46, No. 27
Tuesday, February 10, 1981

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

Memorandum of Authority Views

AGENCY: Federal Labor Relations Authority.

ACTION: Memorandum of Authority views.

SUMMARY: This memorandum sets forth the Authority's views on the conduct of multi-union elections under the Federal Service Labor-Management Relations Statute. The intended effect of this memorandum is to guide the General Counsel in the exercise of his delegated authority and responsibility with respect to the conduct of multi-union elections, in order better to effectuate the purposes and policies of the Statute.

EFFECTIVE DATE: January 26, 1981.

FOR FURTHER INFORMATION CONTACT: S. Jesse Reuben, Deputy General Counsel, Federal Labor Relations Authority (202) 254–8305.

SUPPLEMENTARY INFORMATION: The Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority were established by Reorganization Plan No. 2 of 1978, effective January 1, 1979. Since January 11, 1979, the provisions of the Federal Service Labor-Management Relations Statute (5 U.S.C. 7101 *et seq.*) have governed the operations of the Authority and its General Counsel. Pursuant to 5 U.S.C. 552(a)(1), the Authority published an appendix to its rules and regulations (5 CFR App. B, Ch. XIV (1980)), describing the authority and assigned responsibilities of the General Counsel of the Federal Labor Relations Authority. Included in the appendix is a delegation of authority and responsibilities to the General Counsel concerning the handling of representation matters including representation elections. The present memorandum addressed to the General Counsel provides Authority views on the conduct of multi-union elections under the Statute.

Memorandum addressed to General Counsel concerning Authority views on conduct of multi-union elections under Federal Service Labor-Management Relations Statute:

As you know, section 7111(a) of the Statute provides, in part, that if a question of representation exists in an appropriate unit "the Authority shall supervise or conduct an election on the question by secret ballot and shall certify the results thereof." Further, in our Memorandum dated January 11, 1980 (Appendix B to 5 CFR Ch. XIV), we delegated to you the authority and responsibility to supervise or conduct elections pursuant to section 7111 of the Statute.

Confirming our discussion with you on the matter of multi-union elections, we believe that it will best effectuate the purposes and policies of the Statute to modify in certain respects the existing procedures in such elections. More specifically, it is our view that in multi-union situations, Authority-conducted rather than agency-conducted elections, and manual rather than mail ballots, would provide the most effective means for assuring the sanctity of the ballot; for obtaining the fullest participation of eligible voters; and for generally fostering the democratic processes whereby employees have the opportunity to select their bargaining representatives.

The nominal costs involved of conducting these elections by Authority personnel under the foregoing procedures will be offset by the benefits to be gained and will be in conformance with our current austerity program.

Therefore, effective immediately, all multi-union elections should, to the extent possible, be conducted by Authority personnel and shall provide for the casting of ballots on a manual basis, unless the parties agree to a mail ballot procedure and the Regional Director approves such agreement.

In our judgment, these changes in our election procedures will constitute a substantial experimental step which will enable us to evaluate the entire spectrum of election processes. Based on this experience, and depending on circumstances then existing, it may be advisable and feasible to extend these procedures to other representation elections conducted by the Authority.

Dated: January 26, 1981.

Federal Labor Relations Authority.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

[FR Doc. 81-4674 Filed 2-9-81; 8:45 am]
BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 4, Amdt. 8]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers to Florida No. 1 Golden the minimum grade requirement on domestic and export shipments of fresh Florida Honey tangerines during the period February 6 through October 18, 1981. Grade requirements for other varieties of tangerines remain unchanged. Currently, such shipments must meet the requirements of Florida No. 1 Grade. The change in minimum grade is necessary due to current and prospective supply and demand for the fruit and to maintain orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: February 6, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant."

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this change in minimum grade factors does not affect handler operating procedures or costs. This regulation is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Flordia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum grade requirements, herein specified, for domestic and export shipments reflect the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey tangerines. It is designed to assure an adequate supply of acceptable quality Honey tangerines to consumers consistent with the quality of the crop.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044. 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 this amendment relieves restrictions on the handling of Florida Honey tangerines. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Accordingly, it is found that the provisions of § 905.304 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 10899)) should be and are amended by revising Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.304 Orange, grapefruit, tangerine, and tangelo regulation 4.

(a) * * *

Table I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	Feb. 6 through Oct. 18, 1981	Florida No. 1 Golden	2 1/16

(b) * * *

Table II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines: Honey	Feb. 6 through Oct. 18, 1981	Florida No. 1 Golden	2 1/16

* * * * * * *

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

Dated: February 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricutural Marketing Service.

[FR Doc. 81-4851 Filed 2-9-81; 9:19 am]

BILLING CODE 3410-02-M

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amdt. 9]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment revises the minimum grade requirements for Florida pink and white seedless grapefruit by requiring export shipments of the specified fruits to meet the external requirements of Improved No. 2 grade and the internal requirements of U.S. No. 1 grade. Currently, such shipments are only required to meet Improved No. 2 grade. This amendment also requires that domestic shipments of early and midseason, valencia and temple oranges meet the external requirements of U.S. No. 1 grade and the internal requirements of U.S. No. 2 grade. Such shipments currently must meet the U.S. No. 1 grade. The change in minimum grades recognizes the quality of the remaining supply of the designated varieties of grapefruit and oranges and is consistent with the current and prospective demand for such fruits in the interest of growers and consumers.

EFFECTIVE DATE: February 11, 1981.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975. The Final Impact Analysis relative to this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant." William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this change in minimum grade factors does not affect handler operating procedures or costs. This regulation is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

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 recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby

found that the regulation of the specified varieties of citrus, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum grade requirements, specified herein, reflect the Department's appraisal of the need to revise the grade requirements applicable to the designated varieties in recognition of the quality of the remaining supply and current and prospective demand for such varieties.

It is further found that there is insufficient time between the date when information became available upon which this amendment is based and when the action must be taken to warrant a 60-day comment period as recommended in E.O. 12044. 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). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified.

Accordingly, it is found that the provisions of § 905.304 (Orange, Grapefruit, Tangerine and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 10899)) should be and are amended by revising Table I, paragraph (a), applicable to domestic shipments, and Table II, paragraph (b), applicable to export shipments, to read as follows:

§ 905.304 Orange, grapefruit, tangerine, and tangelo regulation 4.

(a) * * *

Table I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges:			
Early and midseason	Feb. 11–Oct. 18, 1981	U.S. No. 1 (External), U.S. No. 2 (Internal)	2⁹⁄₁₆
Valencia and other late type	Feb. 11–Oct. 18, 1981	U.S. No. 1 (External), U.S. No. 2 (Internal)	2⁹⁄₁₆
Temple	Feb. 11–Oct. 18, 1981	U.S. No. 1 (External), U.S. No. 2 (Internal)	2⁹⁄₁₆

(b) * * *

Table II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Grapefruit:			
Seedless, except pink	Feb. 11–Oct. 18, 1981	Improved No. 2 (External), U.S. No. 1 (Internal).	3⁹⁄₁₆
Seedless, pink	Feb. 11–Oct. 18, 1981	Improved No. 2 (External), U.S. No. 1 (Internal).	3⁹⁄₁₆

* * * * * * *

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

Dated: February 6, 1981.

D. S. Kuryloski,

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

[FR Doc. 81–4850 Filed 2–9–81; 9:19 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Commerce.

ACTION: Final rule (postponement of effective date).

SUMMARY: Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's memorandum of January 29, 1981, the effective date of that document is being postponed until March 30, 1981.

EFFECTIVE DATE: The postponement is effective February 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and

Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980, Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures". This Part appeared in the **Federal Register** for January 6, 1981 (46 FR 1574) with an effective date of February 5, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A–119, entitled "Federal Participation in the Development and Use of Voluntary Standards".

In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations", the first sentence of § 19.5 of Title 15, CFR, is being amended today to postpone the effective date to March 30, 1981.

EFFECTIVE DATE OF THIS AMENDMENT: February 4, 1981.

Issued: February 4, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81–254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: March 30, 1981".

§ 19.5 [Amended]

2. The first sentence of § 19.5 of Title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is amended to read as follows:

This subpart shall become effective on March 30, 1981.

[FR Doc. 81–4586 Filed 2–9–81; 8:45 am]

BILLING CODE 3510–13–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2652

Allocating Unfunded Vested Benefits; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Correction of interim rule.

SUMMARY: On January 19, 1981, the Pension Benefit Guaranty Corporation published in the **Federal Register** at 46 FR 4894, FR Doc. 81–2041, an interim regulation prescribing modifications to the statutory methods for allocating unfunded vested benefits in determining the withdrawal liability of an employer that withdraws from a multiemployer pension plan. The interim regulation contained an erroneous date and certain other editorial and technical errors. This document corrects the date and other errors in the regulation and its preamble.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning, Suite 7100, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254–4856 (not a toll-free number).

SUPPLEMENTARY INFORMATION: FR Doc. 81–2041, appearing at 46 FR 4894 (January 19, 1981) is corrected as follows:

1. On page 4895, column 1, lines 1 to 11 are changed to read as follows:

Under section 4220(a) of ERISA, no plan amendments relating to withdrawal liability may be adopted without PBGC approval more than 36 months after the effective date of part 1 of Subtitle E of ERISA (the withdrawal liability provisions). The withdrawal liability provisions are generally effective April 29, 1980. Section 2652.5 (a) and (b) of this regulation permits plans to adopt specified amendments without PBGC approval at any time before May 1, 1983 (36 whole calendar months after the effective date).

2. On page 4898, column 2, the citation of authority for Part 2652 is changed to read as follows:

Authority: Sections 4002(b)(3) and 4211(c)(1), (c)(2)(D), (c)(5)(A), and (c)(5)(D), Pub. L. 93–46, 88 Stat. 829, 1004 (1974), as amended by sections 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1208, 1302, 1228–29, 1232 (1980) (29 U.S.C. 1302(b)(3) and 1391(c)(1), (c)(2)(D), (c)(5)(A) and (c)(5)(D)).

§ 2652.5 [Corrected]

3. On page 4899, column 1, § 2652.5(b) is changed to read as follows:

* * * * *

(b) *Modifications to the statutory methods.* Before May 1, 1983, a plan may be amended to adopt any of the modifications set forth in §§ 2652.6 and 2652.7 without the approval of the PBGC.

§ 2652.6 [Corrected]

4. On page 4899, column 1, the following new sentence is added at the end of § 2652.6(a): "Employee contributions, if any, should be excluded from the totals.".

5. On page 4899, column 3, in the third line of *Example* (2) under § 2652.6(d), the word "the" is inserted before the word "denominator".

§ 2652.13 [Corrected]

6. On page 4900, column 3, in the last sentence of § 2652.13(d)(3), the word "an" is inserted before "EIN–PIN".

Issued in Washington, D.C., this 5th day of February, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-4627 Filed 2-9-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

National Security Agency

32 CFR Part 2200

Availability of Information

AGENCY: National Security Agency, DOD.

ACTION: Removal.

SUMMARY: Part 2200 of this title is a verbatim repetition of §§ 299.2–299.5 of Part 299 of this title. Part 2200 of Title 32 is therefore redundant and requires removal.

EFFECTIVE DATE: February 10, 1981.

FOR FURTHER INFORMATION CONTACT:

LCDR M. E. Bowman, JAGC, USN, Office of General Counsel, (301) 688–6054.

SUPPLEMENTARY INFORMATION:

PART 2200—AVAILABILITY OF INFORMATION—[REMOVED]

Under the authority of the Director, National Security Agency, contained in 44 U.S.C. 3101, 32 CFR Part 2200, is hereby removed.

M. S. Healy,

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

February 4, 1981.

[FR Doc. 81-4617 Filed 2-9-81; 8:45 am]

BILLING CODE 3810-70-M

Corps of Engineers, Department of the Army

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish shipping safety fairways in the Gulf of Mexico to allow the Corps of Engineers to permit certain temporary structures within the boundaries of fairways.

DATE: March 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles Decker, (504) 838–2255, Chief, Regulatory Functions Branch, U.S. Army Engineer District, New Orleans, Prytania Street, New Orleans, Louisiana 70160;

Mr. Ralph T. Eppard, (202) 272–0200, Regulatory Functions Branch, Construction-Operations Division, Office of the Chief of Engineers, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION:

Department of the Army permits are required for the construction of any structure in or over any navigable water of the United States pursuant to Section 10 of the River and Harbor Act of 1899. This authority was extended to artificial islands and fixed structures located on the Outer Continental Shelf (OCS) by the OCS Lands Act as amended September 18, 1978 (92 Stat. 635; 43 U.S.C. 1333(e)). Pursuant to these authorities shipping safety fairways were established in the Gulf of Mexico under 33 CFR 209.135. The Corps, in effect, established the fairways by denying permits for structures within certain designated lanes. In accordance with this position on structures within a fairway, the Corps has traditionally prohibited placing cables, chains and anchors used by drilling rigs from extending into a fairway. Recent leases issued for oil and gas activities on the OCS are located in greater depths than earlier lease areas and, in some cases, are within fairways. Production of oil and gas on the OCS is normally accomplished by drilling multiple wells directionally from strategically located platforms. Due to the cost to design, fabricate, and install these structures, companies normally drill several wells using floating or semisubmersible drilling rigs to determine whether there are sufficient hydrocarbons to justify installation of a platform and to select the optimum locations for platforms and production facilities. Though companies drilling exploratory wells from floating or semisubmersible rigs in these lease areas are not allowed to place any structure within the fairways, occasionally they do need to place the rig as close as possible to the fairway boundaries to allow directional drilling to areas under the fairway. Several oil companies have now expressed their interest in placing semisubmersible or floating rigs close to the fairway boundaries.

On August 18, 1980, the U.S. Army Corps of Engineers published a notice of proposed rulemaking in the **Federal Register** (45 FR 54770–54771), soliciting comments on the proposal to amend 33 CFR 209.135 to allow certain temporary structures within the shipping safety fairways.

The Corps received comments from the following named organizations and agencies:

TransOcean Oil, Inc.
The Louisiana Land and Exploration Company
ANR Production Company
Texas Gulf Oil and Gas Company
Cities Service Company
Ocean Drilling and Exploration Company
Shell Oil Company
U.S. Coast Guard
Texaco, U.S.A.
Chevron, U.S.A., Inc.
West Gulf Maritime Association
Sonoco, Inc.
Sungas Company
Tenneco Oil Exploration and Production
Pacific Merchant Shipping Association
Jacksonville District Engineer
Savannah District Engineer
Missouri River Division Engineer
South Pacific Division Engineer
New Orleans Steamship Association
Marathon Oil Company
Offshore Operators Committee
Sohio Petroleum Company
Gulf Oil Exploration and Production Company
Mitchell Energy Offshore Corporation
Mesa Petroleum Company
EXXON Company, U.S.A.
Murphy Oil Corporation
Getty Oil Company
Oxy Petroleum, Inc.

Three of the comments objected to the proposed rule change based on concerns for navigation safety. Two of these comments recommended that no obstruction be allowed within 3,000 feet of any fairway or anchorage area. Another comment stressed the need to minimize potential hazards and stated that:

1. No structure be allowed within 500 feet of a fairway boundary while insuring 250 feet clearance over an anchor line within a fairway;
2. Local conditions must be considered in any permit and;
3. Notification of commencement as in (b)(2) be made prior to placement of the structure on the site.

The remainder of the comments were in favor of a rule change to accommodate temporary structures within fairway boundaries. However, 16 of the organizations submitted that temporary permits valid for 90 days should be extended and most favored giving the district engineer some flexibility in making decisions on duration of time. Twelve of the comments recommended the 250 feet minimum clearance over an anchor line be reduced. Several comments questioned the need for 250 feet clearance over anchor buoys or floats and recommended this be reduced to 85 or 100 or 150 feet. The

recommendation was received to clarify the term "drilling rig" by stating "floating or semisubmersible drilling rig" because certain other type rigs are not subject to these restrictions. Most comments requested that notification to all concerned Federal agencies of commencement and completion dates be changed to specify which agencies should receive notification. The U.S. Coast Guard provided a letter stating that Agency does not object to the proposed change. We have reviewed all of the comments received and have coordinated the proposal and comments with the affected district engineers. Based on this review we have determined that it is in the National interest to allow temporary structures to be placed within shipping safety fairway boundaries as proposed, provided the decision of whether or not to permit these structures is determined by the district engineer on a case-by-case basis. We have also determined that the proposed rules were in some cases overly restrictive and accordingly we are incorporating the following changes to the proposed rules. These changes were coordinated with the U.S. Coast Guard. Our rationale for each change is included.

1. Section 209.135(b)(2)(i): Change to read: "The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer, provided reasonable cause for such extension can be shown and the extension is otherwise justified."

Rationale: Safety is a primary concern. Time should be available in the event of unforeseen complications. Limiting the permit to 90 days would hamper and/or exclude a considerable amount of deep water or deep well exploration activity. As water depth increases, drilling time naturally increases.

2. Section 209.135(b)(2) (ii) and (iii): Change "250 feet" to read "125 feet."

Rationale: 250 feet is excessive in view of maximum draft of vessels navigating in the Gulf of Mexico.

3. Section 209.135(b)(2)(iv): Change "5 nautical miles" to "3 nautical miles."

Rationale: Minimum distance of 5 nautical miles between drilling rigs was determined to be excessive and could prevent competitive operators from simultaneously drilling in adjoining lease areas. The 3 mile minimum spacing should reduce these situations while not compromising navigational safety.

4. Section 209.135(b)(2)(v): Change to read: "The permittee must notify the District Engineer, U.S. Geological Survey, Bureau of Land Management, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification of mariners."

Rationale: Determining the identity of "concerned Federal agencies" for notification of mariners should not be the responsibility of the permittee. The District Engineer can provide addresses.

Accordingly, the Department of the Army is amending 33 CFR 209.135(b) as set forth below. We are making an editorial change to paragraph (b) to form subparagraphs (1), (2), and (3). The contents of subparagraphs (1) and (3) remain unchanged except for a change to subparagraph (1) which notes the exception to the prohibition of any structures within a fairway allowed by subparagraph (2). Subparagraph (b)(3) is reprinted only for clarity. Therefore, we are amending 33 CFR 209.135 by revising paragraph (b) to read as follows:

§ 209.135 Shipping safety fairways and anchorage areas, Gulf of Mexico.

* * * * *

(b) Permits. (1) Department of the Army permits are required pursuant to law (30 Stat. 1151; 33 U.S.C. 403) and (92 Stat. 635; 43 U.S.C. 1333(e)) for work or structures in the Gulf of Mexico in coastal waters and the waters covering the Outer Continental Shelf. The Department of the Army will grant no permits for the erection of structures in the area designated as fairways, since structures located therein would constitute obstructions to navigation. Exception: The temporary placement of anchors may be allowed by these regulations.

(2) The Department of the Army may permit temporary anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met.

(i) The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified.

(ii) Drilling rigs must be at least 500 feet from any fairway boundary or whatever distance necessary to insure that minimum clearance over an anchor line within a fairway will be 125 feet.

(iii) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of 125 feet from the surface, within the fairway.

(iv) Drilling rigs may not be placed closer than 2 nautical miles of any other drilling rig situated along a fairway boundary, and not closer than 3 nautical miles to any drilling rig located on the opposite side of the fairway.

(v) The permittee must notify the District Engineer, U.S. Geological Survey, Bureau of Land Management, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification to mariners.

(vi) Navigation aids or danger markings must be installed as required by the U.S. Coast Guard.

(3) The Department of the Army may grant permits for the erection of structures within an area designated as an anchorage area, but the number of structures will be limited by spacing, as follows: The center of a structure to be erected shall be not less than two (2) nautical miles from the center of any existing structure. In a drilling or production complex, associated structures shall be as close together as practicable having due consideration for the safety factors involved. A complex of associated structures, when connected by walkways, shall be considered one structure for the purposes of spacing. A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and its extent shall include its moorings. When a drilling or production complex includes an attendant vessel and the complex extends more than five hundred (500) yards from the center of the complex, a structure to be erected shall be not closer than two (2) nautical miles from the near outer limit of the complex. An underwater completion installation in an anchorage area shall be considered a structure and shall be marked with a lighted buoy as approved by the United States Coast Guard.

* * * * *

(30 Stat. 1151, 33 U.S.C. 403, and 92 Stat. 635; 43 U.S.C. 1333(e))

Note.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044. Improving Government Regulations (43 FR 12661, 24 March 1978), or an environmental impact statement under the National Environmental Policy Act.

Dated: February 2, 1981.

Approved:

Edward Lee Rogers,

Acting Assistant Secretary of the Army (Civil Works).

[FR Doc. 81-4622 Filed 2-9-81; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF EDUCATION

34 CFR Parts 605, 606, 642, 643, 644, 645, 646, 668, 674, 675, 676, 682, 683, 690, and 692

Public Meetings on Proposed and Final Regulation Implementing the Higher Education Amendments of 1980

Cross Reference: For a document cancelling public meetings scheduled for final regulations implementing the Higher Education Amendments of 1980, see FR Doc. 81-4861 published in the Proposed Rule section of this issue. Refer to the table contents at the front of this issue under Department of Education for the correct page number.

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Disaffirmation of Election of Improved Pension by Certain Medicaid Recipients

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The Veterans Administration has amended its regulations to implement the Adoption Assistance and Child Welfare Act of 1980. This law provides that certain persons in receipt of Veterans Administration pension for December 1978, may disaffirm an election of improved pension and be restored to the rolls of the pension program that they received benefits under in December 1978.

EFFECTIVE DATE: This change is effective January 1, 1979, the date specified in the law designated as Pub. L. No. 96-272, Section 310.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 68403-05 of the **Federal Register** of October 15, 1980, the Veterans Administration published proposed amendments and additions to its regulations to implement provisions of Pub. L. No. 96-272, Section 310.

Interested persons were given until November 14, 1980, to submit comments, objections, or suggestions to the proposal. We did not receive any and, consequently, the proposed regulation amendments and additions are adopted without change.

Approved: January 28, 1981.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. Section 3.711 is revised to read as follows:

§ 3.711 Improved pension elections.

Except as otherwise provided by this section and § 3.712, a person entitled to receive section 306 or old-law pension on December 31, 1978, may elect to receive improved pension under the provisions of 38 U.S.C. 521, 541, or 542 as in effect on January 1, 1979. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right to reelection. Any veteran eligible to make an election under this section who is married to a veteran who is also eligible to make such an election may not receive improved pension unless the veteran's spouse also elects to receive improved pension. (Section 306(a)(1) of Pub. L. 95-588, 92 Stat. 2497)

2. In § 3.712, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 3.712 Improved pension elections—Spanish-American War pensioners.

(a) *Veterans*—(1) *General.* A veteran of the Spanish-American War who meets the service requirements of 38 U.S.C. 512(a) may elect to receive improved pension under 38 U.S.C. 521. A Spanish-American War veteran who elects to receive improved pension is not entitled to the additional rate authorized by 38 U.S.C. 521(g), however. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

* * * * *

(b) *Surviving spouses*—(1) *General.* A surviving spouse of a Spanish-American War veteran eligible for pension under 38 U.S.C. 536 may elect to receive improved pension under 38 U.S.C. 541. Except as provided by § 3.714, an election of improved pension is final when the payee (or the payee's fiduciary) negotiates one check for this benefit and there is no right of reelection.

* * * * *

3. Section 3.714 is added to read as follows:

§ 3.714 Improved pension elections—public assistance beneficiaries.

(a) *Definitions.* The following definitions are applicable to this section.

(1) *Pensioner.* This means a person who was entitled to section 306 or old-law pension, or a dependent of such a person for the purposes of chapter 15 of title 38, United States Code as in effect on December 31, 1978.

(2) *Public assistance.* This means payments under the following titles of the Social Security Act:

(i) Title I (Grants to States for Old Age Assistance and Medical Assistance to the Aged).

(ii) Title X (Grants to States for Aid to the Blind).

(iii) Title XIV (Grants to States for Aid to the Permanently and Totally Disabled).

(iv) Part A of title IV (Aid to Families with Dependent Children).

(v) Title XVI (Supplemental Security Income for the Aged, Blind and Disabled).

(3) *Medicaid.* This means a State plan for medical assistance under title XIX of the Social Security Act.

(4) *Informed election.* The term "informed election" means an election of improved pension (or a reaffirmation of a previous election of improved pension) after the Veterans Administration has complied with the requirements of paragraph (e) of this section.

(b) *General.* In some States only a person in receipt of public assistance is eligible for medicaid. When this is the case the following applies effective January 1, 1979:

(1) A pensioner may not be required to elect improved pension to receive, or to continue to receive, public assistance; or

(2) A pensioner may not be denied (or suffer a reduction in the amount of) public assistance by reason of failure or refusal to elect improved pension.

(c) *Public assistance deemed to continue.* Public assistance (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) payable to a pensioner may have been terminated because the pensioner's income increased as a result of electing improved pension. In this instance public assistance (or a supplementary payment under Pub. L. No. 93-233, § 13(c)) shall be deemed to have remained payable to a pensioner for each month after December 1978 when the following conditons are met:

(1) The pensioner was in receipt of pension for the month of December 1978; and

(2) The pensioner was in receipt of public assistance (or a supplementary

payment under Pub. L. No. 93–233, § 13(c)) prior to June 17, 1980 and for the month of December 1978, and

(3) The pensioner's public assistance payments (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) were discontinued because of an increase in income resulting from an election of improved pension.

(d) *End of the deemed period of entitlement to public assistance.* The deemed period of entitlement to public assistance (or a supplementary payment under Pub. L. No. 93–233, § 13(c)) ends the first calendar month that begins more than 10 days after a pensioner makes an informed election of improved pension. (If the pensioner is unable to make an informed election the informed election may be made by a member of the pensioner's family.) A pensioner who fails to disaffirm a previously made election of improved pension within the time limits set forth in paragraph (e) of this section shall be deemed to have reaffirmed the previous election. This will also end the deemed period of entitlement to public assistance.

(e) *Notice of right to make informed election or disaffirm election previously made.* The Veterans Administration shall send a written notice to each pensioner to whom paragraph (b) of this section applies and who is eligible to elect or who has elected improved pension. The notice shall be in clear and understandable language. It shall include the following:

(1) A description of the consequences to the pensioner (and the pensioner's family if applicable) of losing medicaid eligibility because of an increase in income resulting from electing improved pension; and

(2) A description of the provisions of paragraph (b) of this section; and

(3) In the case of a pensioner who has previously elected improved pension, a form for the purpose of enabling the pensioner to disaffirm the previous election of improved pensions; and

(4) The following provisons of Pub. L. No. 96–272, § 310(b)(2)(B):

(i) That a pensioner has 90 days from the date the notice is mailed to the pensioner to disaffirm a previous electon by completing the disaffirmation form and mailing it to the Veterans Administration.

(ii) That a pensioner who disaffirms a previous election shall receive, beginning the calendar month after the calendar month in which the Veterans Administration receives the disaffirmation, the amount of pension payable if improved pension had not been elected.

(iii) That a pensioner who disaffirms a previous election may again elect improved pension but without a right to disaffirm the subsequent election.

(iv) That a pensioner who disaffirms an election of improved pension shall not be indebted to the United States for the period in which the pensioner received improved pension. Pub. L. No. 96–272, § 310; 94 Stat. 500.

(f) *Notification to the Department of Health and Human Services.* The Veterans Administration shall promptly furnish the Department of Health and Human Services the following information:

(1) The name and identifying information of each pensioner who disaffirms his or her election of improved pension.

(2) The name and identifying information of each pensioner who fails to disaffirm and election of improved pension within the 90-day period described in paragraph (e)(4)(i) of this section.

(3) The name and identifying information of each pensioner who after disaffirming his or her election of improved pension, subsequently reelected improved pension.

(38 U.S.C. 210(c))

[FR Doc. 81–4657 Filed 2–9–81; 8:45 am]
BILLING CODE 6320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 7

[AS–FRL 1749–6]

Notice to All Recipients of Federal Financial Assistance; Nondiscrimination on the Basis of Handicap

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

ACTION: Policy statement.

SUMMARY: The United States District Court, Central District of California, Case No. 70–1979 WPG, has ordered the Environmental Protection Agency to give notice to future recipients of EPA financial assistance that they are required to comply with Section 504 of the Rehabilitation Act of 1973 even though it has not yet published its final regulations implementing Section 504. Section 504 provides that recipients of Federal financial assistance will not discriminate against persons because of their handicap. Appendix A of the Court Order is set forth below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Downes, External Programs Compliance Staff, Office of Civil Rights (A–105), USEPA, 401 M Street, S.W., Washington, D.C. 20460, Telephone (202) 755–0540.

SUPPLEMENTARY INFORMATION:

Notice to All Recipients of Federal Financial Assistance From the Environmental Protection Agency

In the Case of Paralyzed Veterans of America, et al., Plaintiffs, v. *Benjamin R. Civiletti, et al., Defendants,* United States District Court, Central District of California No. 79–1979 WPG the Honorable William P. Gray ordered the Environmental Protection Agency to notify all future recipients of federal financial assistance from the Environmental Protection Agency that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. S. 794) even though the Environmental Protection Agency has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education, and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency (45 CFR Part 84). Recipients of federal financial assistance from the Environmental Protection Agency may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Dated: February 4, 1981.

Eduardo Terrones,

Director, Office of Civil Rights.

[FR Doc. 81–4862 Filed 2–9–81; 9:47 am]
BILLING CODE 6560–36–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1254

[Ex Parte No. 289]

Remittance of Demurrage Charges by Common Carriers of Property by Rail

Decided January 12, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Removal of final rules.

SUMMARY: The Interstate Commerce Commission is removing its demurrage remittance rules published at 49 CFR 1254.10 (42 FR 39390, August 4, 1977). These rules were stayed in an order served August 23, 1977 and never became effective. The Commission concludes that the remittance rules are in conflict with subsequent rulemaking proceedings and the Staggers Rail Act of 1980.

EFFECTIVE DATE: February 10, 1981.

ADDRESSES: Copies of this decision are available through: Office of the Secretary, Room 2227, Interstate Commerce Commission, Washington, DC 20423, (202) 424–5230.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: On April 30, 1980 (45 FR 31767, May 14, 1980), the Commission issued a **Federal Register** notice proposing withdrawal of the regulations adopted in this proceeding which were not put into effect. The regulations adopted March 18, 1977 (42 FR 19146, April 12, 1977) basically require a rail carrier collecting demurrage charges to remit all but $10 of the daily charges to the owner of the car. See *Remittance of Demurrage Charges*, 353 ICC 567 (1977), where the reasons for adopting the proposed rules are set out in detail. In the notice of proposed termination, we solicited public comment on the merits of the rules and upon any change in circumstances which would bear upon our decision. After further consideration of the parties' comments, we conclude that it is appropriate to withdraw the regulations and terminate this proceeding.

Three years have elapsed since the adoption of the remittance regulations: numerous events, both legislative and regulatory, have altered the setting in which the remittance regulations would function.

As a general rule, this Commission may rescind regulations and terminate a proceeding when "faced with new developments or in the light of reconsideration of the relevant facts." *American Trucking* v. *Atchison, Topeka & Santa Fe Ry.*, 387 U.S. 397, 416 (1967). See also the extended discussion of the criteria for a change of policy by a regulatory agency in Ex Parte No. 241 (Sub-No. 1), *Investigation of Adequacy of Freight Car Ownership*, 362 ICC 844, 849–850 (1980).

I. Changed Policies

Implementation of the remittance rules would have adverse effects on Commission actions taken since the remittance rules were adopted. Ex Parte No. 334 (Sub-No. 4), *Order Granting Railroads Flexibility in Setting Per Diem Levels*, order served August 18, 1980 (45 FR 71446, October 28, 1980); Ex Parte No. 334 (Sub-No. 5), *Zone of Reasonableness for Car Hire Charges*, notice of proposed rulemaking served October 29, 1980 (both cases referred to collectively as the *Per Diem* cases) (45 FR 73524, November 5, 1980); Ex Parte No. 358, *Change of Policy, Railroad Contract Rates*, statements served November 9, 1978 (43 FR 58189. December 13, 1980), April 10, 1979, and February 21, 1980 (45 FR 21719, April 2, 1980); and Ex Parte No. 241 (Sub-No. 1) (45 FR 49942 July 28, 1980), *supra*, are proceedings in which Commission policies have been substantially altered. The substantial changes in regulatory policy made in these proceedings are not compatible with the remittance rules.

The *Per Diem* cases are illustrative. Demurrage charges are established by tariffs and are assessed against the shipper or consignee by the carrier. A demurrage charge consists of two parts. The first part is the per diem element. This is compensation from the carrier assessing demurrage to the carrier owning the car. It is paid regardless of whether demurrage is collected. The second part is the so-called penalty assessment and is designed to prevent prolonged car retention, thus assuring prompt return to public service.

Under the order of the first *Per Diem* case, Ex Parte No. 334 (Sub-No. 4), the railroads are allowed to reduce per diem charges to levels below those established by the Commission. The order was issued in response to a rapidly growing freight car surplus. Our belief is that reduced charges in surplus periods will inprove car utilization by providing the rail carriers incentives to load foreign cars (which belong to another railroad) off-line rather than loading their own cars and sending foreign cars back to the owner empty.

If the remittance rules were to function, our attempt to eliminate disincentives for use of foreign cars by allowing reduced per diem would be replaced with the contradictory obligation to remit excess demurrage charges. There would then be strong incentives for the originating carrier not to provide foreign cars but only those the carrier owns, so that the total demurrage revenues could accrue to the owning carrier. The result would be what the downward-flexible per diem rules have attempted to assertain; namely, inefficient car utilization.

The remittance rules would have a similar effect on car utilization if the proposed regulations in Ex Parte No. 334 (Sub-No. 5) become effective. There it is proposed to allow upward flexibility of per diem charges.

If the proposed upward-flexibility per diem rules are adopted, then the $10 amount the carrier is now entitled to retain would have to be raised in order to cover the increased per diem. However, operation of the remittance rules would be complex in this situation and would remove all financial incentives to improve car allocations.

For example, if per diem is sharply increased, the carrier placing the railcar may find its revenue (presently set at $10) inadequate to cover the increased per diem. If the carrier was allowed to "retain" a larger share of the demurrage revenues to offset increased per diem, then the carrier presumably will "net" its previous revenues (after paying increased per diem). What happens to the car owner? It receives less of the excess demurrage revenues but receives the increase in the per diem revenues.

There are several results. First, the dollar amounts both to the car owner and to the carrier, although labeled differently, will remain the same. Second, either time-consuming administrative proceedings would have to be held or a complex demurrage-remittance formula would have to be devised to handle this situation. Third, the purpose of increased per diem—efficient car utilization—will be negated since revenues are only reallocated. None of the results is acceptable.

One other point is pertinent here. That higher per diem charges would require readjustment of the demurrage remittance is not in doubt. While it is accurate, as stated at 353 I.C.C. at 591, that per diem expenses are figured into the line-haul rate, the amount of per diem expenses which can be included are limited. On extended railcar delays by shippers/consignees, per diem expenses must be reimbursed from demurrage charges.

Our suggested remedy for situations where per diem expenses are not commensurate with the revenues—that the carriers adjust other rate factors, such as divisions of revenues, switching charges and demurrage—was adequate for the regulatory scheme when per diem was not flexible. Now, however, adjustments of these other rate factors would require too much time and would thus not be responsive to changes in per diem levels.

Regardless of whether only the downward per diem fiexibility is in effect or whether the proposed upward flexibility rule also becomes final, the remittance rules will work at cross purposes with these new rules.

Further, the remittance rules would also lessen the effectiveness of our actions in Ex Parte No. 241 (Sub-No. 1), *supra*. There we rescinded mandatory car sevice rules. These rules required that a railroad terminating a foreign car could load it to a destination on or closer to the owning road, or could return the car empty to the owner by the reverse of the route in which it came.

Our rationale for rescinding the rules was the inefficiencies the rules fostered. The rules were basically predicated on empty return, resulting in excessive cross-hauling of empty cars. Cars were forced to remain empty longer and repair costs were higher since they were based on proportionately higher mileage. Thus the effective car supply was diminished as empty mileage increased. Other inefficiences were greater than necessary car investments, denying shippers' the use of cars they had emptied, forcing repositioning of empty cars, congestion of terminals and yards, and additional amounts of manpower, energy, and wear.

The remittance rules are similarly inefficient. Carriers will be predisposed to discourage shippers from loading foreign cars they have emptied because accrued demurrage will be remitted to the owing road and not to the carrier originating the traffic. An incentive will also be present to encourage the return of foreign cars empty and to load those belonging to the originating road. The remittance rules, then, are not compatible with the elimination of car service rules.

II. Private Cars

Much of the opposition to rescinding the demurrage remittance rules comes from private car owners, primarily those owning tank and hopper cars. Essentially, their arguments to retain the rules are: (1) Shippers must furnish hopper and tank cars because of railroad failure to supply these cars; (2) Car acquisition costs are dramatically higher; (3) The increased car costs are not adequately compensated by the mileage payments (private car owners receive no per diem); and (4) There is more equity in returning the demurrage charges to the car owner than the retaining of the demurrage charges by a carrier which may not own any cars.

In our prior decision, 353 I.C.C. at 594–596, the need for fair returns on investment for private car owners was emphasized. While we are still of the opinion that adequate returns are essential, we believe that the demurrage remittance rules are not the appropriate vehicle.

The remittance rules will not provide a revenue flow with the consistency needed to plan and implement investment decisions. Revenues collected under the rules will not necessarily correlate with the amount of investment but only to delays in releasing cars. We also doubt that these sporadic sources of income will provide needed investment incentives.

Although quite a few tank car owners submitted comments favoring retention of the rules, there was no attempt to point out and correlate the demurrage remittance rules with the private tank car allowance approved in Ex Parte No. 328, *Investigation of Tank Car Allowance System*, decision served June 15, 1979. There we allowed the railroads to implement a revised allowance formula for private tank cars. The formula was submitted to this Commission by a joint committee composed of railroads, tank car leasing interests, and shipper interests.

The adopted formula takes into account numerous items such as car values, interest factors, maintenance and operating costs, loaded mileage, empty mileage and other pertinent factors, all of which are subject to periodic updating. Permitting the remittance rules to be effective could interfere with this carefully thought-out formula and might require a revision of the formula because of decreased rail revenues. Because the demurrage remittances do not take into account any of the formula factors, any revision of the formula to take into account decreased rail revenues could not be based on critical operational and investment factors. We view the remittance rules as conflicting with the Commission-approved allowance formula of Ex Parte No. 328.

The Association of American Railroads (AAR) points out that not only have the tank car allowances increased as a result of the negotiated formula, but that negotiations for privately owned mechanical cars having certain AAR mechanical designations have resulted in a new formula which increases the allowances. AAR also states that an agreement on an allowance system for hopper cars will soon be completed. Thus, the interests of private car owners are being accommodated through industry negotiations, where the parties are most able to analyze and negotiate on the basis of each other's needs.

Further, in many instances, the rate structures for shipments in privately furnished cars reflect reductions in excess of per diem payments, thus providing added incentives for private car ownership.

Shippers have also realized further benefits with the Commission's change of policy on contract rates *(Change of Policy, Railroad Contract Rates, supra)* and the new contract rate provision of the Staggers Rail Act of 1980 (49 U.S.C. 10713) which specifically authorizes the parties to negotiate contract rates. To the extent that shippers and railroads enter into contract rates, the remittance rules should not be allowed to interfere.

Thus, while there may be some inequities in allowing a carrier to receive the total demurrage charge, we believe these inequities are outweighed by the recent developments discussed above.

III. Car Ownership and Technological Changes

The various proceedings discussed above must be viewed not only as changes in regulatory policies, but must also be in the context of technological changes and the ensuing changes in organizational and operational practices resulting in new approaches to car utilization. Implementation of the remittance rules must also be analyzed in the context of these changes, discussed at length in *Investigation of Adequacy of Freight Car Ownership*, 362 I.C.C. 845 at 870–73, and in Ex Parte 334 (Sub-No. 5), *Zone of Reasonableness for Car Hire Charges*, (45 FR 73524, November 5, 1980) *supra*, advance notice served October 29, 1980, sheets 9–10.

The railroads have established Trailer Train Company, Railbox, the Clearinghouse project, and the Train II information system. The plans involve pooling of various sorts and have computer systems to locate and assign cars. As discussed in the cited proceedings, the combined importance of these systems to car utilization has greatly increased in recent years. There is no doubt that these programs have increased car utilization.

The success of these industry efforts depends, to a great extent, on the existence of a compatible regulatory environment. Our flexible per diem proposals are designed to complement industry efforts. The remittance rules, as explained above, work at cross purposes with efforts to improve car utilization and promote efficient operating practices.

IV. Conclusion

From the above analysis, it is apparent that the demurrage remittance rules are less efficient than other effective programs and proposals. In the existing and developing regulatory scheme demurrage cannot be allowed to function as an investment incentive which distorts the functions of per diem.

The Staggers Rail Act of 1980 reinforces the conclusion that the

remittance rules should be rescinded. The new rail transportation policy (49 U.S.C. 10101a) emphasizes minimal Federal regulatory control over railroads and more reliance on marketplace factors. The other efforts discussed above have taken the approach that market-based rates are necessary to foster more efficient and economical rail transportation. Although some of these rulemakings preceded the Staggers Rail Act, their intent follows section 10101a. This new rail national transportation policy would be hindered if we permitted remittance rules to become effective since they are insensitive to variations in demand for equipment and are related only to loading or unloading efficiencies. One dimensional rules would impose an unwarranted burden without commensurate benefits.

In our interim report, we stated that our actions in implementing the demurrage remittance rules were an experiment which might or might not prove effective and that we would "modify" or rescind action that demonstrably no longer effectively serve their intended purposes." 349 I.C.C. at 439–40. We conclude that such a situation now exists and that the remittance rules should be withdrawn.

This decision will not significantly affect the quality of the human environment or conservation of energy resources.

Title 49 of the Code of Federal Regulations, Part 1254.10 is removed February 10, 1981.

(49 U.S.C. 1031, 10750 and 5 U.S.C. 553)

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4695 Filed 2-9-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Correction of Error in Lists of Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule—correction of error.

SUMMARY: In the Republication of Lists of Endangered and Threatened Species (45 FR 33768) of May 20, 1980, the mountain zebra (*Equus zebra*) is listed as an endangered species pursunt to the Endangered Species Act of 1973; this is an error. Actually, only the subspecies *E. z. zebra* is officially classified as Endangered; the other subspecies of mountain zebra, *E. z. hartmannae,* is listed as a Threatened species. *E. z. hartmannae* was listed as Threatened by publication of a rulemaking in the **Federal Register** (44 FR 49218) on August 21, 1979. This subspecies of mountain zebra is also on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Because it is listed as Threatened pursuant to the Act, and appears on Appendix II of the CITES, legally taken sport hunting trophies of *E. z. hartmannae* are allowed to be imported into the United States.

The Service regrets any misunderstanding or inconvenience the error in the Republication of the Lists may have caused. This notice was prepared by John L. Paradiso, Office of Endangered Species (703/235–1975).

FOR FURTHER INFORMATION CONTACT: John L. Spinks, 703–235–2771.

Dated: January 28, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

§ 17.11 [Amended]

Therefore 50 CFR 17.11(h) is amended—

1. by adding between "Zebra, Grevy's" and "Zebra, mountain": Zebra, hartmann's mountain—Equus zebra hartmannae—South West Africa/Namibia—Entire—E—54—NA—NA.

2. in the entry "Zebra, mountain" under the column entitled "Scientific name," by changing "Equus zebra" to "Equus zebra zebra.

[FR Doc. 81-4686 Filed 2-9-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 27
Tuesday, February 10, 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

Farmers Home Administration

7 CFR Part 1962

Servicing and Liquidation of Chattel Security

Correction

In FR Doc. 81–3450, at page 9617, in the issue of Thursday, January 29, 1981, in the middle column, under the preamble portion designated as "DATES" correct "February 13, 1981" to read "March 30, 1981".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, 70 and 72

Decommissioning Criteria for Nuclear Facilities; Notice of Availability of Draft Generic Environment Impact Statement

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Availability of Draft Generic Environmental Impact Statement.

SUMMARY: On March 13, 1978, an Advanced Notice of Proposed Rulemaking was published in the **Federal Register** [43 FR 10370] which indicated that the Commission was considering amending its regulations to provide more specific guidance on decommissioning nuclear facilities and that such action would require an environmental impact statement. Accordingly, the Commission has prepared the *Draft Generic Environment Impact Statement on Decommissioning of Nuclear Facilities*, NUREG–0586, dated January 1981. This notice announces the availability of the subject statement and invites advice and comments on it. The intended effect of this notice is to obtain public comments on this environmental impact statement.

DATES: Comments must be received on or before March 23, 1981.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of the draft statement and the comments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies of the draft statement [identified as NUREG–0586] may be obtained by written request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

FOR FURTHER INFORMATION CONTACT: G. D. Calkins or Carl Feldman, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 [Phone 301–443–5910].

SUPPLEMENTARY INFORMATION: Copies of the subject environmental impact statement are being sent to EPA, to other interested government agencies including DOE, Department of Commerce and Department of Interior and to appropriate state and local agencies. Comments from these agencies will be available when received.

A brief summary of the environmental impact statement follows:

At the end of a commercial nuclear facility's useful life, termination of its license by the Nuclear Regulatory Commission (NRC) is a desired objective. Such termination requires that the facility be decommissioned. In decommissioning, radioactively contaminated materials present in the facility at the end of its useful life are appropriately removed such that the level of any residual radioactivity remaining after completion of decommissioning is low enough to allow unrestricted use of the facility and site. It is the objective of NRC regulatory activities in protecting public health and safety to provide to the applicant or licensee appropriate regulation and guidance for the implementation and accomplishment of nuclear facility decommissioning.

While decommissioning of most operating existing nuclear facilities is not imminent, it is anticipated that decommissioning of certain facilities may occur in the near future. Accordingly, the NRC is reevaluating its regulatory requirements concerning decommissioning policy (NUREG–0436 Revision 1, December 1978 and Supplement 1, August 1980.) This draft generic environmental impact statement is part of this reevaluation since implementation of resultant regulations may have a significant impact on the environment.

Past Activities

In support of this reevaluation, a data base on the technology, safety, and cost of decommissioning various nuclear facilities by alternative methods is being completed for the NRC by Battelle Pacific Northwest Laboratory (PNL). Concurrent with these activities, a dialogue with the States, the public, and other government agencies has been maintained for critical commentary on the shaping and implementation of NRC decommissioning policy and its supportive technical information base. Based on such dialogue, NRC has modified and amplified its policy considerations and data base requirements in a manner responsive to comments received. Staff papers have been issued in two key areas of concern: (1) assurance that funds will be available for decommissioning, and (2) establishment of acceptable levels of residual radioactivity for release of facilities for unrestricted use. A third area of concern is the generic applicability of the data base for specific facility types. This has been addressed through expansion of the PNL facility reports to include sensitivity analyses for a variety of parameters potentially affecting safety and cost considerations.

Scope of the EIS

Regulatory changes are being considered for both fuel cycle and nonfuel-cycle nuclear facilities. The fuel cycle facilities are pressurized (PWR) and boiling water (BWR) light water reactors (LWRs) for both single and multiple reactor sites, fuel reprocessing plants (FRPs) (currently, use of FRPs has been indefinitely deferred in the commercial sector), small mixed oxide (MOX) fuel fabrication plants, uranium fuel fabrication plants (U-fab), uranium hexaflouride conversion plants (UF_6), and away-from-reactor independent spent fuel storage installations (ISFSI). Under non-fuel-cycle facilities,

consideration is given to major types such as radiopharmaceutical or industrial radioisotope supplier facilities, various research radioisotope laboratories, and rare metal ore processing plants where uranium and thorium are concentrated in the tailings.

This EIS addresses only those issues involved in the activities carried out at the end of a nuclear facility's useful life which lead to unrestricted use of a facility. It does not address the considerations involved in extending the life of a nuclear facility. If a licensee makes an application for extending a facility license, it would be reviewed as an amendment to the existing license under appropriate existing regulations. This is not considered to be decommissioning and therefore is outside the scope of this EIS.

High-level waste repositories, low-level waste burial grounds, and uranium mills and their associated mill tailings piles are being covered in separate rulemaking activities and are not included here. The first two items are being considered in Title 10 of the Code of Federal Regulations (10 CFR) Parts 60 and 61. The last item is covered in a separate EIS and subsequent rulemaking proceedings.

Decommissioning that occurs as a result of premature closure due to accidents may involve technical and cost considerations not yet completely evaluated. Studies to develop a complete data base for this subject will begin in fiscal year 1981 and a detailed report on decommissioning following a postulated accident, similar to the report prepared for the facilities in this EIS, is expected to be issued in fiscal year 1982. While the basic purpose and objectives for decommissioning facilities involved in accidents would be the same as for routine decommissioning, some of the specific aspects of the technology, safety, and costs of decommissioning may differ. Nevertheless, in many instances, the specific aspects would have similarities between accident and routine decommissionings, in particular in areas such as decommissioning alternatives and timing, planning and facilitation, financial assurance, and residual radioactivity limits. It is not expected that major changes in the conclusions of this EIS will result from the technical studies on accident decommissioning, although there may be some differences in specific criteria. These items will be considered upon completion of the studies initiated in 1981.

Regulatory Objective

It is the responsibility of the NRC to ensure, through regulations and other guidance, that appropriate procedures are followed in decommissioning such that the health and safety of the public is protected. Present regulatory requirements and guidance are not specific enough in many critical areas to ensure that potential problems are properly considered. Those areas include timeliness, financial assurance, planning, and residual radioactivity levels as discussed below:

Timeliness. It is the responsibility of the NRC, in protecting public health and safety, to ensure that after a nuclear facility ceases operation its license is terminated in a timely manner. Such termination requires decommissioning. From the analysis of the technical data base, it is clear that decommissioning can be accomplished safely and at modest cost shortly after cessation of facility operation and it is considered reasonable that decommissioning should be completed at this time. Completing decommissioning and releasing the facility for unrestricted use eliminates the potential problems of increased numbers of sites used for the confinement of radioactively contaminated materials, as well as potential health, safety, regulatory and economic problems associated with maintaining the site. Delay in the completion of decommissioning would be primarily for reasons of health and safety considerations, since it is recognized that with delay there may be reduction in occupational dose and radioactive waste volume for some facility types due to radioactive decay. Delay for such reduction would require additional justification since the amount of such reduction is of marginal significance in its effect on health and safety. For example, use of such delay may be justified at a multiple facility site where phased decommissioning may be appropriate. Even for this situation, decommissioning should be accomplished in as short a time as is reasonable. For this example, for a reactor at a multiple facility site where radioactive cobalt is the principal contaminant, there would be little dose reduction due to decay after a delay of 30 years. Therefore, it is recommended that the maximum delay for the reactor in this example be 30 years. For other facilities, the maximum delay considered reasonable will depend on the facility type and the contaminant isotopes involved.

Financial Assurance. Consistent with the regulatory objective of decommissioning as described above, a high degree of assurance is required from the nuclear facility licensee that adequate funds are available to decommission the facility. Because of the possibility of premature closure, a funding mechanism provided by the licensee must be in place which would pay for the full cost of decommissioning at any time during facility operation. The funding mechanisms considered reasonable for providing the necessary assurance include (singly or in combination) prepayment of funds into a segregated account, insurance, surety bonds, letters of credit, and a sinking fund deposited into a segregated account. Another funding mechanism that has drawn considerable interest, especially for reactors, is an internal reserve which uses negative net salvage value depreciation, and which generally is considered less expensive than other alternative funding mechanisms. However, the problem with such a mechanism is the lack of assurance it provides, by itself, that funds will be available for decommissioning. Moreover, while other funding mechanisms, such as prepayment or a sinking fund coupled with insurance, may be more costly on a net present worth basis, their economic impact is still small in terms of the total cost to the consumer or licensee. Therefore, under NRC's responsibility to protect public health and safety by assuring that funds are available for a safe decommissioning, the internal reserve would be considered an adequate funding mechanism only if it were supplemented by substantial additional funding mechanisms (such as insurance or some other surety arrangement) to increase the level of assurance.

Planning. Ensuring that decommissioning is appropriately accomplished requires careful planning. Decommissioning is affected by factors involved in the design and operation of a nuclear facility, as well as the actual operations carried out during the active decommissioning phase. Accordingly, it is important that the licensee decommissioning plan be developed and approved prior to commissioning of the facility. While such initial plan need not present the full details for the actual decommissioning, it should contain sufficient detail on the cost of decommissioning and the method of funding. Moreover, it should address what will be done to facilitate decommissioning in terms of design and operation of the facility. While such considerations must include cost effectiveness, the emphasis should be on health and safety rather than economics. Certain aspects of decommissioning facilitation (such as those that have impact on reducing occupational dose during facility operation) can reduce

operational costs. However, even those aspects of facilitation that are questionable in terms of reducing operational costs but can have significant impact on decommissioning health and safety aspects must be considered. Implementation of such possible facilitation at the design and construction stage can be much more cost effective than at the operational or active decommissioning stages.

Periodic updating of the initial decommissioning plan is required because of changes in factors affecting technology and cost. A final detailed decommissioning plan is required for review and approval by the NRC, and Agreement States where applicable, prior to cessation of facility operation or shortly thereafter. Besides the technically detailed description of procedures, schedules, and work plans for the decommissioning alternative which will be used, the final plan should include a description of the termination survey required to certify that sufficient radioactively contaminated materials have been removed and that the facility can be released for unrestricted access. The plan should include an estimate of the cost required to accomplish the decommissioning.

Residual Radioactivity Levels. An important and technically difficult issue is the problem of determining acceptable residual radioactivity levels required for release of property for unrestricted use. It is the responsibility of the Environmental Protection Agency (EPA) to establish such a standard but it is not scheduled to do so until 1984. Discussions have been held with the EPA relative to providing preliminary guidance for NRC in establishing limits which are consistent with eventual EPA requirements. Due to the variety of facility types and radionuclides involved it is not feasible to set a single dose limit that would be valid under all conditions for all facilities. It is necessary to assess the radiological impact in terms of the radionuclides and pathways involved and the costs and benefits which result. Based on the above considerations, on discussions with the EPA, and on considerations that the level of residual radioactivity selected must be safe and consistent with existing guidance and be measurable and cost effective, the following results were determined:

(1) A residual radioactivity level for permitting release of a nuclear facility for unrestricted use should be ALARA. Guidance in establishing such a limiting level is best expressed in terms of a value which bounds the dose for the majority of facilities discussed in this report. This value is determined to be 10 mrem/yr whole-body dose equivalent, but could be lower for specific facilities. The 10 mrem/yr limit is chosen recognizing that it may be impractical and unnecessary in some cases to meet a 5 mrem/yr limit considered in previous discussions with EPA. This is because of cost-benefit considerations and problems in detectability, sampling, and/or exposure patterns. Discussion with EPA indicated that the 10 mrem/yr limiting value would not be considered unreasonable. In all cases, a dose limit above 1 mrem/yr would require justification. For a few situations, it is expected that residual limits will be outside the bounds of the 1 to 10 mrem/yr range. For these special situations, case-by-case analysis in terms of cost and benefit effectiveness will be required to establish appropriate limiting levels.

(2) For implementation of a residual radioactivity level, the dose value selected must be converted to a contaminated material concentration or activity for instrument measurability. Such conversion is done through the use of modeling and depends on what radionuclides are present and how they result in individual radioactivity exposure. Realistic exposure conditions should be used in such modeling, recognizing, for example, that dwelling occupancy is less than full time, that self shielding is an important exposure reducing factor, and that weathering reduces resuspension of the contaminated materials.

Preliminary Conclusions on Decommissioning Impacts

Consideration of the decommissioning data base and of the concerns for required regulatory activity has led to the following preliminary conclusions for public comment in the Draft Generic Environmental Impact Statement:

The technical basis exists for performing decommissioning in a safe, efficient and timely manner. Decommissioning as used here means to safely remove contaminant radioactive material down to residual levels considered acceptable for permitting unrestricted use of a facility and its site. Decommissioning has major beneficial impact because it allows a nuclear facility which no longer has operational value to be made available for unrestricted use. Moreover, making the facility available for unrestricted use eliminates the potential problems of increased numbers of sites used for the confinement of radioactively contaminated materials, as well as potential health, safety, regulatory and economic problems, and also releases valuable industrial land that can be reused with great benefit. When properly performed, decommissioning has only minor adverse impact. These include: an occupational dose burden which is of marginal significance to health and safety and which is a small percent of such burden experienced over the operational life of a facility; a relatively modest cost compared to the net present worth of the commissioning cost; and the irreversible commitment of a small amount of land (primarily for low-level waste) at an appropriate radioactive waste burial facility.

Furthermore, it is concluded that the specific implementation of the considerations and recommendations discussed above in the areas of timeliness, financial assurance, planning, and residual radioactivity levels should be incorporated into existing regulations.

Incorporation of EIS Conclusions in Regulations

It is recommended that specific implementation of regulatory activities be performed by rulemaking as amendments to existing regulations (i.e., 10 CFR Parts, 30, 40, 50, 51, 70 and 72) rather than as a separate regulation solely covering decommissioning. Because decommissioning overlaps so many areas covered by present regulations, such incorporation would be more efficient. In addition, it is recommended that a policy statement be issued prior to rulemaking so that the principal thrust of these activities can be presented clearly and provide appropriate perspective to additional rulemaking activities.

Dated at Washington, D.C., this 28th day of Janaury 1981.

For the Nuclear Regulatory Commission.

G. D. Calkins,

Decommissioning Program Manager.

[FR Doc. 81-4626 Filed 2-9-81; 8:45 am]

BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Prohibition of Guarantees Against Loss

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing a regulation for public comment which would prohibit a futures commission merchant ("FCM") from

guaranteeing any person against loss or guaranteeing to limit the loss with respect to any account carried by the FCM for or on behalf of such person. The purpose of the rule is to prevent FCMs from entering into "guarantee" or "limited-risk" agreements. The practice which the proposed rule would prohibit does not appear to be one which is used by a substantial number of firms. When the practice has beem employed, however, it has often been associated with patterns of allegedly unlawful conduct by FCMs or other registrants, or with the financial instability of such persons. For these reasons, the Commission believes the proposed rule is necessary. The proposed rule would not prevent an FCM from assuming financial responsibility for a loss which resulted from an error or the mishandling of a customer order, nor would it prevent an FCM from acting as the general partner of a commodity pool. In addition, the Commission does not intend this proposed regulation to alter its rule 1.30 which, subject to certain conditions and procedures, permits an FCM to make loans to commodity customers secured by securities or property pledged by such customers. The proposed rule, if adopted, would apply prospectively and would not affect guarantee agreements entered into prior to its effective date if such contracts were otherwise valid under the Commission's regulations. The rule would, however, apply to any extension, renewal or modification of existing agreements.

DATES: Comments on the proposed rule should be submitted by April 13, 1981.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W. Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Andrea Maharam Corcoran, Assistant Chief Counsel, or Suzanne W. Ryder, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission is concerned about the impact upon commodity futures customers of "limited-risk" or "guarantee-against-loss" agreements, offered in connection with the promotion of various commodity accounts. These agreements typically provide that the customer will not be responsible for any additional margin payments beyond an initial sum which usually exceeds the customary initial margin charge. A "management" or similar type of additional fee is frequently assessed. The customer is held responsible for Commission charges, and the FCM is given discretionary control over the account with the power to liquidate it either on his own initiative or after notice to the customer.

The Commission believes that the practice of soliciting and carrying customer accounts under such agreements threatens the safety of customer funds and creates an incentive for an FCM which employs this practice to misuse segregated funds and thus jeopardize protections accorded such funds by the segregation requirements prescribed by the Commodity Exchange Act, as amended, the ("Act") [1] and the regulations [2] promulgated thereunder.

Section 4d(2) of the Act and Commission rule 1.20(a) require an FCM to separately account for and to segregated all money, securities, and property which it has received to margin, guarantee, or secure the trades or contracts of its commodity customers. In addition, Commission rule 1.22 prohibits an FCM from using the money, security or property of one customer to margin or settle the trades or contracts of another customer. This latter requirement is designed not only to prevent disparate treatment of customers by an FCM, but also to insure that there will be sufficient money in segregation to pay all customer claims if the FCM becomes insolvent.

Section 4d(2) of the Act and §§ 1.20 and 1.22 of the Commission's regulations require an FCM to add its own money into segregation in an amount equal to the sum of all customer deficits. Although this position is not explicitly stated in the regulations, this interpretation is necessary for a proper application of the above provisions. Otherwise, if customer accounts are in deficit and the FCM fails to make a contribution to segregated funds equal to the amount of the deficit, the funds of one customer would in effect have to be used to margin or carry the trades or contracts of another. Where a limited-risk agreement of some kind is in effect, the FCM would never be reimbursed by the customer for such contributions, since the FCM's agreement with the customer would relieve the customer from any obligation to make up the deficit. The Commission believes that the practice of offering customers limited-risk accounts may increase the likelihood that an FCM will carry substantial numbers of deficit positions and hence create an inducement for an FCM to illegally use one customer's money or property to cover or carry another customer's position, rather than contributing it own funds to maintain proper segregation.

Any activity of commodity firms which thus weakens the protections of the segregation provisions threatens the viability of the segregation requirements as a principal safeguard for customer funds. The segregation provisions of the Act and regulations are intended to insure that customer funds are preserved intact for the benefit of the customers regardless of any financial reverses experienced by the FCM. Proper segregation of customer funds also assures that if bankruptcy occurs, sufficient customer funds can be identified so that an orderly and expeditious transfer of open customer accounts to another FCM can be made,[3] and so that customers may receive their funds promptly.

The segregation rules also provide ancillary protection for creditors. The new Bankruptcy Code Provisions relating to futures commission merchants [4] permit the trustee to return to customers all property described therein as customer property, regardless of whether that property is segregated or not.[5] Thus, in a bankruptcy, if the segregation regulations have not been observed, the pool of non-segregated property may be depleted to provide for the priority claims of customers.

Limited-risk agreements may undermine the protections provided by the segregation rules, and they also may subvert a primary purpose of margin. From the standpoint of the FCM and the clearing organization, margin protects the broker from incurring actual loss upon an unprofitable position before the position can be closed or variation margin can be collected. Margin payments can thus be said, ultimately, to be the cornerstone upon which the solvency of FCMs depends.

Due to the risks inherent in commodity trading and the volatility of the commodity markets an FCM may be unable to close out unprofitable customer positions in a timely manner, and an FCM which agrees not to make any margin demands upon customers must rely upon alternate sources of capital to cover any such losses. An

[1] Section 4d(2) of the Act, 7 U.S.C. § 6d(2) (Supp. III 1979).

[2] 17 CFR §§ 1.20–1.30 and 32.6 (1980).

[3] *See* 11 U.S.C. §§ 764(b), 766 (Supp. III 1979).

[4] 11 U.S.C. §§ 761 *et seq.* (Supp. III 1979).

[5] 11 U.S.C. §§ 761(10) and 766 (Supp. III 1979). The Code changes the result of the existing law in this area. *See Weis Securities, Inc.*, [1975–1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶20,108 (S.D.N.Y. October 23, 1975), which restricted customer recovery in a bankruptcy to property actually held in segregation.

FCM which finances its customers' accounts without recourse, solely on the basis of an initial margin payment or payments, risks actual loss by the firm on each customer trade.[6] The Commission believes that limited-risk agreements thus not only increase the risk to segregated funds, but promote the financial instability of FCMs as well. In view of the necessity to insure the financial stability of FCMs, the proposed regulation would prohibit guarantees with respect to proprietary as well as customer accounts.[7] This approach will also help insure that an FCM is able to comply with the Commission's minimum financial requirements.

The Commission also believes, as a result of recent experience, that an FCM which offers "margin-free" commodity trading may be in a financially weakened condition and may hope to stabilize its position by generating commission income through the use of this type of account to attract new customers. However, the Commission has observed that the effect is generally just the contrary, and that a firm's financial difficulties are often aggravated because the firm is deprived of the ability to make margin demands on customers. Moreover, customers who have been attracted to limited-risk commodity futures trading have frequently been less sophisticated and consequently more vulnerable to the use of improper sales, trading, and promotional practices. For example, customers whose accounts are guaranteed by an FCM often do not appear to understand fully that they are still responsible for commission charges, and in some cases, for other fees, as well. The Commission believes that, in certain instances, this misunderstanding has occured because the customer is inexperienced, the FCM's promotional literature is ambiguous, or both.

The Commission also believes that account guarantees may be inherently deceptive. The customer is led to believe that the FCM, guided by its business judgment, has decided to absorb some costs generally borne by customers. However, as will be discussed more fully below, the customer may in fact be shouldering most of these costs, although disguised in the form of increased commission charges or abnormally high initial margin requirements.

During the recent past, limited-risk agreements of varying formats have been used with increasing frequency by FCMs or other commodity professionals who have filed for bankruptcy[8] or allegedly have engaged in deceptive or fraudulent practices.[9] Although fraud or insolvency are not the inevitable result of agreements limiting customer margin obligations, the Commission believes it is significant that they often may accompany the use of such agreements.[10]

One exchange explicitly recognizes the problems relating to limited-risk agreements and prohibits them by rule. The New York Futures Exchange ("NYFE") has adopted an express prohibition on guaranteeing customer accounts which states that "no member . . . shall guarantee or in any way represent that either he, it or anyone else will guarantee any customer against loss in any transaction in any commodity interest."[11] The Chicago Mercantile Exchange ("CME") has enacted a rule regarding margin payments which, although not a prohibition on guarantees, suggests that the obligation to make margin payments lies with the customer.[12] No other

[6] For this reason, with regard to options Commission regulation 1.19 currently prohibits an FCM from ". . . assum[ing] any financial responsiblity for the fulfillment of any transaction which is of the character of . . . an 'option' . . . in any commodity."

[7] These terms are defined in sections 1.3(y) and 1.3(k) of the Commission's regulations, respectively. 17 CFR §§ 1.3(y), 1.3(k) (1980).

[8] Incomco, Inc., which filed a voluntary petition in bankruptcy on August 1, 1980, marketed commodities using a "managed accounts program" in which customer liability was limited. An August 4, 1980 Commission interim audit of Incomco indicated that, of Incomco's approximately 700 customer accounts at the time the petition was filed, approximately 20% were managed accounts, 70% of which were in deficit as of August 1, 1980. Also at the time of filing, approximately 45% of total customer accounts were in deficit, totalling slightly over $4,000,000.

In a bankruptcy, the use of limited-risk agreements favors one set of customers over another. Those of Incomco's customers who did not enter into such an arrangement with Incomco must now assume a greater share of the bankruptcy loss because, in a bankruptcy, customers recover a pro rata share of customer funds. Although deficit customers do not share in any distribution, neither do they have to repay their deficits. However, since the trustee is under an obligation to recover property properly belonging to the debtor's estate, it is, of course, possible for Incomco's "managed account" agreements to be legally challenged by the trustee. *See Futures Industry: The Newsletter for Futures Market Professionals*, Vol. III, No. 18, September 15, 1980, p. 3 and *The Wall Street Journal*, October 22, 1980, at 35, col. 4.

[9] In an administrative action brought by the Commission in February, 1979 against First Commodity Corporation of Boston ("FCCB"), a registered FCM and commodity trading advisor ("CTA"), one count of the complaint alleged that FCCB defrauded customers through omissions and misleading information disseminated in connection with its so-called Long Term Forward Accounts ("LTF") which contained a variety of no-risk provisions. A settlement with FCCB was reached on October 23, 1980 in which FCCB and the nine individual defendants neither admitted nor denied the allegations of the complaint. Since the case was settled, the truth or falsity of this allegation was never adjudicated. The alleged fraudulent practices, however, are consistent with a pattern of practice which frequently appears to accompany the use of limited-risk agreements. The complaint stated that LTF customers were required to deposit a margin payment in an amount at least double or triple the customary charge. In addition, each such customer was charged a "management fee" of several thousand dollars for the purpose of covering all other costs incurred by FCCB on the customer's behalf, including commissions. Furthermore, this fee was considered by FCCB to be fully earned, and did not represent equity in the customer's account. The alleged fraudulent acts consisted of, among other things, failing to disclose to the customer that the management fee was actually a commission charge which greatly exceeded commission charges customarily assessed by FCMs, and that FCCB performed no extra services for the customer despite the higher charge. *In the Matter of First Commodity Corporation of Boston*, CFTC Docket No. 79-28 (filed February 13, 1979).

The Commission also recently sought and obtained an injunction against Comvest Trading Corporation ("CTC"), Comvest, Inc., William Howe, and David Feeney from further violations of the minimum capital requirements, segregation, and recordkeeping provisions of the Act and regulations. *Commodity Futures Trading Commission* v. *Comvest Trading Corporation, William Howe, David Feeney, Comvest, Inc.*, Civ. No. 79-1071-K (D. Mass. June 15, 1979). In connection with its sales activities, Comvest utilized a marketing publication describing the managed account program which stated: "Spectacular Profit Potential with Limited-Risk." This program provided for a limited-risk investment under which no margin calls were made against a customer. The customer was, however, to be charged a non-refundable "administrative reserve fee" equal to 28% of the funds delivered by the customer. Furthermore, the customer was charged an "incentive performance fee" equal to 10% of the customer's annual profits, assessed quarterly.

Further, remedial sanctions imposed as a result of a settlement to an administrative proceeding and injunctive relief granted in federal district court were obtained against American International Trading Company ("AITC") and several individual defendants. As part of the settlement the defendants neither admitted nor denied the Commission's allegations. Among other things, the defendants were charged in the Commission action with having engaged in false and deceptive sales practices. AITC had a "managed account program" which offered limited-risks; nevertheless, most AITC customers allegedly lost all or substantially all of their funds and allegedly were defrauded through fictitious transactions. AITC also charged a 10% management fee and commissions. The complaint alleged, however, that the management fee was used to pay salesmen and not to pay for account management. Furthermore, AITC defendants executed some commodity futures transactions on behalf of customers which allegedly generated excessive brokerage commissions. *Commodity Futures Trading Commission* v. *American International Trading Company, et al.*, Civ. No. 76-2095R (C.D. Cal. July 16, 1976) and *In the Matter of the American International Trading Company, et al.*, CFTC No. 76-20, filed August 24, 1976, order imposing sanctions September 29, 1976.

[10] Some limited-risk agreements are, themselves, fraudulently procured through misrepresentations of the risks to be borne by, and the profits available to, customers.

[11] New York Futures Exchange rule 208.

[12] Rule 827 of the Consolidated Rules of the CME provides that "the Board shall from time to time determine and notify clearing members of the amounts of initial margins which must be obtained by all clearing members *from their customers* on speculative and bona fide hedge transactions, and the amount of minimum margins that must be

commodity futures exchange has specifically addressed this issue by rule.

Similarly, in other regulatory contexts, agencies have limited the ability of those regulatees to whom funds are entrusted for investment or safekeeping from making guarantees. For example, a general prohibition on the giving of guarantees which do not relate to the internal business concerns of the guarantor has been held to apply to banks, loan and trust companies, and insurance companies.[13] Similar restrictions are imposed by federal law on certain savings and loan associations and national banks.[14] The justification for limiting the power to give a guarantee, in the case of such institutions, is that this practice exceeds the scope of the entity's authority by risking its capital and funds in an extraordinary kind of enterprise. The same reasoning supports a prohibition on guarantees by FCMs.

As currently proposed, regulation 1.56 would prohibit guarantees against loss with respect to accounts involving contracts for the purchase or sale of a commodity for future delivery as well as any contract, agreement or transaction subject to Commission, regulation under sections 4c (commodity options) or 19 (leverage contracts) of the Act ("commodity interest").[15] The Commission's concerns with respect to the threats of limited risk guarantees to the financial well-being of FCMs and abusive sales practices associated therewith apply with equal force regardless of the type of commodity interest in the account for which a guarantee is made by the firm. The rule would, however, not preclude a qualified FCM from offering or selling legally permissible commodity options. (*See* Section 4c(d) of the Act and commission regulation 32.12). Since an option purchaser's risk with respect to his option position does not exceed the purchase price of the option, this risk limitation does not come about by virtue of an agreement by an FCM to guarantee the position against loss.

The proposed regulation would apply to limited-risk guarantees made by an FCM for the account of any person—regardless of whether the person is an individual, a partnership or a corporation, or is an entity such as a commodity pool or a commodity trading advisor. This rule would not, however, prevent an FCM from participating as a general partner in a commodity pool which is a limited partnership.[16]

Given the significance of margin payments to the continued financial vitality of an FCM, the proposed rule would provide that all FCMs must require that customers for which they carry accounts be responsible for paying and depositing margin in an amount or value at least equal to the applicable margin requirements of the contract market upon which the customer trades. By this requirement, an FCM which is not a member of the contract market and therefore not directly subject to such market's margin rules will nonetheless have to collect margin as required by such rules. The Commission's objective in proposing this approach is to insure that customers of non-exchange-member FCMs are subject to minimum initial and maintenance margin requirements which are at least as stringent as those for customers of member FCMs. The Commission, however, is interested in considering possible alternative means by which this objective could be achieved, and therefore specifically invites interested persons to comment on this point.

The Commission is aware that, at present, contracts between FCMs and customers exist which limit the customer's margin exposure. Consequently, the commission proposes to exempt from the application of this rule those limited-risk agreements which are in effect prior to the date upon which this rule, if adopted, becomes effective. The rule would, however, apply to any renewal, extension, or modification of an agreement made after the effective date of a final rule. A further exemption from the application of this rule is recognized where a customer suffers a loss attributable to an FCM error or improper disposition of a customer order. In that event, the proposed regulation permits an FCM to assume or share in the losses of a customer.

Certification Under Regulatory Flexibility Act

The practice which the proposed rule would prohibit does not appear to be one which is used by a substantial number of small firms. In fact, an informal survey conducted by the Commission staff indicates that fewer than ten firms registered with the Commission use this practice. Accordingly, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any small firms which believe that promulgation of this rule will have a significant economic impact on them.[17]

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act, and in particular, Sections 4b, 4d, 4f, and 8a of the Act, as amended, 7 U.S.C. 6b, 6d, 6f, and 12a (1976 & Supp. III 1979), the Commission hereby proposes to revise Chapter I of Title 17 of the Code of Federal Regulations by adding § 1.56 as follows:

§ 1.56 Prohibition of guarantees against loss.

(a) For purposes of this section "commodity interest" means

(1) Any contract for the purchase or sale of a commodity for future delivery; and

(2) Any contract, agreement or transaction subject to Commission regulation under sections 4c or 19 of the Act.

(b) No futures commission merchant may, or may in any way represent that it will, guarantee any person against loss

maintained *by customers* on open trades including those resulting in spread positions." (Emphasis added).

[13] 19 C.J.S. Corporations § 1230 (1940) and cases cited therein.

[14] Generally, such a savings and loan association may act as a surety only when state law so requires as a condition to the deposit of public moneys or an investment by a governmental unit. 12 U.S.C. § 1464(b)(2) (1976), 12 CFR § 545.24-2(b) (1980). National banks are permitted to lend their credit or become a guarantor in only two situations: where the bank has a substantial interest in the transaction; or where the bank has a segregated deposit sufficient to cover the bank's potential liability. 12 CFR § 7.7010(a) (1980). *See also* Securities Exchange Act of 1934, 15 U.S.C. § 78g(c) (1976) and Regulations T, U, and G, 12 CFR Parts 220, 221, and 207 (1980).

[15] 7 U.S.C. §§ 6c, 23 (Supp. III 1979).

[16] As a general partner, an FCM would, of course, have to take into account the liabilities of the partnership. Section 1.17(f) of the Commission's regulations provides that "every applicant or registrant, in computing its net capital and aggregate indebtness . . . must . . . consolidate in a single computation, assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses, or assumes directly or indirectly the obligations or liabilities." 17 CFR 1.17(f) (1980).

[17] Even assuming that the proposed rule, if promulgated, would have a significant economic impact on a substantial number of small FCMs, it is the Commission's position that, in light of the purpose of the proposed rule—to eliminate a potential threat to the safety of customer funds and to eliminate a financial threat to FCMs who use these guarantees—there are no alternatives to the proposed rule which would effectively accomplish the stated objectives of the Act, particularly the anti-fraud provisions of Section 4b of the Act, 7 U.S.C. § 6b (1976).

or limit the loss with respect to any commodity interest in any account carried by the futures commission merchant for or on behalf of such person, except that a futures commission merchant may assume or share in the losses resulting from an error or mishandling of an order. No person may represent that a futures commission merchant will make any guarantee prohibited by this § 1.56.

(c) Each futures commission merchant must require that each customer for which it carries an account containing any commodity interest which is traded or executed on a contract market be obligated for and deposit within a reasonable time, and thereafter be obligated for and maintain, money, securities or property to margin, guarantee or secure such commodity interest in an amount or value not less than the applicable initial and maintenance margin requirement of such contract market.

(d) This section shall not affect any guarantee entered into prior to [the effective date of this section], but this section shall apply to any extension, modification or renewal of any such guarantee entered into after such date.

Issued in Washington, D.C. on February 4, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-4581 Filed 2-9-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 610

[Docket No. 80N-0053]

Changes in Proper Names of Certain Biological Products

Correction

In FR Doc. 80-33509 appearing on page 72404 of the "Part II" in the issue of Friday, October 31, 1980, make the following correction;

On page 72407, first column, paragraph numbered "3." In the twenty-fifth line the bracketed material reading "(Cr^{15})" should have read "(Cr^{51})".

The correction published on page 84837, item "2" in the issue of Tuesday, December 23, 1980 failed to show the bracketed material corrected properly.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 505

Labor Standards on Projects or Productions Assisted by Grants From the National Endowments for the Arts and Humanities; Extension of Comment Period

AGENCY: Wage and Hour Division, Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the period for filing comments regarding a proposed rule intended to revise Part 505 of Title 29 of the Code of Federal Regulations (29 CFR Part 505) which concerns Labor Standards on Projects or Productions Assisted by Grants from the National Endowments for the Arts and Humanities. This action is taken in order to provide interested parties with additional time to submit their comments.

DATE: Comments in triplicate must be received on or before May 22, 1981.

ADDRESS: Comments should be sent to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Assistant Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W. Washington, D.C. 20210, Telephone: (202) 523-8353.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 19, 1980 (45 FR 83914) the Department of Labor published a proposed rule intended to revise 29 CFR Part 505 which concerns Labor Standards on Projects Assisted by Grants from the National Endowments for the Arts and Humanities. Interested persons were requested to submit comments on or before February 17, 1981.

The agency has learned that interested parties need additional time to submit their comments. The agency believes that the extension of the comment period is appropriate, and that the additional time should be provided to all interested persons.

Therefore, the comment period for the proposed rule, revising 29 CFR Part 505, is extended to May 22, 1981.

Signed at Washington, D.C., this 3rd day of February, 1981.

Craig Berrington,

Deputy Assistant Secretary for Employment Standards.

[FR Doc. 81-4706 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, and 817

Surface Coal Mining and Reclamation Operations Interim and Permanent Regulatory Programs; Use of Explosives

AGENCY: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

ACTION: Proposed amendments to interim and permanent rules—cancellation of public hearings.

SUMMARY: The public hearings scheduled for discussion of proposed amendments to the rules on the use of explosives have been cancelled. The public comment period is still scheduled as announced. The notice of the hearings and the proposed amendments were published at 46 FR 6982 (Jan. 22, 1981).

FOR FURTHER INFORMATION CONTACT: Russell F. Price, P.E., Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240; 202-343-4022.

Dated: February 6, 1981.

Andrew V. Bailey,

Acting Director, Office of Surface Mining.

[FR Doc. 81-4734 Filed 2-9-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 504

Obtaining Information From Financial Institutions (AR 190-XX)

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This regulation would establish policy and procedures governing access to and disclosure of financial records maintained by financial institutions during the conduct of Army investigations or inquiries. It delineates procedures that must be followed by Army law enforcement elements, which are authorized to

request such information, in order to comply with the Right to Financial Privacy Act of 1978.

DATE: Written comments submitted on or before March 12, 1981, will be considered.

ADDRESSES: Written comments should be addressed to HQDA (DAPE–HRE) Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Major John L. Hackett (202) 756–1896.

SUPPLEMENTARY INFORMATION: The Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., restricted the government's authority to have access to or obtain copies of or the information contained in the financial records of any customer from a financial institution unless the financial records are reasonably described and—

(1) The customer authorizes disclosure;

(2) The financial records are disclosed in response to an administrative subpena or summons;

(3) The financial records are disclosed in response to a search warrant;

(4) The financial records are disclosed in response to a judicial subpena; or

(5) The records are disclosed in response to a formal written request. Department of Defense Directive 5400.12, Obtaining Information from Financial Institutions, provided guidance and procedures for Department of Defense components to implement this Act. The proposed regulation further implements the Act for the Department of the Army. It specifies that it is Department of the Army policy to seek consent of the customer in order to obtain a customer's financial records from a financial institution unless doing so would compromise or harmfully delay a legitimate law enforcement inquiry. If obtaining consent is not possible or if the customer declines to grant access, the proposed regulation details alternate means by which Army investigative elements may seek such access under the law.

(12 U.S.C. Sec. 3401 et. seq., Pub. L. 95–630)

Accordingly, 32 CFR is amended by adding a new Part 504 as set forth below:

Dated: February 4, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 504—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Sec.

Authority: Pub. L. 95–630 (12 U.S.C. 3401 et seq.)

§ 504.1 General.

(a) *Purpose.* This regulation provides DA policies, procedures, and restrictions governing access to and disclosure of financial records maintained by financial institutions during the conduct of Army investigations or inquiries.

(b) *Applicability and scope.* (1) This regulation applies to all DA investigative activities conducted by the Active Army, the Army National Guard (ARNG), and the U.S. Army Reserve (USAR).

(2) The provisions of 12 U.S.C. 3401 et seq. do not govern obtaining access to financial records maintained by military banking contractors located outside of the states or territories of the United States, Puerto Rico, the District of Columbia, Guam, American Somoa, or the Virgin Islands. The procedures outlined in § 504.2(d)(4) will be followed in obtaining financial information from these facilities. Access to financial records maintained by other financial institutions located outside the above areas will be in accordance with local foreign statutes governing such access.

(3) This regulation applies only to financial records maintained by financial institutions as defined in § 504.1(c)(1).

(c) *Explanation of terms.* See AR 190–45, AR 195–2, and AR 310–25 for applicable terms. For the purposes of this regulation, the following terms also apply:

(1) *Financial institution.* Any office of a—

(i) Bank.

(ii) Savings bank.

(iii) Credit card issuer as defined in Section 103 of the Consumers Credit Protection Act (15 U.S.C. 1602(n)).

(iv) Industrial loan company.

(v) Trust company.

(vi) Savings and loan association.

(vii) Building and loan association.

(viii) Homestead association (including cooperative banks).

(ix) Credit union.

(x) Consumer finance institution.

This includes only those offices located in any state or territory of the United States, or in the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(xi) Military banking contractors located outside the states or territories of the United States or the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(2) *Financial record.* An orginaial record, its copy, or information known to have been derived from the original record held by a financial institution, pertaining to a customer's relationship with the financial institution.

(3) *Person.* An individual or partnership of five or fewer individuals.

(4) *Customer.* Any person or authorized representative of that person—

(i) Who used or is using any service of a financial institution or

(ii) For whom a financial institution is acting or has acted as a fiduciary for an account maintained in the name of that person.

(5) *Law enforcement inquiry.* A lawful investigation or official proceeding that inquires into a violation of or failure to comply with a criminal or civil statute or any enabling regulation, rule, or order issued pursuant thereto.

(6) *Army law enforcement office.* For purposes of this regulation, any Army element, agency, or unit authorized to conduct investigations under the Uniform Code of Military Justice or Army regulations. This broad definition of Army law enforcement office includes military police, criminal investigation, inspector general, and military intelligence activities conducting investigations of violations of law or regulation.

(7) *Personnel security investigation.* An investigation required to determine a person's eligibility for access to classified information, assignment or retention in sensitive duties, or other designated duties requiring such investigation. Personnel security investigation includes investigations of subversive affiliations, suitability information, or hostage situations conducted to make personnel security determinations. It also includes investigations of allegations that—

(i) Arise after adjudicative action, and

(ii) Require resolution to determine an individual's current eligibility for access to classified information or assignment or retention in a sensitive position. Within DA, personnel security investigations are conducted by the Defense Investigative Service.

(d) *Policy.*—(1) *Customer consent.* It is DA policy to seek the consent of the customer in order to obtain a customer's financial records from a financial institution unless doing so would compromise or harmfully delay a

legitimate law enforcement inquiry. If the person declines to consent to disclosure, the alternative means of obtaining the records authorized by this regulation will be used.

(2) *Access requests.* Except as provided in (3) below and §§ 504.1(f)(1), 504.2(g), and 504.2(j). Army investigative elements may not have access to or obtain copies of the information in the financial records of any customer from a financial institution unless the following conditions are met. The financial records are reasonably described and the—

(i) Customer has authorized such disclosure (§ 504.2(b));

(ii) Financial records are disclosed in response to a search warrant which meets the requirements of § 504.2(d);

(iii) Financial records are disclosed in response to a judicial subpoena which meets the requirements of § 504.2(e); or

(iv) Financial records are disclosed in response to a formal written request which meets the requirements of § 504.2(f).

(3) *Voluntary information.* Nothing in this regulation shall preclude any financial institution, or any officer, employee, or agent of a financial institution, from notifying an Army investigative element that such institution, or officer, employee, or agent has information which may be relevant to a possible violation of any statue or regulation.

(e) *Authority.* (1) Law enforcement offices are authorized to obtain records of financial institutions pursuant to the provisions of this regulation except as provided in § 504.2(e).

(2) The head of a law enforcement office, of field grade rank or higher (or an equivalent grade civilian official), is authorized to initiate requests for such records.

(f) *Exceptions and waivers.* (1) A law enforcement office may issue a formal written request for basic identifying account information to a financial institution as part of a legitimate law enforcement inquiry. The request may be issued for any or all of the following identifying data:

(i) Name.

(ii) Address.

(iii) Account number.

(iv) Type of account of any customer or ascertainable group of customers associated with a financial transaction or class of financial transactions.

(2) A request for disclosure of the above specified basic identifying data on a customer's account may be issued without complying with the customer notice, challenge, or transfer procedures described in § 504.2. However, if access to the financial records themselves is required, then the procedures in § 504.2 must be followed. (A sample format for requesting basic identifying account data is in Appendix A.)

(3) No exceptions or waivers will be granted for those portions of this regulation required by law. Submit requests for exceptions or waivers of other aspects of this regulation to HQDA (DAPE-HRE), Washington, D.C. 20310.

§ 504.2 Procedures

(a) *General.* A law enforcement official seeking access to a person's financial records will, when feasible, obtain the customer's consent. This chapter also sets forth other authorized procedures for obtaining financial records if it is not feasible to obtain the customer's consent. Authorized procedures for obtaining financial records follow. All communications with a US Attorney or a US District Court, as required by this regulation, shall be coordinated with the supporting staff judge advocate prior to dispatch.

(b) *Customer consent.* (1) A law enforcement office or personnel security element may gain access to or a copy of a customer's financial records by obtaining the customer's consent and authorization in writing. (A sample format is in Appendix B.) Any consent obtained under the provisions of this must—

(i) Be in writing, signed, and dated.

(ii) Identify the particular financial records being disclosed.

(iii) State that the customer may revoke the consent at any time before disclosure.

(iv) Specify the purpose of disclosure and to which agency the records may be disclosed.

(v) Authorize the disclosure for a period not in excess of three months.

(vi) Contain a "Statement of Customer Rights Under the Right to Financial Privacy Act of 1978" (Appendix B).

(2) Any customer's consent not containing all of the elements listed in (a) above will not be valid.

(3) A copy of the customer's consent will be made a part of the law enforcement inquiry file.

(4) A certification of compliance with 12 U.S.C. 3401 et seq. (Appendix C), along with the customer's consent, will be provided to the financial institution as a prerequisite to obtaining access to the financial records.

(5) The annual reporting requirements of § 504.2(m) apply to requests made to a financial institution even with the customer's consent.

(c) Administrative summons or subpoena. The Army has no authority to issue an administrative summons or subpoena for access to financial records.

(d) *Search warrant.* (1) A law enforcement office may obtain financial records by using a search warrant obtained under Rule 41 of the Federal Rules of Criminal Procedure in appropriate cases.

(2) No later than 90 days after the search warrant is served, unless a delay of notice is obtained under § 504.2(i), a copy of the search warrant and the following notice must be mailed to the customer's last known address: "Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this (office/agency/unit) on (date) for the following purpose: (state purpose). You may have rights under the Right to Financial Privacy Act of 1978."

(3) Search authorizations signed by installation commanders or military judges will not be used to gain access to financial records from financial institutions in any state or territory of the United States.

(4) Access to financial records maintained by military banking contractors in overseas areas will normally be by customer consent. However, in those cases where it would not be appropriate to obtain this consent or where such consent is refused, access may be sought by the use of a search authorization prepared and issued in accordance with the provisions of AR 27–10, Legal Services. The provisions of § 504.2(d)(2), above, concerning customer notification of information obtained by a search warrant also will be followed when access to financial records is obtained through a search authorization. Information obtained under these procedures will be properly identified as financial information and transferred only where an official need-to-know exists.

(e) *Judicial subpoena.* Judicial subpoenas—

(1) Are those subpoenas issued in connection with a pending judicial proceeding.

(2) Include subpoenas issued under paragraph 115 of the Manual for Courts-Martial and Article 46 of the UCMJ.

The servicing staff judge advocate will be consulted on the availability and use of judicial subpoenas. The notice and challenge provisions of 12 U.S.C. 3407 and 3410 will be followed.

(f) *Formal written request.* (1) A law enforcement office may formally request financial records when the records are relevant to a legitmate law enforcement inquiry. This request may be issued only if:

(i) The customer has declined to consent to the disclosure of his or her records, or

(ii) Seeking consent from the customer would compromise or harmfully delay a legitimate law enforcement inquiry.

(2) A formal written request will be in a format set forth in Appendix D and will—

(i) State that the request is issued under the provisions of the Right to Financial Privacy Act of 1978 and this regulation.

(ii) Describe the specific records to be examined.

(iii) State that access is sought in connection with a legitimate law enforcement inquiry.

(iv) Describe the nature of the inquiry.

(v) Be signed by the head of the law enforcement office or a designee (persons specified in § 504.1(e)(2)).

(3) At the same time or before a formal written request is issued to a financial institution, a copy of the request will be personally served upon or mailed to the customer's last known address unless a delay of customer notice has been obtained under § 504.2(i). The notice to the customer will be—

(i) In a format similar to Appendix E.

(ii) Personally served at least 14 days or mailed at least 18 days prior to the date on which access is sought.

(4) The official who signs the customer notice is designated to receive any challenge from the customer.

(5) The customer shall have 14 days to challenge a notice request when personal service is made and 18 days when service is by mail.

(6) The head of the law enforcement office initiating the formal written request will establish procedures to ensure that no access to financial records is attempted before expiration of the above time periods—

(i) While awaiting receipt of a potential customer challenge, or

(ii) While awaiting the filing of an application for an injunction by the customer.

(7) The proper preparation of the formal written request and notice to the customer requires the preparation of motion papers and a statement suitable for court filing by the customer. Accordingly, the law enforcement office intending to initiate a formal written request will coordinate the preparation of the request, the notice, motion papers and sworn statement with the supporting staff judge advocate. These documents are required by statute and their preparation cannot be waived.

(8) The supporting staff judge advocate is responsible for liaison with the appropriate United States Attorney and United States District Court. The requesting official will coordinate with the supporting staff judge advocate to determine whether the customer has filed a motion to prevent disclosure of the financial records within the prescribed time limits.

(9) The head of the law enforcement office (§ 504.2(f)(2)(v)) shall certify in writing (see Appendix C) to the financial institution that such office has complied with the requirements of 12 U.S.C. 3401 et seq—

(i) When a customer fails to file a challenge to access to financial records within the above time periods, or

(ii) When a challenge is adjudicated in favor of the law enforcement office.

No access to any financial records shall be made before such certification is given.

(g) *Emergency access.* (1) In some cases, the requesting law enforcement office may determine that a delay in obtaining access would create an imminent danger of:

(i) Physical injury to a person,

(ii) Serious property damage, or

(iii) Flight to avoid prosecution.

§§ 504.2(g)(2) and 504.2(g)(3) below provide for emergency access in such cases of imminent danger. (No other procedures in this regulation apply to such emergency access.)

(2) When emergency access is made to financial records, the requesting official (§ 504.1(e)(2)) will—

(i) Certify in writing, in a format similar to that set forth in Appendix C, to the financial institution that the provisions of 12 U.S.C. 3401 et seq. have been complied with as a prerequisite to obtaining access.

(ii) File with the appropriate court a signed sworn statement setting forth the grounds for the emergency access within five days of obtaining access to financial records.

(3) After filing of the signed sworn statement, the official who has obtained access to financial records under this section will—

(i) Personally serve or mail to the customer a copy of the request to the financial institution and the following notice, unless a delay of notice has been obtained under § 504.2(i):

Records concerning your transactions held by the financial institution named in the attached request were obtained by (office/agency/unit) under the Right to Financial Privacy Act of 1978 on (date) for the following purpose: (state with reasonable detail the nature of the law enforcement inquiry). Emergency access to such records was obtained on the grounds that (state grounds).

(ii) Mailings under this section will be certified or registered mail to the last known address of the customer.

(4) The annual reporting requirements of § 504.2(m) apply to any request for access under this section.

(h) Release of information obtained from financial institutions.

(1) *Records notice.* Financial records, to include derived information, obtained under 12 U.S.C. 3401 et seq. will be marked: "This record was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and may not be transferred to another Federal agency or department outside DOD without prior compliance with the transferring requirements of 12 U.S.C. 3412."

(2) *Records transfer.* (i) Financial records originally obtained under this regulation will not be transferred to another agency or department outside the DOD unless the transferring law enforcement office certifies their relevance in writing. Certification will state that there is reason to believe that the records are relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency or department. To support this certification, the transferring office may require that the requesting agency submit adequate justification for its request. File a copy of this certification with a copy of the released records.

(ii) Unless a delay of customer notice has been obtained (§ 504.2(i)), the transferring law enforcement office will, within 14 days, personally serve or mail to the customer at this last know address—

(A) A copy of the certification made according to § 504.2(h)(2)(i) above, and

(B) The following notice, which will state the nature of the law enforcement inquiry with reasonable detail: "Copies of, or information contained in, your financial records lawfully in possession of (name of agency) have been furnished to (state the receiving agency or department) pursuant to the Right of Financial Privacy Act of 1978 for (state the purpose). If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Financial Privacy Act of 1978 or the Privacy Act of 1974."

(iii) Transferring DOD components may release the information without notifying the customer if a request for release of information is—

(A) From a Federal agency authorized to conduct foreign intelligence or foreign counterintelligence activities (Executive Order 12036) or the U.S. Secret Service and

(B) For purposes of conducting protective functions by these agencies.

(iv) Financial information obtained prior to the effective date of the Financial Privacy Act of 1978 (10 March 1978) may continue to be provided to other agencies in accordance with existing procedures to include applicable Privacy Act System Notices published in AR 340–21 series.

(v) Whenever financial data obtained under this regulation is incorporated into a report of investigation or other correspondence, precautions must be taken to ensure that:

(A) The report or correspondence is not distributed outside of DOD except in compliance with § 504.2(h)(2), above.

(B) The report or other correspondence contains the following warning restriction on the first page or cover:

"Some of the information contained herein (cite specific paragraphs) is financial record information which was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq. This information may not be released to another Federal agency or department outside the DOD without compliance with the specific requirements of 12 U.S.C. 3412 and AR 190–XX."

(i) *Delay of customer notice procedures.*—(1) *Length of delay.* The customer notice required by formal written request (§ 504.2(f)(3)), emergency access (§ 504.2(g)(3)), and release of information (§ 504.2(h)(iii) may be delayed for successive periods of 90 days. The notice required for a search warrant § 504.2(d)(2)) may be delayed for one period of 180 days and successive periods of 90 days.

(2) *Conditions for delay.* A delay of notice may only be granted by a court of competent jurisdiction and only when not granting a delay in service of the notice would result in—

(i) Endangering the life or physical safety of any person,

(ii) Flight from prosecution,

(iii) Destruction of or tampering with evidence,

(iv) Intimidation of potential witnesses, or

(v) Otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding to the same degree as the circumstances in §§ 504.2(i)(2)(ii) through 504.2(i)(2)(iv) above.

(3) *Coordination.* When a delay of notice is appropriate, the law enforcement office involved will consult with the supporting staff judge advocate to obtain such a delay. Make application for delays of notice with reasonable detail.

(4) *After delay expiration.* Upon the expiration of a delay of notice under (a) above and required by—

(i) § 504.2(d)(1), the law enforcement office obtaining such records will mail to the customer a copy of the search warrant and the following notice:

> Records or information concerning your transactions held by the financial institution named in the attached search warrant were obtained by this (agency or office) on (date). Notification was delayed beyond the statutory 90-day delay period pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning (state with reasonable detail). You may have rights under the Right to Financial Privacy Act of 1978.

(ii) § 504.2(f)(3), the law enforcement office obtaining such records will serve personally or mail to the customer a copy of the process or request and the following notice:

> Records or information concerning your transactions which are held by the financial institution named in the attached process or request were supplied to or requested by the government authority named in the process or request on (date). Notification was withheld pursuant to a determination by the (title of the court so ordering) under the Right to Financial Privacy Act of 1978 that such notice might (state reason). The purpose of the investigation or official proceeding was (state purpose with reasonable specificity).

(iii) § 504.2(g)(3), the law enforcement office obtaining financial records will serve personally or mail to the customer a copy of the request and the notice required by § 504.2(g)(3).

(iv) § 504.2(h)(2)(ii), the law enforcement office transferring such records will serve personally or mail to the customer the notice required by § 504.2(h)(2)(ii). If a law enforcement office were responsible for obtaining the court authorizing the delay, such office shall also serve personally or by mail to the customer the notice required in § 504.2(f)(3).

(5) *Annual reports required.* The annual reporting requirements of § 504.2(m) apply to delays of notice sought or granted under this section.

(j) *Foreign intelligence and foreign counterintelligence activities.* (1) Except as indicated below, nothing in this regulation applies to requests for financial information in connection with authorized foreign intelligence and foreign counterintelligence activities as defined in Executive Order 12036. Appropriate foreign intelligence and counterintelligence directives should be consulted in these instances.

(2) However, in order to comply with the Financial Privacy Act of 1978, the following guidance will be followed for such requests. When a request for financial records is made—

(i) An MI Group Commander or the Commander or Deputy Commander of INSCOM will certify to the financial institution that the requesting activity has complied with the provisions of 12 USC 3403(b).

(ii) The requesting official will notify the financial institution from which records are sought that 12 USC 3414(a)(3) prohibits disclosure to any person by the institution, its agents, or employees that financial records have been sought or obtained.

(3) The annual reporting requirements contained in § 504.2(m) apply to any request for access under this section.

(k) *Certification.* A certificate of compliance with the Financial Privacy Act of 1978 (Appendix C) will be provided to the financial institution as a prerequisite to obtaining access to financial records under the following access procedures:

(1) Customer consent (§ 504.2(b)).

(2) Search warrant (§ 504.2(d)).

(3) Judicial subpoena (§ 504.2(e)).

(4) Formal written request (§ 504.2(f)).

(5) Emergency access (§ 504.2(g)).

(6) Foreign intelligence and foreign counterintelligence activities (§ 504.2(j)).

(l) *Penalties.* Obtaining or disclosing financial records or financial information on a customer from a financial institution in violation of the Act or this regulation may subject the Army to payment of civil penalties, actual damages, punitive damages as the court may allow, and cost with reasonable attorney fees. Military and civilian personnel who willfully or intentionally violate the act or this regulation may be subject to disciplinary action.

(m) *Annual report.* (1) Major Army commanders will submit an annual report to HQDA (DAPE-HRE) concerning requests for financial information from financial institutions. Reports are to include all queries requested or information obtained under the provisions of this regulation by subordinate Army law enforcement offices (as defined in § 504.1(c)(6)). Negative reports will be submitted.

(2) This report is to arrive at HQDA (DAPE-HRE), Washington, D.C. 20310, not later than 1 February following the calendar year reported. (The Report Control Symbol (RCS) assigned to this report is DD-COMP(A) 1538.)

(3) This Right to Financial Privacy Act of 1978 Annual Report will contain the following information. The number of—

(i) Requests for access to financial institutions, specifying the types of access and any other information deemed relevant or useful.

(ii) Customer challenges to access and whether they were successful.

(iii) Transfers to agencies outside of the DOD of information obtained under this regulation.

(iv) Customer challenges to the transfer of information and whether they were successful.

(v) Applications for delay of notice, the number granted, and the names of the officials requesting such delays.

(vi) Delay of notice extensions sought and the number granted.

(vii) Refusals by financial institutions to grant access, by category of authorization, such as customer consent or formal written request.

(4) A consolidated Army report will be submitted by HQDA (DAPE-HRE) to the Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense (Administration), by 15 February annually.

Appendix A—Request for Basic Identifying Account Data—Sample Format

(Official Letterhead)

(Date)

To: (Name and address of financial institution.)

From: (Name and address of the law enforcement office.)

Subject: Request for Basic Identifying Account Data Concerning (customer's name or any other appropriate identification).

In connection with a legitimate law enforcement inquiry and under section 3413(g) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., you are requested to provide the following account information: (name, address, account number, and type of account of any customer or ascertainable group of customers associated with a certain financial transaction or class of financial transactions as set forth in § 504.1(f)).

I hereby certify, under section 3403(b) of the Right of Financial Privacy Act of 1978, that the provisions of the Act have been complied with as to this request for account information.

(Signature) _____

(Name and title of official) _____

(Army law enforcement office) _____

(Telephone) _____

Under section 3417(c) of the Act, good faith reliance upon this certification relieves your institution and its employees and agents of any possible liability to the subject in connection with the disclosure of the requested financial records.

Appendix B—Customer Consent and Authorization for Access—Sample Format

Under section 3404(a) of the Right to Financial Privacy Act of 1978, I, (name of customer), having read the explanation of my rights on the reverse side, hereby authorize the (name and address of financial institution) to disclose these financial records: (list of particular financial records) to (Army law enforcement office) for the following purpose(s): (specify the purpose(s)).

I understand that this authorization may be revoked by me in writing at any time before my records, as described above, are disclosed, and that this authorization is valid for no more than three months from the date of my signature.

Date: _____

Signature: _____

(typed name) _____

(address of customer) _____

Statement of Customer Rights Under the Right to Financial Privacy Act of 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers, or other financial institutions may give financial information about you to a Federal agency, certain procedures must be followed.

Consent to financial records

You may be asked to consent to the financial institution making your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months and your financial institution must keep a record of the instances in which it discloses your financial information.

Without your consent

Without your consent, a Federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the Federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The Federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult an attorney before making a challenge to a Federal agency's request.

Exceptions

In some circumstances, a Federal agency may obtain financial information about you without advance notice or your consent. In most of these cases, the Federal agency will be required to go to court for permission to obtain your records without giving you notice beforehand. In these instances, the court will make the Government show that its investigation and request for your records are proper. When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

Transfer of information

Generally, a Federal agency that obtains your financial records is prohibited from transferring them to another Federal agency unless it certifies in writing the transfer is proper and sends a notice to you that your records have been sent to another agency.

Penalties

If the Federal agency or financial institution violates the Right to Financial Privacy Act, you may sue for damages or seek compliance with the law. If you win, you may be repaid your attorney's fee and costs.

Additional information

If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appears below:

(Name, title, telephone number) _____

(Component activity, address) _____

Appendix C—Certificate of Compliance With the Right to Financial Privacy Act of 1978—Sample Format

(Official Letterhead)

(Date)

To: (Name and address of financial institution.)

From: (Name and address of the law enforcement office or personnel security element.)

Subject: Certificate of Compliance with the Right to Financial Privacy Act of 1978.

I certify, under section 3403(b) of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., that the applicable provisions of that statute have been complied with as to the (customer's consent, search warrant or judicial subpoena, formal written request, emergency access, as applicable) presented on (date), for the following financial records of (customer's name):

(Describe the specific records.)

(Signature) _____

(Name and title of official) _____

(Office/agency) _____

(Telephone) _____

Under section 3417(c) of the Right to Financial Privacy Act of 1978, good faith reliance upon this certificate relieves your institution and its employees and agents of any possible liability to the customer in connection with the disclosure of these financial records.

Appendix D—Formal Written Request for Access—Sample Format

(Official Letterhead)

(Date)

To: (Name and address of financial institution.)

From: (Name and address of the Army law enforcement office.)

Subject: (Formal Written Request for Financial Records of (customer's name or any other appropriate identification.)

In connection with a legitimate law enforcement inquiry and under section 3402(5) and section 3408 of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and Army Regulation 190–XX, you are requested to provide the following account information pertaining to the subject:

(Describe the specific records to be examined.)

The Army is without authority to issue an administrative summons or subpoena for access to these financial records which are required for (describe the nature or purpose of the inquiry).

A copy of this request was (personally served upon or mailed to) the subject on (date) who has (10 or 14) days in which to

challenge this request by filing an application in an appropriate United States district court if the subject desires to do so.

Upon the expiration of the above mentioned time period and absent any filing or challenge by the subject, you will be furnished a certification certifying in writing that the applicable provisions of the Act have been complied with prior to obtaining the requested records. Upon your receipt of a Certificate of Compliance with the Right to Financial Privacy Act of 1978, you will be relieved of any possible liability to the subject in connection with the disclosure of the requested financial records.

(Signature) _____

(Name and title of official) _____

(Army law enforcement office) _____

(Telephone) _____

Appendix E—Customer Notice of Formal Written Request—Sample Format

(Official Letterhead)

(Date)

Mr./Ms. XXXXX X. XXXXX,
1500 Main Street,
Washington, D.C.

Dear Mr./Ms. XXXXX: Information or records concerning your transactions held by the financial institution named in the attached request are being sought by the (agency/department) in accordance with the Right to Financial Privacy Act of 1978, Title 12, United States Code, Section 3401 et seq., and Army Regulation 190–XX, for the following purpose(s):

(List the purpose(s))

If you desire that such records or information not be made available, you must:

a. Fill out the accompanying motion paper and sworn statement or write one of your own—

(1) Stating that you are the customer whose records are being requested by the Government.

(2) Giving the reasons you believe that the records are not relevant or any other legal basis for objecting to the release of the records.

b. File the motion and statement by mailing or delivering them to the clerk of any one of the following United States District Courts:

(List applicable courts)

c. Mail or deliver a copy of your motion and statement to the requesting authority: (give title and address).

d. Be prepared to come to court and present your position in further detail.

You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of (10 days from the date of personal service) (14 days from the date of mailing) of this notice, the records or information requested therein may be made available.

These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer if such transfer is made.

(Signature) _____

(Name and title of official) _____

(Army law enforcement office) _____

(Telephone) _____

3 Inclosures (see para 2–6g)

1. Copy of request
2. Motion papers
3. Sworn statement

[FR Doc. 81–4587 Filed 2–9–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

34 CFR Parts 605, 606, 642, 643, 644, 645, 646, 668, 674, 675, 676, 682, 683, 690, and 692

Public Meetings on Proposed and Final Regulation Implementing the Higher Education Amendments of 1980; Cancellation

AGENCY: Department of Education.

ACTION: Cancellation of public meetings on proposed and final regulations implementing the Higher Education Amendments of 1980.

SUMMARY: The Secretary of Education gives notice that the public meetings scheduled for the proposed and final regulations implementing the Higher Education Amendments of 1980 are cancelled.

FOR FURTHER INFORMATION CONTACT:

For Title I and TRIO programs: John R. Jones, Jr., Department of Education, 400 Maryland Avenue SW. (Room 4060, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–2787.

For Student Financial Assistance programs: James Moore, Department of Education, 400 Maryland Avenue SW. (Room 4000, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–2247.

SUPPLEMENTARY INFORMATION: The President issued a directive on January 29, 1981 that delays the effective date of certain regulations. Accordingly, the Secretary of Education cancels the public meetings announced in the **Federal Register** on January 26, 1981 (46 FR at 8032).

Persons interested in commenting on proposed and final regulations implementing the Higher Education Amendments of 1980 are urged to submit their comments in writing to the appropriate person listed in the specific regulations within the comment period specified.

(Catalog of Federal Domestic Assistance: Title I, Continuing Education Outreach: State-Administered Program (CFDA number not yet assigned); Title I, Continuing Education Outreach: special Projects (CFDA number not yet assigned); Title IV, Student Financial Aid Programs: Pell Grant Program, 84.063; Supplemental Educational Opportunity Grant Program, 84.007; State Student Incentive Grant Program, 84.069; Guaranteed Student Loan Program, 84.032; College Work-Study Program, 84.033; National Direct Student Loan Program: 84.038; and Title IV, special Programs: Training Program for Special Programs Staff and Leadership Personnel Program, 84.103; Upward Bound Program, 84.047; Talent Search Program, 84.044; Special Services for Disadvantaged Students Program, 84.042; and Educational Opportunity Centers Program, 84.066)

Dated: February 9, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–4861 Filed 2–9–81; 9:50 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–3–FRL 1749–7]

Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland submitted a proposed revision to the Maryland State Implementation Plan (SIP). This revision originates from an amendment to the Maryland Air Quality Control Regulations, COMAR 10.18.04, Control of Air Pollution in the Area III; and COMAR 10.18.05, Control of Air Pollution in Area IV. The amendment establishes a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million Btu per hour.

DATE: Comments must be submitted on or before March 12, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Carol D. Peters

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201, Attn: George P. Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision submitted on or before March 12, 1981 will be considered and should

be directed to: James E. Sydnor, Chief, DC, MD, VA Section (3AH11), Air, Toxics & Hazardous Materials Branch, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: AH025MD.

FOR FURTHER INFORMATION CONTACT: Carol D. Peters (3AH11) U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: 215–597–9139.

SUPPLEMENTARY INFORMATION: On February 20, 1980, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III, a proposed revision of the Maryland State Implementation Plan. The revision applies to the Baltimore and Washington areas only and will establish a new emission standard for sulfur oxides from existing solid fuel-fired, cyclone type fuel-burning equipment having an actual heat input in excess of 1,000 million Btu per hour. The existing regulation limits the sulfur content of solid fuel used in all fuel-burning equipment to 1% or less by weight. The proposed revision would establish an allowable sulfur oxide emission standard for cyclone type fuel-burning equipment of 3.5 pounds per million Btu actual heat input which is equivalent to approximately 2.3% sulfur by weight.

The Baltimore Gas and Electric Company, C. P. Crane Generating Station, Units 1 and 2 (200 Megawatts each) in Baltimore County, wishes to convert from 1% sulfur oil to coal under the new regulation. The Crane Station is currently under a Department of Energy prohibition order and is a prime candidate to receive a notice of effectiveness. The Crane Station cyclone furnaces require a low ash fusion temperature coal which is normally a high sulfur coal (greater than 2% sulfur by weight). The best information indicates that a 1% sulfur coal with the necessary ash fusion temperature characteristic is unavailable. Therefore, Maryland has submitted this revision to their SIP to allow B. G. and E. Crane State to burn higher sulfur coal.

The State of Maryland is requiring B.G. and E. Crane Station to use Continuous Emission Monitoring (CEM) under COMAR 10.18.01.06B(1). This regulation requires specific installations to install, use, and maintain monitoring equipment or employ other methods as requested by the Department. Maryland's Technical Memorandum 77–01 details the requirements for CEM and reporting methods for the information obtained through the use of such equipment. During times of sustained outages of the CEM equipment, Maryland plans to institute a detailed coal sampling program to determine, on a close to real time basis as possible, the maximum sulfur dioxide contribution made at this facility. Maryland will enforce the SO_2 emission limitation on a 24-hour basis.

The State submitted a modeling study for total suspended particulates (TSP) and sulfur dioxide (SO_2). The modeling study was based on the assumption that the Baltimore Gas and Electric Company, C. P. Crane Generating Station, Units 1 and 2, is the only facility being converted to coal under this revision. The State of Maryland has certified by letter dated October 1, 1980, that the Crane Units 1 and 2 constitute the only fuel-burning equipment of cyclone type in State Area III (Metropolitan Baltimore AQCR) and IV (Washington Metropolitan AQCR), making this assumption true. The model employed is the standard single-source EPA CRSTER model, using five years of National Weather Service meteorological data. Other sources in the area were also modeled to determine background concentrations.

The study predicted ground level concentrations of SO_2 at 100%, 75%, and 50% load conditions using urban coefficients to simulate an urban type of terrain. A refined grid (spacing of 0.2 Km) was run using the two years of highest indicated SO_2 ground level concentrations. For comparison purposes, rural coefficients were also used. Only minor differences were indicated in the results.

Compliance of the plant with the National Ambient Air Quality Standards for highest annual average observed and the second highest 24-hour and 3-hour averages were compared. Compliance with the NAAQS was obtained in all three cases.

The highest SO_2 Prevention of Significant deterioration (PSD) increment consumption was observed at 100% load. The PSD increments will not be exceeded. However, 82% of the 24-hour increment and 73% of the 3-hour increment would be consumed by the Crane Station Units 1 and 2.

Currently, the Baltimore area is in violation of both primary and secondary National Ambient Air Quality Standards for Total Suspended Particulates (TSP). Therefore, the PSD increment is not applicable for Total Suspended Particulates. The non-attainment plan for this area does not require any additional TSP complinace plans for power plants beyond current SIP requirements. EPA concluded, from the demonstration, that the increased TSP levels, due to the conversion of Crane Station Units 1 and 2, will not interfere with the plans for TSP attainment of this area. Moreover, increased particulate emissions from this source have an insignificant air quality impact as defined in the PSD regulations (1 ug/m^3 annual, 5 ug/m^3 24-hour) (45 Fed. Reg. 52676).

In our review of the revision, we found that the term "solid fuel" is not defined. The State of Maryland may wish to define this term in a future SIP revision to clarify their regulations.

The State submitted proof that a public hearing was held on November 28, 1979 in Baltimore, Maryland in accordance with the notice and public hearing requirements of 40 C.F.R. Section 51.4 and all relevant State procedural requirements. Therefore, the Administrator proposes to approve the revision of the Maryland State Implementation Plan.

The public is invited to submit, to the address stated above, comments on whether the amendment of the regulation should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the proposed revision meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." 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 this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entitities. This action only approves state action. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, federal inquiry into the economic reasonableness of the state action would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

(42 U.S.C. 7401–642)

Dated: December 17, 1980.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-4611 Filed 2-9-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Parts 122, 260 and 264

[SWH-FRL 1724-8]

Hazardous Waste Management System; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

Correction

In FR Doc. 81-2537, published at page 11126, in the issue of Thursday, February 5, 1981, make the following correction:

On page 11126, first column, under "**DATES**", the first line should read, "Comments are due on or before August 4, 1981."

BILLING CODE 1505-01-M

40 CFR Part 180

[OPP-300039; PH-FRL 1750-1]

Isophorone; Exemption From the Requirement of a Tolerance; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the present exemption from the requirement of a tolerance of isophorone [40 CFR 180.1001(d)] on rice, wheat, and beets be amended by broadening it to include barley, oats, and rye. The proposed amendment was requested by Rohm and Haas Co.

DATE: Written comments must be received on or before March 12, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Rohm and Haas Co., Philadelphia, PA 19105, the Administrator is proposing to amend 40 CFR 180.1001(d) by broadening the present exemption from the requirement of a tolerance for isophorone to include barley, oats, and rye. The present regulation exempts isophorone from the requirement of a tolerance when used as an inert (or occasionally active) ingredient in pesticide formulations applied to growing rice, wheat, and beets. The use reads "Solvent and cosolvent for formulations used before crop emerges from soil, for postemergence herbicide use on rice and wheat before crop begins to head, and for postemergence use on beets (sugarbeets and table beets). The present limitations on rice and wheat would also apply to barley, oats, and rye.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; and ingredients may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis for approval
Isophorone	Rohm and Haas Co., Philadelphia, PA 19105.	Two 90-day feeding studies (dog and rat). Conclusion that residue levels in barley, oats, and rye would be no greater than in rice and wheat, and that those levels are not expected to pose a hazard to the public health.

Based on the above information and a review of its use, it has been found that, when used in accordance with good agricultural practices, this substance is useful, and does not pose a hazard to the environment. It is concluded therefore, that the proposed amendment to 40 CFR 180.1001(d) the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide product under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains isophorone may request, on or before March 12, 1981, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and the document control number "OPP-3000039." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch, Rm. 514D CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

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

Dated: January 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Program.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be revised by amending § 180.1001(d) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Use
*	*	*
Isophorone		Solvent and cosolvent for formulations used before crop emerges from soil, for postemergence herbicide use on rice, wheat, barley, oats, and rye before crop begins to head, and for postemergence use on beets (sugar-beets and table beets) and spinach.
*	*	*

[FR Doc. 81-4610 Filed 2-9-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[OOP—300040; PH-FRL 1749-8]

Potassium Hydroxide; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment proposes that the inert (or occasionally active) ingredient, potassium hydroxide in pesticide formulations, be exempted from the requirement of a tolerance when applied to animals. This amendment was requested by Hopkins Agricultural Chemical Co.

DATE: Written comments must be received on or before March 12, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Hopkins Agricultural Chemical Co., Box 7532, Madison, WI 53707, the Administrator is proposing to amend 40 CFR 180.1001(e) by adding potassium hydroxide to the list of inert ingredients exempted from tolerance requirements when applied to animals. Potassium hydroxide is presently exempted from tolerance requirements when applied to growing crops or to raw agricultural commodities after harvest (180.1001(c)).

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and otgher scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis for approval
Potassium hydroxide	Hopkins Agricultural Chemical Co., Box 7532, Madison, WI 53707.	1. Potassium hydroxide is generally recognized as safe (GRAS) by the Food and Drug Administration (21 CFR 182.1631). 2. The Federation of American Societies of Experimental Biology has recommended the GRAS status of this compound be reaffirmed. 3. Because only small quantities should be required in pesticide formulations when used as a neutralizer, this exemption does not add significantly to the usual dietary load of potassium. 4. Food Chemicals Codex specifications must be met.

Based on the above information, the chemistry of this substance, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains calcium potassium may request, on or before March 12, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the petition and the document control number, "OPP-300040." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514 D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

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

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

Dated: January 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by alphabetically inserting potassium hydroxide under § 180.1001(e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * *		
Potassium hydroxide	Meeting Food Chemicals Codex specifications.	Neutralizer.
* * * * *		

[FR Doc. 81-4628 Filed 2-9-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 67

[Docket No. FEMA-5984]

National Flood Insurance Program Proposed Zone Designations for Carroll County, Unincorporated Areas, Maryland

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at the County Office Building, 225 North Center Street, Westminster, Maryland.

Send comments to: Mr. George A. Grier, Administrative Assistant to the County Commisisoners, Carroll County, County Office Building, 225 North Center Street, Westminster, Maryland 21157.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for Carroll County, Maryland, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A7 and Zone B along Little Pipe Creek between the Conrail tracks, which are adjacent to the confluence of Little Pipe Creek and Sams Creek, and the corporate limits of the Town of Union Bridge, Maryland.

Zone A4 and Zone A7 along Cranberry Branch in the vicinity of the Westminster Reservoir.

Zone A4 along Cranberry Branch between Manchester Road and the confluence of Cranberry Branch with the West Branch Patapsco River.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 2, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4629 Filed 2-9-81: 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5985]

National Flood Insurance Program; Proposed Incorporated Annexed Areas, Base Flood Elevations and Zone Designations for the City of Columbia, Mississippi

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed incorporated annexed areas, based flood elevations and zone designations described below.

The proposed incorporated annexed areas, base flood elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed incorporated annexed areas, base flood elevations and zone designations are available for review at the Mayor's Office, City Hall, City of Columbia, Mississippi.

Send comments to: The Honorable Robert R. Bourne, Mayor, 201 2nd Street, Columbia, Mississippi 39429.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line, (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed incorporated annexed areas, base flood elevations (100-year flood) and zone designations for the City of Columbia, Mississippi in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The incorporated annexed areas, base flood elevations and zone designations together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed incorporated annexed areas, base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Balls Mill Creek Tributary	Approximately 150 feet upstream from Park Avenue	147 (NGVD)	A4
Balls Mill Creek Tributary	Approximately 400 feet downstream from Pearl Street	152 (NGVD)	A4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 18, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 8, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4630 Filed 2-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5991]

National Flood Insurance Program; Proposed Zone Designations for Crawford County, Unincorporated Areas, Wisconsin

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 111 West Dunn Street, Prairie du Chien, Wisconsin.

Send comments to: Mr. Robert Dillman, Chairman, Crawford County Board, 111 West Dunn Street, Prairie du Chien, Wisconsin 53821.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for Crawford County, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone C in a small area between Garnet Lake and the Chicago Milwaukee St. Paul and Pacific Railroad, and in the area between State Route 35 and the Burlington Northern Railroad which ranges from 2200 to 6000 feet north of the State Route 35 bridge over Picatee Creek.

Zone A and Zone C along the Mississippi River, Winneshiek Slough, Rush Creek, Kickapoo River, Tainter Creek, Trout Creek, Bear Creek, Lake Winneshiek, Buck Creek, Copper Creek, North Branch Morgan Creek, South Branch Morgan Creek, Halls Branch, Crow Hollow Creek, Sand Creek, Shaw Creek, Du Charme Creek, Gremore Lake, Duffy Creek, Pine Creek, Plum Creek, Little Kickapoo Creek, Wisconsin River, Garnet Lake, Gran Grae Creek and Richland Creek.

Zone A6 along the Kickapoo River between the Village of Soldier Grove's corporate limits and a point approximately 6000 feet upstream.

Zone A9 along the Wisconsin River in the area between U.S. Route 61 and a point approximately 1900 feet downstream.

Zone A10 in the area bounded approximately by State Route 35 on the east, the Burlington Northern Railroad on the west, Limery Coulee on the South, and Mill Coulee on the north.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 16, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4631 Filed 2-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5981]

National Flood Insurance Program; Proposed Base Flood Elevation Determinations for the City of Guttenberg, Clayton County, Iowa

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations as described below.

The proposed base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Office of the City Manager, City Hall, Guttenberg, Iowa.

Send comments to: The Honorable Vernon Heck, Mayor, City of Guttenberg, P.O. Box D, Guttenberg, Iowa 52052.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations for the City of Guttenberg, Iowa, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations, together with the flood plain management measures required by Section 60–3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent on their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed change in base (100-year) flood elevations are as follows:

Source of flooding	Location	Elevation (national geodetic vertical datum)
Mississippi River	At the northernmost corporate limits.	623
	North of the intersection of Fourth Street with Second Street.	623
	East of the intersection of Pearl Street with River Park Drive.	622

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 14, 1981.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 81–4632 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 5986]

National Flood Insurance Program; Proposed Elevations and Boundaries for the County of Hinds, Mississippi

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations and boundaries described below.

The proposed elevations and boundaries will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and boundaries are available for review at the Chancery Court Building, Jackson, Mississippi.

Send comments to: Mr. Herbert Berryhill, President, Board of Supervisors, Hinds County, Chancery Court Building, Jackson, Mississippi 39205.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line, (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevations and boundaries (100-year flood) for the County of Hinds, Mississippi in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The elevations and boundaries together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and boundaries for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Bakers Creek	Between the corporate limits for the City of Jackson and the limit of detail study north of Dean Road.	296–308 feet NGVD	A3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 16, 1981.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 81–4633 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA 5987]

National Flood Insurance Program; Proposed Zone Boundaries, Base Flood Elevations, and Zone Designations for the Borough of Pine Beach, New Jersey

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone boundaries, base flood elevations, and zone designations described below.

The proposed zone boundaries, base flood elevations, and zone designations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed zone boundaries, base flood elevations, and zone designations are available for review at the Mayor's Office, Borough Hall, Pine Beach, New Jersey.

Send comments to: The Honorable Benjamin Mabie, Mayor, Borough Hall, Office of the Borough Clerk, 599 Pennsylvania Avenue, Pine Beach, New Jersey 08741.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line: (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone boundaries, base flood elevations (100-year flood), and zone designations for the Borough of Pine Beach, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The zone boundaries, base flood elevations, and zone designations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed zone boundaries, base flood elevations, and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Toms River	Along river within the corporate limits	6'(msl)	A3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 16, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4634 Filed 2-9-81: 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5980]

National Flood Insurance Program; Proposed Incorporation of Annexed Areas and Revised Zone Designations for the City of Fort Pierce, Florida

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed incorporation of annexed areas and revised zone designations described below.

The proposed incorporation of annexed areas and revised zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed incorporation of annexed areas and revised zone designations are available for review at the Mayor's Office.

Send comments to: The Honorable Buell Brown, Mayor, City Hall, P.O. Box 1480, For Pierce, Florida 33450.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line, (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed incorporation of annexed areas and revised zone designations for the City of Fort Pierce, Florida in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The incorporated annexed areas and revised zone designations together with the floodplain management measures required by Section 60.3 of the program

regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed

Source of flooding	Location	Elevation (feet)	Zone
Indian River	Area along the Florida East Coast Railroad, from Georgia Avenue to the north to Southern Avenue to the south.	17 feet NGVD	AH
Indian River	Area south of Savannah Road, east of South 4th Street and bordered on the west and south by corporate limits.	17 feet NGVD	AH
Canal 5A (Virginia Ave.)	Area south of Virginia Avenue bordered by the corporate limits	19 feet NGVD	A11
Canal 5A (Virginia Ave.)	Areas south of Zephyr Avenue bordered by the corporate limits	20 feet NGVD	A10
Canal 5A (Virginia Ave.)	Area west of south 17th Street bordered by the corporate limits	20 feet NGVD	A10
Cortez Boulevard Canal	Area south of Paseo Avenue, west of Sunrise Boulevard and east of the corporate limits.	19 feet NGVD	A11
Edwards Road Canal	Area south of Paseo Avenue, west of Sunrise Boulevard and east of the corporate limits.	19 feet NGVD	A8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 16, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81–4635 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5989]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Pendleton, Umatilla County, Oregon

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the City Recorder, 34 S.E. Dorion, Pendleton, Oregon.

Send comments to: The Honorable Joe McLaughlin, Mayor, City of Pendleton, P.O. Box 190, Pendleton, Oregon 97801.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Pendleton in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations in the recently annexed areas are:

Source of flooding	Location	Elevation (national geodetic vertical datum)
Tutuilla Creek	Approximately 1900 feet upstream from U.S. Route 395.	1,063
	Confluence with Patawa Creek.	1,084
	Approximately 600 feet downstream from Athens Avenue.	1,091
McKay Creek	Approximately 200 feet upstream of S.W. Jay Avenue.	1,045
	Approximately 200 feet downstream of S.W. 39th Street.	1,049

The proposed zone designation, identified as Zone A8, is located along the Umatilla River, between N.W. 10th Street and a point approximately 1000 feet downstream from the Union Pacific Railroad. The proposed Special Flood Hazard Areas, identified as Zone A, are located along Patawa Creek and Nelson Creek.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 8, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81–4636 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA-5982]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Pratt, Pratt County, Kans.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the City Clerk, Third and Jackson, Pratt, Kansas.

Send comments to: The Honorable James W. Van Blarieum, P.O. Box 807, Pratt, Kansas 67124.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080)

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Pratt in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations along Valley View Ditch and the South Fork Ninnescah River are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Valley View Ditch	Southern corporate limits	1,836
	Upstream side of 6th Street	1,838
	Upstream side of 1st Street	1,852
	Approximately 1200 feet south of Maple Street.	1,853
South Fork Ninnescah River.	Eastern corporate limits	1,832
	Approximately 700 feet downstream of Ridge-way Avenue.	1854

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 8, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81-4637 Filed 2-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5990]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Springville, Utah County, Utah

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the City Clerk, 50 South Main Street, Springville, Utah.

Send comments to: The Honorable John T. Marshall, Mayor, City of Springville, 50 South Main Street, Springville, Utah 84663.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Springville, Utah, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zones and base flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hubble Creek	Just upstream of 900 South	4,652
	Just upstream of Hobble Creek Drive.	4,667
	Southernmost corporate limits.	4,682

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: January 15, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81–4638 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR PART 67

[Docket No. FEMA–5983]

National Flood Insurance Program; Proposed Zone Designations for the City of Vadnais Heights, Ramsey County, Minn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below. The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 3782 McMenemy Street, Vadnais Heights, Minnesota.

Send comments to: The Honorable Henry J. Tessier, Jr., City of Vadnais Heights, 3782 McMenemy Street, Vadnais Heights, Minnesota 55110.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Vadnais Heights, Minnesota, in accordance with Section 110 of the Flood disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are: Zone A along Sucker Lake, Lake Vadnais, Willow Lake, and in all ponding areas as shown on the Comprehensive Drainage Plan prepared for the City of Vadnais Heights by Milner W. Carley and Associates, Incorporated, revised April 12, 1979.

Zone C in all other areas of the community.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 6, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81–4639 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5988]

National Flood Insurance Program; Proposed Zone Designations for the City of Westerville, Franklin, and Delaware Counties, Ohio

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 21 South State Street, Westerville, Ohio.

Send comments to: Mr. Maynard Dils, City Manager, City of Westerville, 21 South State Street, Westerville, Ohio 43081.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Westerville, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (10-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the

community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A, Zone B, and Zone C in an area ranging west from Alum Creek along Spring Hollow to the corporate limits.

Zone A and Zone C along an eastern tributary of Alum creek in numerous areas between the southern corporate limits and a point approximately 200 feet south of East College Avenue.

Zone B along Alum Creek adjacent to the point where Cleveland Avenue exists the northern corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: January 8, 1981.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 81–4640 Filed 2–9–81; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 46, No. 27
Tuesday, February 10, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Planning; Interim Policy

AGENCY: Forest Service, Department of Agriculture.

ACTION: Notice of Interim Policy.

SUMMARY: Pursuant to Section 6 of the National Forest Management Act of 1976 (16 U.S.C. 1604) and Secretary of Agriculture's Regulation 36 CFR 219, Subpart A, National Forest System Land and Resource Management Planning, interim policy has been formulated to integrate timber management planning into the land and resource management planning process. This interim policy is being incorporated into the Forest Service Manual (FSM) as an Interim Directive to FSMN 24100.

The policy is being implemented on an interim basis to provide a trial period during which the Forest Service and other interested parties may test the adequacy of the policy in the ongoing Forest Service Regional and Forest planning process.

Public and other comments will be used to assist in revision of this interim policy following the trial period. Much of this material will then be incorporated into FSM 1920, the Land and Resource Management Planning chapter of the Forest Service Manual.

Copies of the interim directive are available for review in offices of the Chief, Regional Foresters, Forest Supervisors, and District Rangers. Copies may also be obtained by mail from Karl Bergsvik, whose address appears below.

DATE: Comments must be received by: May 11, 1981.

SEND WRITTEN COMMENTS TO:
R. Max Peterson, Chief (2410), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT:
Karl Bergsvik, Timber Management Staff, Room 3226, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, Telephone: (202) 447–8709.

Douglas R. Leisz,
February 4, 1981.
Associate Chief.

[FR Doc. 81–4697 Filed 2–9–81; 8:45 am]
BILLING CODE 3410–11–M

Rural Electrification Administration

Alabama Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Environmental Assessment (EA) and, based upon this EA, REA made a Finding of No Significant Impact (FONSI) in connection with the proposed transmission projects and barge unloading facility modifications associated with the "S9" loan for Alabama Electric Cooperative, Inc. (AEC).

The proposed transmission projects will be located in southern Alabama in Houston, Geneva, Covington, Escambia, Baldwin and Dale Counties and in the Florida Panhandle region in Escambia, Okaloosa, Walton, Holmes, Washington and Bay Counties. These projects include approximately 170 miles of 115 kV transmission line, two new substations, two new switching stations and new terminal facilities at five existing stations. The barge unloading facility is located at the Tombigbee generating plant near Jackson, Alabama, and requires renovation and upgrading.

AEC prepared Borrower's Environmental Reports (BER's) concerning the proposed projects. Based on these BER's and other support documents, REA prepared an EA. REA's independent evaluation of these projects and the above-mentioned documents leads it to conclude that approval of the projects does not represent a major Federal action that will significantly affect the quality of the human environment and, in accordance with Sections IV B and IV D.1 of REA Bulletin 20–21:320–21, REA has made a Finding of No Significant Impact.

Various alternatives to the proposed projects have been considered by AEC and REA. The alternatives examined for proposed transmission projects include no action, alternative connection points, network arrangements and routes, and alternative substation sites. The alternatives examined for the proposed renovation and upgrading of the existing barge unloading facility and the Tombigbee plant include no action, rail and truck transportation, and alternative means of modifying the barge unloading facility. It has been determined that the most economical and environmentally acceptable alternatives are the proposed projects.

REA has also determined that the proposed projects will not adversely impact any threatened or endangered species, important farmlands, archaeological and historical resources, wetlands, and floodplains.

Copies of REA's FONSI and EA, and AEC's BER's may be reviewed in the office of Frank W. Bennett, Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, Telephone 447–6183, and AEC's headquarters on Highway 29 North (Montgomery Highway), Andalusia, Alabama, 36420.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 3rd day of February, 1981.

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–4557 Filed 2–9–81; 8:45 am]
BILLING CODE 3410–15–M

Basin Electric Power Cooperative; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact in connection with a request for REA financing assistance to Basin Electric Power Cooperative (Basin) headquartered in Bismarck, North Dakota.

The request for REA financing assistance will provide ncessary funds required by Basin for their 46 percent share in the 345/115 kV Groton Substation addition and related 115 kV Transmission Tie Line.

Basin has prepared an Environmental Report and REA has prepared an Environmental Assessment concerning the possible loan guarantee.

Besides the "no action" and "energy conservation" alternatives, which proved to be unacceptable, various alternative sites were considered by Basin. These alternatives include: (1) the proposed Groton Substation site, located in Brown County, 8.0 line (five miles) south of Groton and adjacent to an existing substation; (2) the Groton Substation Alternate Site, located west of the existing WAPA Substation and across State Highway 37; and (3) the James River Substation Site, located under the 345 kV Watertown line near the James River Crossing.

REA's independent evaluations of the environmental effects of the project undertaken by Basin lead to the following conclusions: (1) there is no need for REA to prepare an Environmental Impact Statement in connection with the proposed financing assistance; and (2) the proposed financing assistance to Basin does not represent a major Federal Action that will significantly affect the quality of human environment.

Based on REA's independent evaluation, including the REA Environmental Assessment and the Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV–B and IV–D of REA Bulletin 20–21: 320–21.

Copies of REA's Finding of No Significant Impact and REA's Environmental Assessment may be reviewed in the Office of the Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, Phone: (202) 447–6183 or at the office of Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501. Copies may be obtained upon request at the addresses given above.

This Federal Assistance Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 3rd day of February 1981.

Joe S. Zoller,

Administrator, Rural Electrification Administration.

[FR Doc. 81–4558 Filed 2–9–81; 8:45 am]

BILLING CODE 3410–15–M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences
Date: February 19–20, 1981
Time and place: February 19, 1981, 8:30 a.m.–4:30 p.m.; February 20, 1981, 8:30 a.m.–12:00 noon, Olde Colony Motor Lodge, Corner N. Washington & First Streets, Alexandria, Virginia.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Discussion of the Joint Council structure for planning and coordination; consideration of issue papers for the new Secretary of Agriculture; discussion of Joint Council agenda for 1981; review draft of revised Title XIV legislation.
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C. this 27th day of January, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–4603 Filed 2–9–81; 8:45 am]

BILLING CODE 3410–03–M

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the follow meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.
Date: February 18, 1981.
Time and Place: 8:30 a.m.–12:00 noon, Olde Colony Motor Lodge, Corner North Washington and First Streets, Alexandria, Virginia.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Review Joint Council response to Users Advisory Board report; issue paper for the new Secretary of Agriculture; and draft of revised Title XIV legislation.
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C. this 27th day of January, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–4604 Filed 2–9–81; 8:45 am]

BILLING CODE 3410–03–M

Joint Meeting of the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Science and Education Administration announces the following meeting:

Name: Joint meeting: Joint Council on Food and Agricultural Sciences/National Agricultural Research and Extension Users Advisory Board.
Date: February 18, 1981.
Time and place: 1:15–5:00 p.m., Olde Colony Motor Lodge, Corner North Washington and First Streets, Alexandria, Virginia.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Joint discussion of the issues of Natural Resources and Agricultural Productivity and consideration of actions that should be taken by each group related to these priorities.
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Departmment of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651.

Done at Washington, D.C. this 27th day of January, 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81–4602 Filed 2–9–81; 8:45 am]

BILLING CODE 3410–03–M

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776) the Science and Education Administration announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board
Date: February 16–18, 1981
Time: 8:00 a.m.–5:00 p.m., February 16–17; 8:00 a.m.–Noon, February 18.

Place: Olde Colony Motor Lodge, Corner North Washington and First Streets, Alexandria, Virginia

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit

Comments: Time will be made for non-member statements on February 17, or the public may file written comments before or after the meeting with the contact person below

Purpose: The Board will be reviewing and discussing the 1982 Executive Budget proposal on agricultural research and extension in preparation for developing its March Report to the President and the Congress

Contact person for agenda and more information: Dr. James M. Meyers, Executive Secretary of the Users Advisory Board; Science and Education Administration; U.S. Department of Agriculture; Washington, D.C. 20250; telephone 202–447–3684.

Done at Washington, D.C., this 29th day of January 1981.

John G. Stovall,

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 81–4601 Filed 2–9–81; 8:45 am]

BILLING CODE 3410–03–M

CIVIL AERONAUTICS BOARD

[Docket No. 39251; Order 81–2–22]

Institution of Gateways to Brazil Case

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81–2–22 Instituting Investigation.

SUMMARY: The Board is issuing an order instituting and setting for an oral hearing the *New Gateways to Brazil Case* to select one or more new gateways and carriers from U.S. points other than New York, Miami, and Los Angeles and to consider the suspension or amendment of Pan American World Airways' and Braniff International Airways' currently dormant U.S. authority to Brazil.

DATES: Applications and petitions for reconsideration of the order shall be filed no later than February 13, 1981; answers shall be filed no later than February 18, 1981. Petitions for leave to intervene and motions to consolidate shall be filed with the administrative law judge no later than February 17, 1981.

ADDRESS: Applications, petitions, motions, and answers should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39251, *New Gateways to Brazil Case.*

FOR FURTHER INFORMATION CONTACT: Laurie Schaffer, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–2–22 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–2–22 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–4690 Filed 2–9–81; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 32629; Order 81–2–17]

Saudi Arabian Airlines Corp; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81–2–17.

SUMMARY: The Board proposes to approve the following application:

Applicant: Saudi Arabian Airlines Corporation.

Application Date: June 20, 1980 and amended December 19, 1980 Docket 32692.

Authority Sought: Renewal of its foreign air carrier permit, to provide planeload charters of property between a point or points in Saudi Arabia and the coterminal points New York, New York, and Houston and Dallas/Ft. Worth, Texas, until October 26, 1982, and modification of its frequency limitation from four round-trip flights per week to 32 round-trip flights per month.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall NO LATER THAN March 2, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Kingdom of Saudi Arabia. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESS FOR OBJECTIONS:

Docket 32629, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Saudi Arabian Airlines Corporation, c/o William A. Nelson, Shea & Gould, 1627 K Street NW., Washington, D.C. 20006.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Contact Agnes M. Trainor, Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5134.

By the Civil Aeronautics Board: February 4, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–4691 Filed 2–9–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 2, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00035. Applicant: U.S. Department of Energy c/o Battelle Memorial Institute, Pacific Northwest Laboratory, P.O. Box 999, Richland, WA

99352. Article: Scanning Transmission Electron Microscope (STEM) and Accessories. Manufacturer: Philips Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of a wide range of materials including: molybdenum, nickel, nickel alloys, ferritic steels, austenitic steels, amorphous metal alloys, sputter deposited alloys and complex glassy materials. the research programs to be conducted will include: Radiation effects in metals, fundamentals of stress corrosion and corrosion fatigue, study of the influence of the sputtering parameters on the microstructure of sputter deposited alloys. The primary objective of the studies is to understand the behavior of crystalline defects which lead to the development of certain microstructural and microchemical characteristics. Application received by Commissioner of Customs: October 30, 1980.

Docket No. 81–00038. Applicant: Rex Hospital, 1311 St. Mary's Street, Raleigh, North Carolina 27603. Article: Radiation Therapy Simulator, Therasim 750. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: the article is intended to be used for clincial research and education with the primary goal being to assure accurate treatment of patients. Application received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75246. Article: TP–11 Radiotherapy Planning System. Manufacturer: Atomic Energy of Canada, Limited, Canada. Intended use of article: The article is intended to be used for studies of the efficiency and/or homogeneity of the radiation distribution in the treatment of cancer patients. This phenomenon is to be studied using radiation alone and/or radiation in conjunction with other modalities as a function of field size position, and type of radiation (photon or electron). Investigative clinical protocols will continue to be designed in order to evaluate new methods for use of radiation in order to optimize the effectiveness of each individual's situation. The article will also be used for educational purposes in the courses: Radiation Physics, Computer Application in Medicine, Dosimetry of Treatment Planning, and Review of Radiation Physics for Residents. Application received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00041. Applicant: Medical College of Georgia, 1120 15th Street, Augusta, Georgia 30912. Article: TP–11 Radiation Therapy Planning System. Manufacturer: Atomic Energy of Canada, Limited, Canada. Intended use of article: The article is intended to be used for studies of cancer patients undergoing radiation therapy treatment. Investigations will be conducted to improve the quality of radiotherapy by improving the knowledge of the distribution dose three-dimensionally, with correction for bone or other inhomogeneities. In addition the article will be used in training technologists at the B.S. level to specialize in dose calculations. Application received by Commission of Customs: November 3, 1980.

Docket No. 81–00042. Applicant: The Cancer Therapy and Research Center of San Antonio, 4450 Medical Drive, San Antonio, Texas 78229. Article: TP–11 Radiotherapy Treatment Planning System. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used for studies of the efficacy of radiation in the treatment of cancer patients. Experiments will consist of investigative clinical protocols presently being used as well as new modalities for use of radiation combined with other treatment modalities to determine what treatment protocols offer optimal survival rates for patients with cancer. In addition, the article will be used in hands-on type educational courses in which the students work alongside experienced personnel under actual clinical conditions. Application received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00043. Applicant: Capital Area Radiation and Research Center, 2600 East MLK Blvd., Austin, Texas 78702. Article: TP–11 Radiotherapy Planning System, Plotter, and Processor. Manufacturer: Atomic Energy of Canada, Limited, Canada. Intended use of article: The article is intended to be used for studies of the effectiveness of different treatment modalities in radiation therapy of cancer patients. This will be studied by trying out different treatment methods and optimizing radiation dosage in tumor volume. The article will also be used in the course Dosimetry of Radiation Therapy to teach new x-ray technologists working in radiotherapy the principles of composite isodose distribution as a function of various radiation beam parameters. Application received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00044. Applicant: Letterman Army Medical Center, Radiation Therapy Service, Room 121, Presidio of San Francisco, CA 94129. Article: Therapy Simulator, Therasim 750. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used for physician training in performing all relevant treatment for cancer using radiation. Application received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00045. Applicant: Southern California Permanente Medical Group, 1510 North Edgemont Avenue, Los Angeles, CA 90027. Article: TP–11 Computer & Treatment Planning System. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used to retrieve and compile scientific diagnostic data in patient files to be used in the planning of patient radiation therapy treatment. Application Received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00046. Applicant: Baptist Medical Center, 800 Prudential Drive, Jacksonville, Florida 32207. Article: Radiation Treatment Planning System, TP–11. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for studies of cancer patients undergoing radiation therapy treatments. Investigations will be conducted to improve the knowledge of the dose distribution three-dimensionally with tissue inhomogeneity and obliquity corrections. This knowledge will make it possible to optimize radiation therapy treatment planning. This should eventually improve the cure rates for potentially curable lesions and minimize side effects and complications. Application Received by Commissioner of Customs: November 3, 1980.

Docket No. 81–00051. Applicant: Booth Memorial Medical Center, Pathology Department, 56–45 Main Street, Flushing, NY 11355. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to interpret kidney biopsies as well as to study surgical specimens where light microscopy does not allow for a definitive diagnosis. The article will also be used in training residents in pathology. Application Received by

Commissioner of Customs: November 6, 1980.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 81-4615 Filed 2-9-81; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 2, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00019. Washington University, Lindell and Skinner Blvd., St. Louis, Missouri 63130. Article: JEM 100CX Electron Microscope. Manufacturer: Jeol Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues. Included among these will be nerve and muscle tissues and samples from patients with neurological diseases. The experiments and materials studied will vary greatly. Some investigators will be observing changes in the macromolecular composition of the plasma membranes of nerves and muscles. Others will be comparing the membranes of nerves from dystrophic animals with those of normals. Still others will be interested in the morphology of the axoplasmic ground substance and the structures in axons which actively transport material. In addition, the article will be used in the course "Cell Biology" to introduce students to standard preparative techniques for both scanning and transmission electron microscopy. Numerous students (undergraduate and graduate), staff, postdoctoral students and faculty members will be taught to use the article throughout the year as they become involved in various research projects. Application received by Commissioner of Customs: October 21, 1980.

Docket No. 81-00021. Applicant: Georgia Institute of Technology, Engineering Experiment Station, Atlanta, Georgia 30332. Article: Extended Interaction Oscillator, Type VKB 2443T2, and Samarium Cobalt Magnet, VKB 2443GI. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used to make radar cross section and backscatter measurements of military hardware during millimeter wave radar research. Application received by Commissioner of Customs: October 21, 1980.

Docket No. 81-00022. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Diffractometer System. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used to identify the phase and compound of thin films, bulk crystals of various elements as well as organic and inorganic compounds used in photovoltaic (PV) devices. The article will also provide the ability to precisely measure the lattice parameter of crystalline materials, line broadening random stress, and texture measurements needed on PV materials. Application received by Commissioner of Customs: October 23, 1980.

Docket No. 81-00023. Applicant: Howard University, Department of Chemistry, Washington, D.C. 20059. Article: Excimer-Multigas Laser, Model EMG-200. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is to be used to generate radiation of ultrahigh specral brightness at wavelengths of 157 and 193 nm. With the light simultaneous and sequential multiphoton processes, radical-radical reactions and photodissociation of free radicals will be studied. Application received by Commissioner of Customs: October 23, 1980.

Docket No. 81-00024. Applicant: Department of Agriculture, Animal Disease Laboratory, 1801 Seminary Street, Galesburg, IL 61401. Article: Electron Microscope, EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of various biological materials, for example: fixed, thin sections of porcine intestine; diluted, unfixed fecal material containing virus particles from diseased or suspect swine, sprayed onto a coated grid for rapid examination and the taking of electron micrographs; or tissue culture fluids containing harvested virus particles after propagation. The nature of the work with the article will be that of rapid diagnosis; i.e., the article will be used to (a) confirm the presence or absence of virus particles in the case material examined, and (b) to classify the virus particles by observation and study of their size, shape, and structure as revealed by negative staining with phosphotungstic acid or other appropriate staining methods. Application received by Commissioner of Customs: October 23, 1980.

Docket No. 81-00025. Applicant: Columbia University in the City of New York, Department of Chemistry, 119th Street and Broadway, New York, NY 10027. Article: High Pressure Cell. Manufacturer: Union Giken, Ltd., Japan. Intended use of article: The article is intended to be used for studies of aqueous detergent micelle solutions. CMC, aggregate numbers, dynamics of formation, entrance and exit rates will be investigated. Application received by Commissioner of Customs: October 24, 1980.

Docket No. 81-00026. Applicant: Mayo Foundation, 200 S.W. First Street, Rochester, MN 55901. Article: Electron Microscope, Model 400T and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used in the Neuromuscular Research Laboratory for the study of biological material consisting of normal and diseased skeletal muscle and cultured muscle cells. Experiments to be conducted will include: (1) Examination of ultrastructural changes in the organelles of the muscle fiber, the intramuscle nerves and blood vessels to obtain clues on the causes and pathological mechanisms of disorders; (2) Investigation of animal models of neuromuscular disorders to gain better insights into mechanisms of the human disease; (3) Muscle cells cultured in vitro for detecting and analyzing ultrastructural abnormalities which have been in muscle specimens in vivo. The article will also be used for training of postdoctoral fellows. Application received by Commissioner of Customs: October 24, 1980.

Docket No. 81-00027. Applicant: Department of Interior, Geological Survey, Branch of Isotope Geol., Box 25046, MS 963, Denver Federal Center, Denver, Colorado 80225. Article: Mass Spectrometer, Model 54-E. Manufacturer: VG-Isotopes, Limited, United Kingdom. Intended use of article:

The article is intended to be used to determine the isotopic composition of elements in geological specimens. The measurement of the isotopic composition of lead, strontium, neodymium, and hafnium in terrestrial and extraterrestrial samples (lunar and meteorites) are for geochronological investigation using U-pb, Th-pb, Rb-Sr, Sm-Nd, and Lu-Hf systematics. Application received by Commissioner of Customs: October 27, 1980.

Docket No. 81–00028. Applicant: University of Rochester, Cancer Center, 601 Elmwood Avenue, Box 704, Rochester, New York 14642. Article: Therac 20 Saturne Linear Accelerator. Manufacturer: A.E.C.L., Canada. Intended use of article: The foreign article is to be used for participation and development of clinical trials in a variety of tumor sites including: Hodgkin's disease stage II, non-Hodgkin's lymphomas stages I and II, chronic lymphochronic leukemia, lung cancer in localized stages and GI malignancies. The foreign article is also to be used to implement an optimization program in routine radiation therapy for quality patient care. In addition the article will be used in the training of: (1) modern radiation oncologists; (2) medical onocology fellows who rotate through Radiation Oncology and are exposed to the procedures and techniques; (3) medical students (summer fellowship program); (4) pursing students; (5) non-oncologic house officers; and (6) other specialists such as GYN and Pediatric specialists. Application received by commissioner of Customs: October 27, 1980.

Docket No. 81–00029. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, Conn. 06511. Article: Excimer Laser, EMG 102. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of Article: The article is intended to be used as an energy source to pump a high power tunable dye laser system. The high peak and average power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical and biological interest. The article will also be part of a Chemistry Department Laser Spectroscopy Facility which will be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical and biophysical research. Application received by Commissioner of Customs: October 27, 1980.

Docket No. 81–00030. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Impedance Bridge. Manufacturer: Hewlett Packard, Japan. Intended use of article: The article is intended to be used to identify the mechanisms which control the junction rectification for bulk and thin film photovoltaic semiconductor devices. The experiments to be conducted will include (1) capacitance as a function of applied bias and frequency; (2) conductance as a function of applied bias and frequency; and (3) barrier height as a function of temperature and frequency. Application received by Commissioner of Customs: October 30 1980.

Docket No. 81–00031. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, AZ 85705. Article: Repair of Klystron Type VRB 2113A30. Manufacturer: Varian Canada Inc., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Application received by Commissioner of Customs: October 30 1980.

Docket No. 81–00032. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street I6, Philadelphia, PA 19104. Article: Rotating Anode X-ray Generator. Manufacturer: Rigaku Corp., Japan. Intended use of article: The article is intended to be used to study disordered materials such as metals and alloys, glasses and polymers in order to determine their atomic structure. The experiments with these materials will be made using energy dispersive X-ray diffraction. The objective of these investigations in determining the atomic structure of these substances is to better explain their physical and chemical properties and to gain insight as to how these properties might be changed by altering their atomic structure. Application received by Commissioner of Customs: October 30, 1980.

Docket No. 81–00033. Applicant: Geophysical Institute, University of Alaska, Fairbanks, Alaska 99701. Article: Shallow Sounding Magnetic Induction Tool, Model EM–38. Manufacturer: Geonics, Ltd., Canada. Intended use of article: The article is intended to be used for studies of the conductivity in ground ice and permafrost. Application received by Commissioner of Customs: October 30, 1980.

Docket No. 81–00034. Applicant: U.S. Department of Interior, Bureau of Mines, 4900 LaSalle Road, Avondale, Maryland 20782. Article: Electron Microscope, Model H–600–3 and Accessories. Manufacturer: Nissei Sanyo America, Ltd., Japan. Intended use of article: The article is intended to be used to study mineral particulates related to environmental problems, asbestos, corrosion products, flotation minerals, and geothermal scales. In addition to high magnification research, elemental analysis of very small mineral particulates will be performed by electron induced x-ray elemental analysis. The article will also be used for high resolution crystal lattice research as well as identification of minerals and corrosion products by electron diffraction. Application received by Commissioner of Customs: October 30, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director.

[FR Doc. 81–4616 Filed 2–9–81; 8:45 am]

BILLING CODE 3510–25–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 premature 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 or particular inventions should

be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordination, 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, DC 20310

Patent application 6–087,114: Induction Heating or Ion Plating Induction Heating Calcium Chemical Pump; filed October 22, 1979

Patent application 6–108,195: Bi-Orthogonal PCM Communications System Employing Multiplexed Noise Codes; filed December 28, 1979

Patent application 6–126,516: Frequency Agility Technique for Frequency Scanned Antenna; filed March 3, 1980

Patent application 6–134,858: Video Tracker; filed March 28, 1980

Patent application 6–137,651: Direct Conversion Analog to Digital Converter; filed April 7, 1980.

Patent application 6–138,055: Capillary Waveguide Laser with Cooled Porous Walls; filed April 7, 1980

Patent application 6–140,345: Travelling-Wave Tube Utilizing Vacuum Housing as an RF Circuit; filed April 14, 1980

Patent application 6–142,917: Small Broadband Antennas Using Lossy Matching Networks; filed April 23, 1980

Patent application 6–145,180: Resonator Configurations for Severe Environments; filed April 30, 1980

Patent application 6–146,560: Phase Shifter and Line Scanner for Phased Array Applications; filed May 5, 1980

Patent application 6–146,804: Matched High Q.High Frequency Resonators; filed May 5, 1980

Patent application 6–147,778: Method of Chemically Polishing a Doubly Rotated Quartz Plate; filed May 8, 1980

Patent application 6–148,428: Nuclear Activated CW Chemical Laser; filed May 9, 1980

Patent application 6–148,636: Isolation Transformer; filed May 12, 1980

Patent application 6–149,204: Bonded Grid-Cathode Electrcode Structure; filed May 12, 1980

Patent application 6–150,765: Optical Fiber Dispenser; filed May 19, 1980

Patent application 6–153,299: Millimeter-Wave Dielectric Waveguide Power Limiter for Self-Oscillating Mixer; filed May 27, 1980

Patent application 6–155,347: A Power Measuring Device for Pulsed Lasers; filed June 2, 1980

Patent application 6–159,730: Noise Reduction in Engine Exhaust; filed June 16, 1980

Patent 4,187,300: Use of Phosphonium Salts in Treatment of African Trypanosomiasis; filed December 20, 1978, patented February 5, 1980, not available NTIS

Patent 4, 209,510: Ammonia-Cyanoborane, Sodium Iodide Complex; filed November 14, 1978, patented June 24, 1980, not available NTIS

Patent 4,209,519: Anti-Leishmanial Lepidine Derivatives; filed March 13, 1978, patented June 24, 1980, not available NTIS

Patent 4,210,099: Floating Receptacle for Collecting Histologic Material; filed January 19, 1979, patented July 1, 1980, not available NTIS

Patent 4,214,272: Video Highlight Attenuation Processor; filed April 17, 1979, patented July 22, 1980, not available NTIS

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, DC 20324

Patent application 6–128,345: Wide Range Multiple Time Mark Generator; filed March 7, 1980

Patent application 6–160,260: Multilayer Extender Board; filed June 17, 1980

Patent application 6–162,555: Optical Fringe Analysis; filed June 24, 1980

Patent application 6–169,056: Electrostatic Free Electron Laser; filed July 15, 1980

Patent application 6–169,231: Signal Compressor Apparatus; filed July 15, 1980

Patent application 6–171,612: Digital Voice Conferencing Apparatus in Time Division Multiplex Systems; filed July 23, 1980

Patent application 6–171,614: Coherent Optical Feature Identifier Apparatus; filed July 23, 1980

Patent application 6–171,913: Programmable Synchronous Digital Delay Line; filed July 23, 1980

Patent application 915,709: Backlash Filter Apparatus; filed June 15, 1978, patented August 26, 1980

Patent 4,215,712: Ready Pressure Attachment for Existing Anti-G Valves; filed December 5, 1978, patented August 5, 1980, not available NTIS

Patent 4,217,026: Elliptic Cylindrical Baffle Assembly; filed August 25, 1978, patented August 12, 1980, not available NTIS

Patent 4,219,039: Multivariable Anti-G Valve; filed October 6, 1978, patented August 26, 1980, not available NTIS

Patent 4,220,933: Baffle/Nozzle Array for Cylindrical Lasers; filed July 20, 1978, patented September 2, 1980, not available NTIS

Patent 4,224,548: Singly Rotated Cut of Y-Axis Boule Lead Potassium Niobate, $Pb_2KNb_5O_{15}$, for Surface Acoustic Wave Applications; filed May 31, 1979, patented September 23, 1980, not available NTIS

Patent 4,224,549: Lead Potassium Niobate Substrate Member for Surface Acoustic Wave Applications; filed May 31, 1979, patented September 23, 1980, not available NTIS

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div. Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent 4,219,964: Rope Wick Applicator; filed December 13, 1978, patented September 2, 1980, not available NTIS

U.S. Department of Energy, Assist General Counsel for Patents, Washington, DC 20545

Patent application 6–100,754: Preparation and Uses of Amorphous Boron Carbide Coated Substrates; filed December 5, 1979

Patent application 6–101,363: Method for Preparing Corrosion-Resistant Ceramic Shapes; filed December 7, 1979

Patent application 6–105,338: Annealed CVD Molybdenum Thin Film Surface; filed December 19, 1979

Patent application 6–105,439: Superconducting Wire with Improved Strain Characteristics; filed December 19, 1979

Patent application 6–108,199: Method Using Laser Irradiation for the Production of Atomically Clean Crystalline Silicon and Germanium Surfaces; filed December 28, 1979

Patent 4,209,375: Sputter Target; filed August 2, 1979, patented June 24, 1980, not available NTIS

U.S. Department of Transportation, Patent Counsel, 400 7th Street SW., Washington, DC 20590

Patent application 6–198,537: Public-Access Information System Terminal; filed October 20, 1980

Patent application 6–203,556: Digital Air Brake Control System; filed November 1980

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,220,725: Capillary Cell Culture Device; filed April 3, 1978, patented September 2, 1980, not available NTIS

Patent 4,228,009: Toroidal Coil Planet Centrifuge; filed June 4, 1979, patented October 14, 1980, not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6–147,815: Method of Rendering Nitrile Elastomer Surfaces Receptive for Bonding by Epoxy adhesives; filed May 8, 1980

Patent application 6–185,047: Linear Motion and Pop-up Target Training System; filed September 8, 1980

Patent application 61–85,702: Method of Manufacturing a Field-Emission Cathode Structure; filed September 10, 1980

National Aeronautics and Space Administration, Assistance General Counsel for Patent Matters, NASA Code GP–2, Washington, DC 20546

Patent application 6–182,879: Crystal Cleaving Machine; filed August 29, 1980

Patent 4,216,186: Means for Growing Ribbon Crystals Without Subjecting the Crystals to Thermal Shock-Induced Strains; filed August 31, 1978, patented August 5, 1980, not available NTIS

Patent 4,217,165: Method of Growing a Ribbon Crystal Particularly Suited for Facilitating Automated Control of Ribbon Width; filed April 28, 1978, patented August 12, 1980, not available NTIS

[FR Doc. 81–4662 Filed 2–9–81; 8:45 am]

BILLING CODE 3510–04–M

Removal of Designation as Invention; Available for Licensing of Below-Listed Navy Inventions

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations*

(41 FR 55711–55714, December 22, 1976) the Department of the Navy announces that the below-listed navy inventions which were designated as available for licensing have had such designation removed.

U.S. Patent Application Serial No. 114,783 entitled "Wire Rope Lubricator Cleaner" filed January 24, 1980 on behalf of inventors, Kistler J. Blanton, Jr. and Harold B. Crosby. Published in **Federal Register** on July 28, 1980.

U.S. Patent Application Serial No. 021,135 entitled "Apparatus for Improving the Overall Efficiency of a Marine Screw Propeller" filed March 16, 1979 on behalf of inventor, August F. Lehman. Published in **Federal Register** on December 31, 1979.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 81-4661 Filed 2-9-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Advisory Group on Electron Devices, Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 5 March 1981, at the Institute for Defense Analysis, 400 Army Navy Drive, Arlington, Virginia 22202.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective Research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

Dated: February 5, 1981.

M. S. Healy,

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

[FR Doc. 81-4702 Filed 2-9-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Rules of Procedure Governing Rate Adjustments

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Rules of Procedure Governing Bonneville Power Administration Rate Adjustments.

SUMMARY: On December 5, 1980, the President signed into law the Pacific Northwest Electric Power Planning and Conservation Act (the Act) (Pub. L. 96–501) which, among many other things, provides at section 7(i) for new procedures for involving the public in the development of Bonneville Power Administration's (Bonneville) wholesale power and transmission rates. These procedures are designed to give the public notice of how it may participate in Bonneville's rate adjustments and elaborate on the statutory procedures called for in the Act. Because section 7 of the Act calls for slightly different procedures than Bonneville has used in developing marketing policies in the past, these regulations, which are effective upon publication, supersede Bonneville's "Procedure for Public Participation in Marketing Policy Formulation" 45 FR 73531 (November 5, 1980) as such procedures apply to rates developed pursuant to section 7 of the Act. The Procedures for Public Participation in Marketing Policy Formulation remain in effect for matters other than rates.

DATE: The regulations are effective upon publication. Comments will be received through February 27, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261, or Mr. Michael C. Dotten, Attorney, General Counsel's office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, (503) 234–3361, extension 4214. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

SUPPLEMENTARY INFORMATION: By the terms of Bonneville's existing contracts, wholesale power rates may only be adjusted on July 1, 1981, and each July 1 thereafter. Bonneville's revenue requirements under the Act will increase due to an exchange of power provision under the Act and Bonneville's increased responsibility for meeting Pacific Northwest load growth. Bonneville's only source of revenue is through its rates, charges, and fees. Thus, to carry out its obligations under the Act, Bonneville must insure that its rate development process, including the hearings provided for herein, is completed by July 1, 1981, an extremely short period for developing wholesale power rates of the magnitude and complexity that Bonneville has identified will be necessary. In order to meet the contractual deadline, Bonneville must begin the rate adjustment process for its wholesale power and transmission rates under the Act in early February 1981. Therefore, these regulations are effecitive immediately upon publication. However, Bonneville will accept public comments on the regulations until February 27, 1981, and, if the public comments so warrant, the regulations may be amended, as necessary. Any amendments will be published in the **Federal Register.** The most significant elements of the new procedure are summarized below, arranged by section:

1. *Purpose and Scope.* These procedures apply only to rates developed pursuant to section 7 of the Act. They do not apply to the development of the Administrator's "average system cost" methodology required by section 5(c) of the Act. This is because the Administrator's rates must be in place by July 1, 1981, whereas the contracts to implement the power exchange (to which the methodology applies) need not be offered until September 7, 1981. Without the contracts in place, it will be impossible for Bonneville to determine which utilities will participate and, therefore, what the "average system cost" will be. Under the exchange provision of the Act (section 5(c)), a utility (presumably investor-owned utilities) may agree to "exchange" power with Bonneville at the utility's "average system cost," and sell to Bonneville enough power to serve the utility's residential and farm load, while Bonneville, in return, sells an equivalent amount of power to the utility at the lower Federal rate (section 7(b) rate). The utility must then pass on the full benefit of this exchange to its residential and farm customers. Prior to 1985, the net costs incurred because of the exchange will be recovered from direct-service industrial customers to

the extent that such costs are not recovered from other customers. After 1985, these exchange costs will be recovered from customers according to the priority provisions of the Act for recovery of those costs. The Administrator is responsible for developing a methodology to determine "exchanging utilities' average system cost" in consultation with Bonneville's customers, the region's public utility commissions, and the Pacific Northwest Electric Power Planning and Conservation Council to be established by the Act (section 4(a)). To permit this statutorily mandated consultation to occur, Bonneville will not hold hearings on the average system cost methodology concurrent with the rate hearings held pursuant to section 7(i) of the Act. The average system cost methodology will be the subject of later hearings pursuant to Bonneville's "Procedures for Public Participation in Marketing Policy Formulation" 45 FR 73531 (November 5, 1980), after the consultation process is complete. The marketing procedures are superseded by these rate procedures as to rates developed pursuant to section 7 of the Act. The marketing procedures remain in effect for matters other than rates.

The Hearing Officer is enpowered to adopt and use supplemental rules of procedure as deemed necessary pertaining to such things as rules of evidence, stipulations, admissions, motions, and the authenticity of documents submitted for the record. Any such rules adopted will be made known to the parties.

2. *Definitions.* The makeup of the "Official Record" is outlined in section 4(b) of these regulations. It serves as the official basis for the Administrator's decisionmaking process and is certified to the Administrator by the Hearing Officer. The certified Official Record and the Administrator's "Record of Decision" document the basis of the Administrator's final proposed rates and are transmitted to FERC by the Administrator together with the "Final Proposed Rates."

Prior to certification of the Official Record, Bonneville staff is responsible for evaluating the studies; written and oral comments; transcripts of the hearings; and records or minutes of other public meetings and putting the evaluation in writing. The evaluation is then transmitted to the Hearing Officer to be supplemented if necessary to fully reflect the major issues raised in the record. The Hearing Officer then certifies the record as described above.

"Rate." Section 7(a) of Pub. L. 96–501 (the Act) provides that: "The Administrator shall establish, and periodically revise, rates for the sale and disposition of electric energy and capacity and for the transmission of non-Federal power." This statement is virtually identical to the description of "schedules of rates and charges" set forth in section 9 of the Federal Columbia River Transmission System Act. The definition of rate contained in these regulations is intended to exclude charges and matters of contract not subject to the provisions of section 7 of Pub. L. 96–501.

The regulations therefore exclude from the definition of "rate" transmission line losses which remain a contract matter, leasing fees, Bonneville charges for operation and maintenance of customer-owned facilities, and other types of facility use charges except those which *are* already covered by section 7 for transmission of non-Federal power.

The definition of "rate adjustment" is intended to exclude a change in charges brought about by application of an already approved rate schedule or rate schedule provision, whether in effect on an interim or final basis.

The term "party" is defined to distinguish the degree of involvement from that of a "participant." Participants may express their views at a hearing but may not cross-examine other witnesses, participate in prehearing conferences, or serve or be served with documents required to be prefiled by the Hearing Officer. A party may either be a party of right based upon its legal contractual relationship with Bonneville, and hence, its direct interest; or, may be a person seeking to represent a significant and otherwise unrepresented public interest in the hearings. Because the Act and these regulations provide for a quasi-adjudicative hearing process, limits will be utilized to distinguish a person who is only casually interested in Bonneville's rate setting process from those with the right of cross-examination. While assuming that legitimate public interests will be represented, it was intended to avoid prolonged and repetitive cross-examination in compliance with legislative intent. The Report to accompany S. 885 issued by the Committee on Interstate and Foreign Commerce indicates that:

> It is the clear intent of the committee that no one may use these procedures to frustrate the Act or to delay rate revisions. The BPA must act fairly to ensure full public and customer input, but dilatory tactics must be avoided.
>
> H. Rep. No. 976, 96th Cong. 2d Sess. at 69–70 (1980).

Similar expressions are contained in the Senate floor statement introducing the procedures (125 Cong. Rec. S. 11597 August 3, 1979) and in the House Committee on Interior and Insular Affairs Report (H. Rep. No. 976, Part II, 96th Cong., 2d Sess, at 53).

Bonneville has attempted in these procedures to give the public maximum opportunity to participate while at the same time giving the Hearing Officer power to place reasonable limitations upon the required service of documents, participation in prehearing conferences, and cross-examination by those without a direct and substantial interest in Bonneville's rates. Establishment of the two categories of interest, "participant" and "party," is intended to achieve this balance and, combined with the requirement that parties of like interest be required to cross-examine through one person (section 3c(5)(b)), is intended to prevent unnecessary delay caused by repetitious cross-examination.

3. *Rate Adjustment Procedures.*

Notice. The procedures provide for an optional "notice of intent to adjust rates" to obtain the earliest public input possible where time allows. The first required notice pertaining to rate adjustments is the notice of the proposed rates, which also contains the research studies, analyses, and other available information in support of the proposed rate, a notice of deadline for claiming status as a "party," and a notice of the date for commencement of the hearing required by these regulations in the **Federal Register.** The Hearing Officer may schedule a prehearing conference to establish additional hearing dates as necessary and shall provide subsequent notice to the parties.

Prehearing Conference. The Hearing Officer may schedule a prehearing conference to hear prehearing disputes including matters pertaining to status as a party, scope of cross-examination, hearing schedules, and other matters necessary to expedite the hearings and prevent undue delay. Because Bonneville will be submitting rates once a year for the foreseeable future, and because of contractual deadlines for rate adjustments, it may be impossible to consider and rule on all motions or procedural requests at formal prehearing conferences. Thus the Hearing Officer may hear arguments without all parties being present, as necessary. Since these proceedings on rates are expressly exempted from the adjudicative hearing requirements of the Administrative Procedure Act by section 9(e)(2) of Pub. L. 96–501, these procedures are intended to provide the Hearing Officer with a

high degree of flexibility to insure that the hearings proceed without delay.

Hearings. This section sets forth, almost verbatim, some of the requirements of section 7(i) of the Act. It is clear that written material not presented at the hearings but submitted before the close of hearings may be made a part of the Record of Decision (See Act, section 7(i)(3)), and that solely written material may be submitted at the hearings. Written material submitted at the hearings is subject to cross-examination; written material submitted by the end of the hearings, but outside the hearing process, is not subject to cross-examination. The reason for this procedure is that persons submitting written views for the record may well not be in attendance at the hearings but are, under the Act, entitled to have their views considered and made part of the record.

Order and Prefiling of Testimony. The Hearing Officer is free to schedule the taking of testimony and presentation of material in the order deemed by the Hearing Officer as most likely to expedite the hearing. Similarly, the Hearing Officer may require that testimony be prefiled by a specified deadline and exclude testimony not so prefiled, as necessary, to ensure that the hearings are not delayed.

Limitations on Cross-Examination. The Act provides at section 7(i)(2)(B) that "the Hearing Officer, in his discretion, shall allow a reasonable opportunity for cross-examination which, as determined by the hearing Officer, is not dilatory . . . ."

While the Act makes clear that cross-examination must be allowed, it also makes clear that the Hearing Officer is granted a great deal of discretion in making sure that the opportunity to cross-examine is "reasonable" and "not dilatory." Thus, if time limitations require it, the Hearing Officer may determine that cross-examination on certain irrelevant or nonmaterial issues will not be allowed and may require, even on issues that are relevant and material, that parties with like interests appoint a "lead counsel" to conduct nonrepetitious cross-examination.

Revised Proposed Rate. If the Adminstrator determines that so many material changes are indicated from his proposed rates that he wishes to have public hearings on a revised proposal, he may do so, although such a revised proposal is not statutorily necessary. If such a proposal is published, it is to be published in the **Federal Register** and additional hearings are to be conducted in accordance with these regulations.

4. *Decision Process.* The Bonneville staff will prepare the "Evaluation of the Record" as discussed above which summarizes the record, identifies alternatives, and presents recommendations and supporting rationale. The Evaluation of the Record is then presented to the Hearing Officer who reviews it for adequacy, supplements it, if necessary, and then certifies the record to the Administrator for decision.

Continuation of Hearings. It is anticipated that certain budget material pertaining to the Corps of Engineers, the Water and Power Resources Service, and the Washington Public Power Supply System will not be available until after the initial proposal is published in 1981, and likely in each rate adjustment thereafter. Furthermore, additional information may become known to Bonneville or to parties which greatly affects either Bonneville's revenue requirement or which would dictate a change in rate design.

To the extent that a continuation would not interfere with the timely completion of a rate adjustment where there are contractual or other time constraints on the completion of a rate proposal, a continuation of the hearings may be granted by the Hearing Officer for the presentation of evidence, cross-examination, and rebuttal or comments as times allows.

The Official Record. The Official Record contains documents submitted for the consideration of the Bonneville staff, the Hearing Officer, or the Administrator relating to the proposed rates. A copy of the record will remain available for public inspection in the office of the Bonneville Public Involvement Coordinator, from the beginning of the proposal until it is finally confirmed and approved by FERC.

Final Proposed Rates. Upon certification of the record, the Administrator, through the staff, will develop Final Proposed Rates. The Administrator's decision will be explained in a document entitled the Administrator's Record of Decision which will summarize the considerations leading to the Adminstrator's Final Proposed Rates. The Evaluation of the Record may be incorporated by reference into the Record of Decision. The Evaluation of the Record and the Administrator's Record of Decision will then be served on all "parties" to the proceeding and filed with the FERC for approval. Under section 7(i)(6) of the Act, the Secretary of Energy is granted interim approval authority if the FERC is required to have procedures for granting interim approval, and does not have such procedures in place. Thus, in the absence of such FERC procedures by May 31, 1981, Bonneville's rates will be submitted to the Secretary of Energy to receive interim approval and to the FERC for final approval. Bonneville's Rate Procedures follow:

Rules of Procedure Governing Bonneville Power Administration Rate Adjustments

1. *Purpose and Scope.*

a. The purpose of this rule is to establish procedures for conducting rate adjustment hearings required to be held by the "Pacific Northwest Electric Power Planning and Conservation Act" (Act) (Pub. L. 96–501). These regulations supersede Bonneville's "Procedure for Public Participation in Marketing Policy Formulation," 45 FR 73531 (November 5, 1980) as they apply to rates developed pursuant to section 7 of the Act.

b. With concurrence of the Administrator and with due regard for the time constraints incorporated in the Act, the Hearing Officer may adopt and utilize supplemental rules of procedure relating to matters such as rules of evidence, stipulations, admissions, motions, and authenticity of documents.

2. *Definitions.*

a. *Administrator.* The Bonneville Power Administrator.

b. *Notice.* A notification required by this procedure and published in the **Federal Register** or elsewhere if determined by the Administrator to be desirable.

Notices shall be effective on date of publication in the **Federal Register** unless otherwise stated. Wherever a time period is provided, the date of publication of the **Federal Register** Notice shall determine the commencement of the time period unless otherwise stated.

c. *Official Record.* The compiled and indexed records which document the development of rates. The Official Record is the responsibility of the Hearing Officer.

d. *Evaluation of the Record.* A written evaluation of the record, prepared by the Bonneville staff.

e. *Record of Decision.* The Administrator's summary of the Decision.

Rate. The monetary charge or the formula for computing such a charge for any electric service provided by BPA, including charges for capacity (or demand), energy, or transmission service, and discounts or surcharges; however, it does not include transmission line losses, leasing fees, or other types of facility use charges for other than transmission of non-Federal power, or charges for operation and maintenance of customer-owned

facilities. A rate may be set forth in a rate schedule or in a contract.

g. *Rate Adjustment.* A change in an existing rate or rates, or the establishmemt of a rate or rates for a new service. It does not include a change in rate schedule provisions or in contract terms, if such change does not involve a change in the price per unit of service, nor does it include changes in the monetary charge pursuant to a formula stated in a rate schedule or a contract.

h. *Participant.* A person or entity testifying at a hearing or providing written views, data, questions, or argument, but not formally becoming a party.

i. *Party.* A person or entity declaring itself to be a party to a rate adjustment proceeding and who is determined by the Hearing Officer to be either: (1) a party of right; or (2) a party representing a significant and otherwise unrepresented public interest. "Parties of right" are those persons having a power sales or transmission contract with Bonneville which is subject to adjustment as a result of the proceedings. Parties will be entitled to participate in any prehearing conferences, to cross-examine witnesses (subject to reasonable limitations), to call witnesses, and service of documents from all other parties. A party will also be subject to cross-examination of its witnesses and, as determined by the Hearing Officer, may be required to serve all other parties with documents.

3. *Rate Adjustment Procedures.*

a. *Notice.* Upon a determination that revenues from existing rates are insufficient or exessive to meet the Administrator's obligations, or where the Administrator determines a rate form needs adjustment, the Administrator may initiate a rate adjustment.

(1) The Administrator may issue a notice of intent to adjust rates and solicit views of interested parties.

(2) The Administrator shall provide Notice in the **Federal Register** of proposed rates with a statement of the justification and reasons supporting such proposed rates together with a statement of the research, studies, analyses, and other available information in support of the proposed rates. Such notice shall establish a deadline for filing a notice of intention to claim status as a party. The notice may include such additional rules as necessary for an orderly procedure and shall specify a date for the commencement of the hearing conducted pursuant to subsection 3(e) of these rules.

b. *Prehearing Conference.* The Hearing Officer may establish hearing schedules, convene the parties for such prehearing conferences as are necessary for modifying hearing schedules, prefiling deadlines, and defining issues for consideration at the hearings. Disputes regarding procedure may be resolved at such conferences or *ex parte.*

c. *Hearings.*

(1) *Initial Proposed Rates—Hearing.* One or more hearings shall be conducted as expeditiously as practicable by the Hearing Officer to develop a full and complete record and to receive public comment in the form of written or oral presentation of views, data, questions, and argument related to the proposed rates. In any such hearing—

(a) any person shall be provided an adequate opportunity by the Hearing Officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and

(b) the Hearing Officer shall allow reasonable opportunity for cross-examination of develop information and material relevant to any such proposed rate.

(2) *Written Record.* In addition to the opportunity to submit oral and written material at the hearings, any written views, data, questions, and arguments submitted by or before the close of hearings shall be made a part of the Official Record.

(3) *Order of Testimony.* Participants and parties may appear personally at the hearings or by qualified counsel. Views, data, questions, and argument will be received in the order determined by the Hearing Officer subject to such limitations as the Hearing Officer may impose.

(4) *Prefiling of Testimony.* The Hearing Officer may require parties to prefile exhibits or testimony on any issue raised in the proceedings. The Hearing Officer may exclude all or part of such testimony not prefiled by the specified deadline.

(5) *Cross-Examination.*

(a) To prevent unnecessary delay, the Hearing Officer may place such limitations on cross-examination deemed necessary.

(b) Where there are two or more parties having substantially like interests and positions, the Hearing Officer may, in order to expedite the hearing, order appropriate limitations on the number of attorneys or parties appearing *pro se* who will be permitted to cross-examine and make and argue motions and objections on behalf of such parties.

(6) *Revised Proposed Rate—Hearing.* After a hearing, the Administrator may propose Revised Proposed Rates, publish such Revised Proposed Rates in the **Federal Register,** and conduct additional hearings in accordance with these regulations.

4. *Decision Process.*

a. Evaluation of the Record. Based upon the record developed pursuant to these regulations, including documents developed by the Bonneville staff, the staff shall prepare an Evaluation of the Record and promptly transmit the same to the Hearing Officer. The evaluation shall contain a summary of the major comments, criticisms, support, and alternatives offered to the proposed rate or revised proposed rate and a recommendation regarding their acceptance or rejection with rationale therefor.

b. *Continuation of Hearings.* If additional hearings are necessary to reflect new factual material previously unavailable to the parties, the Hearing Officer may, upon notice, and consistent with contractual time constraints, reconvene the hearings to allow the presentation of new evidence and to allow rebuttal and cross-examination thereon.

c. *The Official Record.* The Hearing Officer shall review the Evaluation of the Record, supplementing it if necessary, and certify the official record to the Administrator for decision.

(1) The Official Record shall contain:

(a) all **Federal Register** or other notices provided for by these procedures;

(b) the principal research, analyses, and other available information, or a summary thereof, used in developing the rates;

(c) the transcribed record of hearings including documents and exhibits presented at such hearings, written comments and questions from interested persons, and BPA's replies;

(d) records or minutes of workshops or other public meetings on the rates;

(e) evaluation of the Official Record;

(f) written views, data, and suggestions submitted by persons before the close of the hearings; and

(g) any other information the Hearing Officer or the Administrator detemines is relevant.

(2) A copy of the Official Record shall be available for inspection or copying in the office of the Bonneville Public Involvement Coordinator.

c. *Final Proposed Rates.*

(1) *Record of Decision.* The Administrator shall develop Final Proposed Rates based upon the record certified to the Administrator by the Hearing Officer. The basis for adopting

the Final Proposed Rates shall be explained in the Administrator's Record of Decision. The Record of Decision shall contain findings of fact, statements of applicable law, major areas of controversy, options considered together with evaluations thereof, principal objections to and statements in support of the proposed new or revised Rates submitted by participants or parties together with summaries of BPA's analyses thereof, and a statement of the reasons for the Administrator's decision. Such portions of the Evaluation of the Record as explain the Administrator's Final Proposed Rates may be adopted and incorporated by reference into the Administrator's Record of Decision.

(2) *Service of Decision.* Upon adopting the Final Proposed Rates, the Administrator shall serve copies of the Evaluation of the Record and the Administrator's Record of Decision upon all parties and shall promptly file such Final Proposed Rates together with the Official Record with the Federal Energy Regulatory Commission for confirmation and approval; and if the FERC does not have final procedures for granting interim approval, with the Secretary of Energy.

Dated: February 2, 1981.

Sterling Munro,

Administrator.

[FR Doc. 81-4699 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-81-M

Economic Regulatory Administration

Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of settlement.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that a Consent Order was entered into between the Office of Enforcement, ERA, and the firm listed below on January 7, 1981. The Consent Order represents resolution of an outstanding compliance investigation by the DOE and the firm and concerns overcharges in sales of propane during the period covered by the audit. This Consent Order is concerned exclusively with the firm's agreement to refund overcharges through price reduction on all customer purchases.

For further information regarding this Consent Order please contact Robert H. Burch, Management Analyst, Southeast District, Office of Enforcement, Economic Regulatory Administration, 1655 Peachtree Street NE., Atlanta, Georgia 30367, telephone number (404) 881-2396.

Firm name and address	Settlement amount	Product	Period covered	Recipients of settlement
Paul Tuemler LP Gas, Walton, KY.	$28,911.70	Propane	11/73-4/76 to 5/78-12/79	All classes of purchasers.

Issued in Atlanta, Ga., on the 20th day of January 1981.

James C. Easterday,

District Manager of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-4613 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-01-M

Gibbs Industries, Inc.; Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and an 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 comment on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date—December 30, 1980.

COMMENTS BY: March 12, 1981.

ADDRESS: Send comments to Edward F. Momorella, District Manager for Enforcement, Northeast District, Economic Regulatory Administration, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, telephone number: (617) 223-3729.

SUPPLEMENTARY INFORMATION: On December 30, 1980, the Office of Enforcement of the ERA executed a Consent Order with Gibbs Industries, Incorporated, Revere, Massachusetts on behalf of its affiliated and/or subsidiary corporations. Under 10 CFR 205.199J(b), a Consent Order which involves a sum under $500,000 in the aggregate, excluding penalties, becomes effective when signed by the person to whom it is issued and ERA. Although the ERA has signed and tentatively accepted the 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

Gibbs Industries, Inc. (Gibbs), with its home office located in Revere, Massachusetts, is a firm engaged in the reselling and retailing of petroleum products and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212. To resolve certain disputes between the ERA and Gibbs without resort to expensive and time consuming proceedings, the ERA and Gibbs Industries, Inc. entered into a Consent Order. The more important terms of the Consent Order are as follows:

1. During the period May 1, 1979 through June 30, 1979, DOE contends that Gibbs misallocated gallons of gasoline by not adhering to the rules for distribution of product as described in 10 CFR Part 211.

2. Gibbs and DOE each believe that its legal contentions concerning the matters resolved by this Consent Order are meritorious and are likely to be sustained if tried before a court. Following examination of the arguments raised by Gibbs and due to the time and expense which could be involved in the litigation of the issues raised, DOE believes it to be fair, reasonable and in the best interest of the United States to conclude the audit proceedings through a Consent Order. The amount provided for in this Consent Order represents a settlement between DOE and Gibbs of the audit proceeding. This Consent Order is not, and shall not be construed to be, either a finding of any nature by DOE or an admission of the same by Gibbs with respect to the allocation of gasoline.

3. Gibbs agrees to refund as part of this agreement $37,000, (includes interest through December 31, 1980).

4. This Consent Order is a final order of DOE, and in consideration of DOE's agreement to the terms hereof and in accordance with 10 CFR 205.199J(b), Gibbs hereby expressly waives its rights to appeal or to obtain judicial review of this Order. The provisions of 10 CFR 205.199J are applicable to this Consent Order and are incorporated by reference herein.

II. Disposition of Refunded Amounts

In this Consent Order, Gibbs 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 I.(1) above, the sum of $37,000, which includes interest through December 31, 1980. Refund will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA.

These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunds requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds.

III. Submission of Written Comments

A. *Potential Claimants:* Because of the procedure for refund described above, 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 potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by Gibbs.

You should send your comments to Edward F. Momorella, District Manager of Enforcement, Northeast District, Department of Energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597–2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on Gibbs Industries, Inc. Consent Order". You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR Section 205.9(f).

Issued in Philadelphia, Pennsylvania on the 16th day of January 1981.

Edward F. Momorella,

District Manager, Northeast District Office of Enforcement.

[FR Doc. 81-4612 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-003]

Salt River Project Agricultural Improvement and Power District; Application for Recertification of the Use of Natural Gas to Displace Fuel Oil

On March 21, 1980, Salt River Project Agricultural and Power District (Salt River Project), P.O. Box 1980, Phoenix, Arizona 85001, was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 79–CERT–115). The certification involved the purchase of natural gas from Consumers Power Company and Delhi Gas Pipeline Company for use by Salt River Project at its Agua Fria Steam Plant in Glendale, Arizona and its Kyrene Steam Plant in Tempe, Arizona. That certificate will expire on March 20, 1981.

On January 21, 1981, Salt River Project filed an application for recertification of an eligible use of natural gas to displace fuel oil at the same steam plants pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

In its application, Salt River Project states that the volume of natural gas for which it requests recertification is approximately 19,106,000 Mcf per year. This volume is estimated to displace the use of approximately 2,844,000 barrels of residual fuel oil (0.9 percent sulfur) and approximately 254,000 barrels of distillate fuel oil (0.5 percent sulfur) per year. The eligible seller of the natural gas is Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201. Salt River Project did not inlcude Delhi Gas Pipeline Corporation as a seller in its application for recertification. The gas will be transported by Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; the Trunkline Pipe Line Company, P.O. Box 1642, Houston, Texas 77001; the Natural Gas Pipeline Company of America, 122 S. Michigan Avenue, Chicago, Illinois 60603; and the El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, all of which are interstate pipelines.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461. Attention: Albert F. Bass, on or before February 20, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Salt River Project and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., February 4, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-4700 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment

Environmental Advisory Committee, Subcommittee on Clean Air Act Reauthorization; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Environmental Advisory Committee, Subcommittee on Clean Air Act Reauthorization.

Date and Time: Thursday and Friday, February 26–27, 1981, 9 a.m. to approximately 5 p.m. each day.

Place: Department of Energy, Forrestal Building, Room 4A110, 1000 Independence Avenue SW., Washington, D.C. 20585.

Contact: Rhoda Shechtel, Department of Energy, Forrestal Building, Room 4G052,

1000 Independence Avenue SW., Washington, D.C. 10585, Telephone: 202–252–4616.

Purpose of Parent Committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative Agenda:

Thursday, February 26, 1981

Briefings will be presented to the Subcommittee on:

- Structure and Content of Clean Air Act
- Urban Policy/transportation issues
- State/Federal Research
- Economic Approaches
- Acid Rain/Transport
- Prevention of Significant Deterioration (PSD)
- Public Comment (10 minute rule)

Friday, February 27, 1981

9 a.m.–12 noon—Briefings by representatives of Public Interest Groups and Industry

1 p.m.–5 p.m.—Subcommittee Discussion and Identification of Key Issues to be addressed

Public Comment (10 minute rule)

Public Participation: The meetings are open to the public. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. 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. Members of the public who have not previously requested an opportunity to make an oral presentation, but who wish to speak, will be permitted to do so at a time determined by the Chairman.

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 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 5, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-4701 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council; Subcommittee on Emergency Preparedness; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Emergency Preparedness of the National Petroleum Council.

Date and Time: Tuesday, March 10, 1981—9:30 a.m.

Place: The Madison Hotel, Mount Vernon Room, 15th and M Streets, N.W., Washington, D.C.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 8G087, Washington, D.C. 20585, Telephone: 202–252–5187.

Purpose of Parent Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda:

- Introductory remarks by the Committee's Chairman and Government Cochairman
- Progress report of the Coordinating Subcommittee
- Discussion of timetable for completion of the study
- Discussion of any other matters pertinent to the overall assignment from the Secretary
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee 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 Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to the 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.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 5, 1981.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 81-4703 Filed 2-9-81; 8:45 am]

BILLING CODE 6450-01-M

Compliance With the National Environmental Policy Act; Intent To Prepare an Environmental Impact Statement on an Incineration Facility at Oak Ridge Gaseous Diffusion Plant (ORGDP), Oak Ridge, Tennessee

AGENCY: Department of Energy.

ACTION: Notice of Intent (NOI) to prepare an environmental impact statement (EIS) pertaining to the construction and operation of an incineration facility for radioactively contaminated polychlorinated biphenyls at the Oak Ridge Gaseous Diffusion Plant at Oak Ridge, Tennessee.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS in accordance with section 102(2)C of the National Environmental Policy Act (NEPA) to provide environmental input into the decision to construct and operate an incineration facility to dispose of radioactively contaminated polychlorinated biphenyl (PCB) and other combustible wastes produced at Portsmouth, Paducah and Oak Ridge Gaseous Diffusion Plants and other DOE facilities at Oak Ridge, hereinafter referred to as DOE–ORO plants.

The purpose of this NOI is to present pertient background information regarding the proposed scope and content of the EIS and to solicit comments and suggestions for consideration in its preparation. Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so. Four public scoping meetings for further input on the scope of the EIS are scheduled for the dates, times and locations listed at the end of this notice. Upon completion of the draft EIS the document will be made available for review; comments received will be used in preparing the final EIS. Written comments or suggestions on the scope of the environmental impact statement may be submitted to:

Mr. J. F. Wing, Chief, Environmental Protection Branch, Oak Ridge Operations, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830, (615) 576–0845.

For general information on DOE's EIS process contact:

NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of Assistaant Secretary for Environment, U.S. Department of Energy, Attn: Richard P. Smith, EV–121, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–4610.

DATE: Written comments postmarked within 30 days of the issuance of this NOI will be considered in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

Background Information

Five facilities operated under the direction of the Oak Ridge Operations Office (ORO), Department of Energy,

use large quantities of materials containing PCBs which become contaminated with radioactive materials. Because of this radioactive contamination, disposal of the PCBs at commercial facilities would likely be prohibited. Therefore, DOE proposes to construct and operated an incineration facility to adequately dispose of radioactive PCB and other combustible wastes generated by DOE–ORO plants.

Proposed Action

The proposed action involves the construction and operation of a high temperature incinerator system, including support systems for material receiving, storage, segregation and blending, for the disposal of contaminated PCBs and other combustible wastes. The project also will provide for collection and storage facilities at the Gaseous Diffusion Plants at Paducah, Kentucky and Portsmouth, Ohio as well as transportation from these facilities to ORGDP.

The incinerator would meet design criteria outlined by the Environmental Protection Agency (EPA) (40 CFR Part 761) for polychlorinated biphenyls. An off-gas treatment system, consisting of a wet scrubber, would also be included. Auxiliary facilities would include storage tanks, handling equipment, fire protection equipment, and the necessary instrumentation and safety interlocks. The entire complex would be surrounded by a secondary containment system to accommodate any potential liquid release to the surrounding environment. The proposed site of the incinerator would be within the confines of the ORGDP perimeter fence, which will bar public access.

Interim facilities for collecting, storing and preparing waste for shipment would be provided at each of the DOE–ORO plants. Waste generated during the interim period, prior to the operation of the proposed incinerator, would be stored at these facilities. Commencing with operation of the facility, materials would be transported in approved shipping containers under applicable regulations. Upon arrival at the ORGDP, each shipment would be inspected, segregated, and placed in temporary storage for incineration.

Alternatives to the Proposed Action

The alternatives currently being considered are:

—*Ship Wastes Offsite to a Commercial Facility for Disposal.* Although there are no commercial facilities currently approved for the incineration of PCBs, those seeking approval will be considered as potential sites for disposal of contaiminated PCBs. Since licensing by the Nuclear Regulatory Commission would be required for receipt and disposal of the radioactively contaminated material, options for separating the PCBs from the radioactive waste may also be considered.

—*Construct Incinerator at a site other than Oak Ridge.* Construction of the incenerator facility at either of the other DOE–ORO sites or at an independent site will be analyzed.

—*No Action.* The alternative of not constructing an incenerator and either storing the wastes indefinitely or until an alternate process is available will be analyzed.

Identification of Environmental Issues

The following issues will be analyzed for the proposed action and alternatives during the preparation of the EIS. The list neither is intended to be all inclusive nor a predetermination of the impacts:

—Effects on the general population from emissions of radiologic and non-radiologic releases caused by normal operations;

—Effects of exposure of operating personnel to radiologic and non-radiologic releases during normal operations;

—Effects resulting from potential accidents;

—Effects of extended storage of hazardous materials prior to construction of the incinerator;

—Effects on air and water quality and other environmental consequences during normal operations;

—Decontamination and decommissioning;

—Cumulative effects of operations at the Oak Ridge site;

—Transportation impacts (offsite and onsite transport);

—Short-term versus long-term land use;

—Irretrievable and irreversible commitment of resources;

—Socioeconomic impact to surrounding communities;

—Treatment and disposition of liquid and solid process wastes.

Comments and Scoping Meeting

All interested parties are invited to submit comments or suggestions and to attend any one of four scoping meetings in connection with the preparation of the EIS. Those desiring to submit comments or suggestions for issues to be addressed in the Draft EIS should submit them to Mr. J. F. Wing (address given above).

Those wishing to participate in the scoping process may also attend any of the four public meetings to be held on:

February 24 at 9 a.m. in Oak Ridge, TN: Museum of Science and Energy Auditorium South Tulane Ave.;

February 25 at 9 a.m. in Nashville at Quality Inn—Parkway, Tennessee-West Room, 10 Interstate Drive;

February 26 at 1 p.m. in Frankfort, KY, Holiday Inn, Chambers Room, 855 Louisville Road;

March 3 at 9 a.m. in Columbus, Ohio, Holiday Inn on the Lane, Custer Room 328 West Lane Avenue.

Written comments received within 30 days of the issuance of this NOI and all oral comments will be given consideration in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

Those individuals desiring to make oral comments should contact Mr. Wing.

Interested individuals and organizations should notify DOE of their desire to speak prior to February 20, 1981, so that DOE may, intern, notify prospective speakers of the schedule for presentation, prior to the date of the meeting. Requests should include a telepone number for such notification. In order to maximize the number of presentations and assure a broad spectrum of viewpoints, five minutes will be allotted to each speaker. Depending upon the number of persons requesting to be heard, DOE may allow more time for representatives of organizations. Those persons wishing to speak on behalf of an organization should identify their organizational affiliation in their request. Persons who have not submitted a request to speak in advance, may register to speak at the scoping meeting, and will be called on to present their comments, if time permits.

Should any speaker desire to provide further information for the record subsequent to the meeting, it may be submitted in writing by the closing of the comment period of this NOI.

Those who wish to receive a copy of the draft EIS for reivew and comment when it is issued should also notify Mr. Wing. Those seeking further information on the proposal or the EIS process may contact Mr. Richard Smith (address given above).

Dated at Washington, D.C., this 6th day of February 1981, for the United States Department of Energy.

William W. Burr, Jr.,

Acting Assistant Secretary for Environment.

[FR Doc. 81-4835 Filed 2-9-81; 8:55 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1749-4]

Intent To Issue Revised Minority Business Enterprise Policy for the Construction Grants Program, Technical Amendments to the Women's Business Enterprise Policy for the Construction Grants Program, and Procedures for the Implementation of the Minority Business Enterprise and Women's Business Enterprise Policies; Correction.

AGENCY: The Environmental Protection Agency.

ACTION: Proposed Policy Revisions and Proposed Program Requirements Memorandum; Correction.

SUMMARY: This document corrects a typographical error in the proposed technical amendments to the Women's Business Enterprise Policy, which were published on January 19, 1981 (46 FR 5686).

FOR FURTHER INFORMATION CONTACT: Robert J. Knox, (Director, Office of Small and Disadvantaged Business Utilization), (202) 755-1127, or Sylvia Horwitz (Office of General Counsel), (202) 426-4690, 401 M Street, S.W. Washington, D.C. 20460.

Dated: February 4, 1981.

Walter C. Barber,

Acting Administrator.

The following correction is made in the document published in the **Federal Register** on January 19, 1981 at 46 FR 5686:

On page 5689, in the second column, Women's Business Enterprise Policy: Technical Amendments, the last sentence in numbered paragraph 2 is corrected to read "services over $25,000."

[FR Doc. 81-4608 Filed 2-9-81; 8:45 am]

BILLING CODE 6560-36-M

[A-7-FRL 1750-2]

Modification of PSD Permit to Iowa-Illinois Gas and Electric Company, Region VII

Notice is hereby given that on January 19, 1981, the Environmental Protection Agency (EPA) modified a Prevention of Significant Deterioration (PSD) permit previously issued to Iowa-Illinois Gas and Electric Company for approval to construct a new 650-megawatt coal-fired steam electric generating station in Louisa County, Iowa. The original permit was issued August 7, 1979. The issuance of the permit was challenged in the Eighth Circuit Court of Appeals by the Community Action Research Group of Iowa (CARG) as not establishing the appropriate best available control technology for sulfur dioxide. In response to this challenge, EPA agreed to reconsider the best available control technology determination.

The permit modification announced today is the result of the reconsideration. The modification does not change the sulfur dioxide emission rate established in the original permit, but does impose an additional condition limiting the total daily sulfur dioxide emissions and the number of hours of operation at maximum capacity.

The PSD permit modification is reviewable under Section 307(b)(1) of the Clean Air Act only in the Eighth Circuit Court of Appeals. A petition for review must be filed on or before April 13, 1981.

Copies of the permit modification are available for public inspection upon request at the following locations:

Auditor's Office, County Courthouse, Third and Walnut Streets, Muscatine, Iowa

Iowa Department of Environmental Quality, Air and Land Quality Division, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa

U.S. Environmental Protection Agency, Air and Hazardous Materials Division, 324 East 11th Street, Kansas City, Missouri.

Dated: February 2, 1981.

Kathleen Q. Camin,

Regional Administrator, Environmental Protection Agency, Region VII.

[FR Doc. 81-4607 Filed 2-9-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 2, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or in contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: 90-19, 191-10, 192-9, 5600-40, 6010-25, 7190-9, 8100-10, 8190-13, and 9474-6.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P. C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreements Nos. 90-19, 191-10, 192-9, 5600-40, 6010-25, 7190-9, 8100-10, 8190-13 and 9474-6 would amend the self-policing provisions of the Java/New York Rate Agreement, Java/Pacific Rate Agreement, Deli/Pacific Rate Agreement, Philippines North America Conference, Straits/New York Conference, Deli/New York Rate Agreement, Thailand/U.S. Atlantic and Gulf Conference, Japan-Puerto Rico & Virgin Islands Freight Conference, and Thailand Pacific Freight Conference, respectively, to conform to the requirements of the Commission's self-policing rules as contained in Revised General Order 7 (46 CFR, Part 528, effective January 1, 1979).

Agreement No. 9355-8.

Filing Party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9355-8 modifies the basic agreement of the Atlantic and Gulf American-Flag Berth Operators Agreement No. 9355 to add the Pacific American-Flag Berth Operators as carriers and change the scope to read "* * * between or via ports and interior points in the Continental United States and ports and interior points in Hawaii and the districts, territories and possessions of the United States; and between the above-described ports and points, and ports and points in all foreign countries excluding, however, all relevant cargoes transported westward from or via U.S. Pacific coast ports and ports in Hawaii, or eastward to such ports from or via all foreign ports and all ports in the districts, territories and possessions of the United States and further excluding all relevant cargoes transported between U.S. Pacific Coast and Hawaiian ports."

Agreement No.: 9978-15.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys for Agreement No. 10301, 17 Battery Place—Suite 727, New York, New York 10004.

Summary: Agreement No. 9978–15, among the members of the Associated North Atlantic Freight Conferences Agreement, would extend the term of the basic agreement, as amended, for an indefinite period beyond its present termination date of June 28, 1981.

Agreement No. 10118–5.

Filing Party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10118–5, among the member lines of the Atlantic Steamship Energy Conservation Agreement, a slot chartering arrangement among North Atlantic carriers, extends the term of the basic agreement indefinitely by deleting the present expiration date of June 4, 1981.

Agreement No.: 10301–1.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys for Agreement No. 9978, 17 Battery Place—Suite 727, New York, New York 10004.

Summary: Agreement No. 10301–1 amends Article 2.01 of the Memorandum of Housekeeping Arrangement of the Trans-Atlantic Associated Freight Conference (London) by (1) making carrier appointment of representatives to the Executive Committee permissive rather than mandatory; (2) deleting the term length; and (3) deleting the requirement that a member of a signatory association may represent only one such association.

By Order of the Federal Maritime Commission.

Dated: February 4, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-4578 Filed 2-9-81; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by February 20, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. T–3363–1.

Filing party: Burt Pines, City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Summary: Agreement No. T–3363–1, between the City of Los Angeles (City) and Matson Terminals, Inc. (Matson), modifies the basic agreement between the parties which provides for the preferential berth assignment of Berths 206–209 and adjacent land areas at the Port of Los Angeles. The purpose of the modification is to change the compensation and abatement provisions of the basic agreement for the period February 1, 1981, to January 31, 1982. Pursuant to the terms of the amendment, Matson agrees to pay City compensation at the rate of 45 percent of the first $4,140,000 of tariff charges, with a minimum annual payment of $2,760,000. The proposed amendment also extends the present abatement provisions through January 1, 1986, and provides payment of certain audit expenses.

By Order of the Federal Maritime Commission.

Dated: February 5, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-4692 Filed 2-9-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Deferral of Program Guidelines

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Postponement of program guidelines.

SUMMARY: The Federal Mediation and Conciliation Service published program guidelines for its new Labor-Management Cooperation Program in the January 30, 1981 issue (46 FR 10008) of the **Federal Register.** These guidelines are hereby deferred for sixty days.

DATE: The program guidelines are deferred until March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, Director, Office of Labor Management Grant Programs, FMCS, 2100 K Street, N.W., Washington, D.C. 20427, 202–653–5320.

SUPPLEMENTARY INFORMATION: In order to be consistent with the President's directive of January 29, 1981 which postponed the effective date of all regulations for 60 days, the program guidelines for the Labor-Management Cooperation Program are hereby deferred until March 31, 1981. Interested applicants for funds for labor-management committees under the program guidelines may continue to use those guidelines for general information.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-4698 Filed 2-9-81; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Affiliated Bankshares of Colorado, Inc.; Acquisition of Bank

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank Center, Center, Colorado; 89 percent or more of the voting shares of The Moffat County State Bank, Craig, Colorado; 98.6 percent or more of the voting shares of The Colorado Bank and Trust Company, Delta, Colorado; 91.1 percent or more of the voting shares of Fruita State Bank, Fruita, Colorado; 100 percent of the voting shares of Montrose State Bank, Montrose, Colorado and 84 percent or more of the voting shares of Chaffee County Bank, Salida, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4641 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than March 3, 1981.

A. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Pittsburgh, Pennsylvania (consumer finance and insurance activities; Pennsylvania): to engage, through its subsidiary, Freedom Financial Services Corporation, in general consumer finance activities, including the origination of second mortgage loans as permitted under the Pennsylvania Secondary Mortgage Loan Act, and acting as an insurance agent with respect to the sale of credit life, credit accident and health insurance and credit property insurance; credit life and credit accident and health insurance written in connection with these second mortgage loans will be partially reinsured by Mellon National Corporation's subsidiary, Mellon Life Insurance Company. These activities will be conducted from an office in Pittsburgh, Pennsylvania, serving Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland Counties in Pennsylvania. Comments on this application must be received by February 27, 1981.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (bank management consulting services; fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico and the territories and dependencies of the United States): to engage, through its subsidiary, BA Cheque Corporation, in the activities of providing management consulting advice to commercial banks. Such activities will include, but not be limited to, the selling of products relating to bank operations and marketing, bank personnel operations and consumer financial information to commercial banks. This activity will be conducted from an existing office located in San Francisco, California serving the fifty (50) states, the District of Columbia, the Commonwealth of Puerto Rico and the territories and dependencies of the United States.

c. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4644 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

FNB Financial Services, Inc.; Formation of Bank Holding Company

FNB Financial Services, Inc., Cambridge, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.10 percent of the voting shares of The First National Bank of Cambridge, Cambridge, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4645 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

Montgomery County Financial Corp.; Formation of Bank Holding Company

Montgomery County Financial Corporation, Independence, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Independence State Bank of Independence, Independence, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4646 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

Societe Generale; Proposed Acquisition of Sogelease Corp.

Societe Generale, Paris, France, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Sogelease Corp., New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring, for its

own account or for the account of others, commercial loans and other extensions of credit; making leases of real and personal property that are the functional equivalents of extensions of credit; and acting as agent, broker, or advisor with respect to such finance and leasing activities. These activities would be performed from offices of Applicant's subsidiary in New York, New York, and the geographic areas to be served are the entire United States, its territories and possessions, Puerto Rico, and foreign countries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual porposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outwiegh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 6, 1981.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4643 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Texas Commerce Bank-Quorum, National Association, Addison, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 4, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-4642 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Corrected System of Records

AGENCY: General Services Administration.

ACTION: Notification of corrected system of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, of intent to correct a system of records that is maintained by GSA. The Storage portion of the system of records notice, Employee related files GSA/AGENCY–1, will be corrected to include magnetic tapes and disks and computer printouts. Proposed corrections are not within the purview of the provisions of 5 U.S.C. 552a(o) which requires the submission of a new or altered system report.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before March 12, 1981. The new corrected system of records shall become effective as proposed without further notice on March 12, 1981, unless comments are received that would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (HRAR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, GSA Privacy Act Officer, telephone (202) 566–0673.

Background

On August 29, 1980, GSA published in the **Federal Register** (45 FR 57860 through 57904) an annual notice of the systems of records currently being maintained by GSA. Included in the notice was the consolidation of several systems of records into one system of records notice designated as Employee Related Files GSA/AGENCY–1. The storage portion of the new system notice, GSA/AGENCY–1 (45 FR 57861), only included paper records. Some of the storage portions of the systems of records notices that were being consolidated (GSA/NARS–10 (42 FR 47756), GSA/PBS–1 (42 FR 47765), GSA/FSS–8 (42 FR 47779), and GSA/OAD–23 (42 FR 47741)) had included magnetic tapes and disks and printouts. These categories of storage media were omitted from the new system notice and the system notice is now being corrected to include these categories.

The system of records notice GSA/AGENCY–1, Employee related records, is corrected to read as follows:

System number

GSA/AGENCY–1

System name

Employee related files.

* * * * *

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Paper records in file folders and card files, magnetic tapes and disks, and computer printouts.

* * * * *

Dated: January 28, 1981.

Ben Schiffman,

Director of Administrative Services.

[FR Doc. 81-4577 Filed 2-9-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration; National Advisory Bodies; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of March 1981.

National Advisory Mental Health Council

March 2–4; 9:30 a.m.

Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—March 2
Closed—Otherwise
Contract: Ruth Gorin, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), and the Director, National Institute of Mental Health (NIMH), regarding the policies and programs of the Department in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: On March 2, the meeting will be open for discussion of NIMH policy issues and will include current administrative, legislative, and program developments. On March 3 and 4, the meeting will not be open to the public. The Council will conduct a final review of grant applications for Federal assistance and these sessions will be in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Psychiatry Education Review Committee
March 2–6; 9:30 a.m.
Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—March 2; 9:30 to 11:30 a.m.
Closed—Otherwise
Contact: Zebulon Taintor, M.D., or Susan Blumenthal, M.D., Room 9C–02, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4728

Purpose: The Committee is charged with the intitial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for psychiatric education to meet mental health services personnel needs in priority areas: services to unserved or underserved populations, geographic areas, or public mental health facilities; to develop linkages with the general health services delivery system and provide mental health training for general health services personnel; and to increase the supply of minority mental health personnel, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:30 to 11:30 a.m. on March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Cognition, Emotion, and Personality Research Review Committee
March 6–8; 9 a.m.
Dupont-Plaza Hotel, Connecticut & Massachusetts Avenues, N.W., Washington, D.C. 20036
Open—March 6; 9 to 10 a.m.
Closed—Otherwise
Contact: Shirley Maltz, Room 9C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the field of personality, cognition, emotion and higher mental processes, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m. on March 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Epidemiologic and Services Research Review Committee
March 9–12; 9:00 a.m.
Monte Carlo Room, Holiday-Inn Georgetown, 2101 Wisconsin Avenue, Washington, D.C. 20007
Open—March 9; 9:00 to 10:00 a.m.
Closed—Otherwise
Contact: Shirley R. Margolis, Ph.D., Room 9C–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6470

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of mental health epidemiology, mental health systems research, and mental health services development, evaluation methodology and knowledge transfer, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m. on March 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Treatment Development and Assessment Research Review Committee
March 9–11; 9:00 a.m.
March 26–28; 9:00 a.m.
April 9; 9:00 a.m.
The Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008
Open—March 9; 9:00 to 10:00 a.m.
March 26; 9:00 to 10:00 a.m.
April 9; 9:00 to 10:00 a.m.
Closed—Otherwise
Contact: Pamela J. Mitchell, Room 9C–24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6470.

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit, of applications submitted to the NIMH for Federal assistance of activities in the fields of treatment development and assessment, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m. on March 9; from 9:00 to 10:00 a.m. on March 26; and from 9:00 to 10:00 a.m. on April 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and the meeting will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Research Education Review Committee
March 11–13; 9:00 a.m.
The Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008

Open—March 11; 9:00 to 10:30 a.m.
Closed—Otherwise
Contact: Lu McNay, Room 9–101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857.

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of research training activities in the fields of biological sciences, the psychological sciences, and the social sciences and social problems areas, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:30 a.m. on March 11, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Research Scientist Development Review Committee

March 12–14; 9:00 a.m.
Westview Room 209, Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036

Open—March 12; 9:00 to 9:30 a.m.
Closed—Otherwise
Contact: Diana Souder, Room 9–97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4844.

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals engaged full time in research and related activities relevant to mental health, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m. on March 12, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Board of Scientific Counselors, NIMH
March 26–27; 9:30 a.m.
Conference Room 1B–07, Building 36, National Institutes of Health, Bethesda, Maryland 20205
Open—March 26; 9:30 to 10:30 a.m.

Closed—Otherwise

Contact: John C. Eberhart, Ph. D., Room 1A–05, Building 36, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3501

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: The Board will meet in Conference Room 1B–07, Building 36, Bethesda, Maryland, for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to a review of the intramural research projects from the Laboratory of Clinical Science, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Acting Administrator ADAMHA, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members for NIMH will be furnished by the Committee Management Office, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443–4333.

Dated: January 23, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–4658 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–88–M

Food and Drug Administration

[Docket No. 80F–0445]

Witco Chemical Corp.; Filing of Food Additive Petition

Correction

In FR Doc. 80–37607, published at page 80593, on Friday, December 5, 1980, make the following corrections on page 80594:

(1) In the first column, in the eighth line of the "Summary" paragraph "nonylephenoxy" should be corrected to read "nonylphenoxy".

(2) In the first column, in the twelfth line of "Supplementary Information" "(methylene-*p-tert* butylphenoxy)" should be corrected to read "(methylene-*p-tert*-butylphenoxy)".

(3) Also in the first column, in the fourteenth line of "Supplementary Information" "poly(oxyethylene), and a " should be corrected to read "poly(oxyethylene), and α ".

BILLING CODE 1505–01–M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Circulatory System Devices Panel

Date, time, and place. March 2, 8:30 a.m. Rm. 403A–425A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion 9:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 4 p.m.; Glenn A. Rahmoeller, Bureau of Medical Devices (HFK–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person before February 23, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Committee will briefly review the applications for premarket approval of (1) the Interface Biomedical Laboratories' Negatively Charged Glutaraldehyde Treated (NCGT) Bovine Graft and (2) the Siemens-Elema Vitreous Carbon Electrode Pacemaker Leads.

Closed committee deliberations. The Committee will review several premarket approval applications. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by February 24, 1981.

General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. March 12, 9 a.m., Rm. 403A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 4:30 p.m.; Mark Parrish, Bureau of Medical Devices (HFK–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those desiring to make formal presentations should notify the contact person by February 25, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Committee will review the status of the Thermotherapy product development protocol. The Committee will also review a premarket approval application.

Closed committee deliberations. The Committee will review a premarket approval application. This portion of the meeting will be closed to permit dicussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be recived by February 28, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contract person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA,

as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: February 4, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-4731 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committee; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees for the Food and Drug Adminstration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Subcommittee of the Endocrinologic and Metabolic Drugs Advisory Committee

Date, time, and place. March 5, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; A.T. Gregorie, Bureu of Drugs (HFD–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3542.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussing. The Committee will discuss regulatory criteria for clinical evaluation of lipid-altering agents.

Application for reimbursement. Must be received by February 25, 1981.

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. March 5 and 6, 9 a.m., Auditorium, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD.

Type of meeting and contact person. Open public hearing, March 5, 9 a.m. to 10 a.m.; open committee discussion, March 5, 10 a.m. to 5 p.m., March 6, 9 a.m. to 5 p.m.; Joan Standaert, Bureau of Drugs (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4730.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss Glyceryl trinitrate; Nitroglycerine injection (NDA 18–531, Abbott Laboratories; NDA 18–537, American Critical Care) to control hypertension during surgery; Lidoflazine (NDA 18–220, Janssen Pharmaceutical) to be used in angina; Nifedipine (NDA 18–484, Pfizer Pharmaceuticals) for use in angina; and guideline for anti-hypertensive agents.

Applications for reimbursement. Must be received by February 25, 1981.

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. March 12 and 13, 9 a.m., Conference Rm. E and F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, March 12, 9 a.m. to 10 a.m.; open committee discussion, March 12, 10 a.m. to 5 p.m., March 13, 9 a.m. to 5 p.m.; Cynthia Rushing, Bureau of Drugs (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3800.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The meeting will take the form of a symposium on the Development of Psychotropic Drugs for the Cognitively and Emotionally Impaired Elderly.

Applications for reimbursement. Must be received by February 28, 1981.

Miscellaneous Internal Drug Products Panel

Date, time, and place. March 21–22, 9 a.m., Holiday Inn, Chevy Chase, MD.

Type of meeting and contact person. Open public hearing, March 21, 9 a.m. to 10 a.m.; open committee discussion, March 21, 10 a.m. to 4:30 p.m.; March 22, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6156.

General function of the Committee. The Committee reviews and evaluates data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who wish to make such a presentation should notify the contact person before March 13, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by March 5, 1981.

Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. March 26, 9 a.m., Rm. 403A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and contact persons. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; James G. Dillon, Bureau of Medical Devices (HFK–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by March 12, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The Section will review premarket approval applications for an osteogenic stimulator and for bone cement. Discussion will involve clinical evaluations of these products.

Applications for reimbursement. Must be received by March 9, 1981.

Peripheral and Central Nervous System Drugs Advisory Committee

Date, time, and place. March 30, 9 a.m., Conference Rm. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., open committee discussion, 10 a.m. to 5 p.m.; Cynthia Rushing, Bureau of Drugs (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3870.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Committee will discuss safety and efficacy data for Isoprinosine (NDA 18–575) for the treatment of subacute sclerosing panencephalitis; and the evaluation of reported adverse reactions with the use of Flexeril (NDA 17–821).

Applications for reimbursement. Must be received by March 9, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary of minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting listed above should be sent to the Office of Consumer Affairs (HFE–88), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–3170.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: February 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–4732 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–03–M

Health Services Administration

Assistance Under the Public Health Service Act; Project Grants for Hemophilia Treatment Centers

AGENCY: Health Services Administration, Public Health Service, HHS.

ACTION: Announcement of Availability of Grants.

SUMMARY: The Bureau of Community Health Services, Health Services Administration, announces that competitive applications for grants for hemophilia treatment centers under section 1131(a) of the Public Health Service Act are being accepted.

DATE: Completed applications must be received by 5:00 p.m., May 1, 1981.

ADDRESS: Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Room 6–49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443–1440.

SUPPLEMENTARY INFORMATION: Section 1131(a) (42 U.S.C. 300c–21) authorizes grants to public and nonprofit private entities for the establishment of comprehensive hemophilia diagnostic and treatment centers. Grants to eligible applicants may be made by the Secretary of Health and Human Services (HHS) for projects which provide:

(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

(3) a program for the diagnosis and treatment of individuals suffering from

hemophilia who are being treated on an outpatient basis;

(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

(5) programs of social and vocational counseling for individuals suffering from hemophilia; and

(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

The regulations implementing this authority are set forth at 42 CFR Part 51d. A detailed description of the program is found at 13.296 in the Catalog of Federal Domestic Assistance.

A continuing resolution for fiscal year 1981 (Public Law 96–526, effective through June 5, 1981) makes $3 million available for operation of this program. Of this amount, it is anticipated that approximately $1.7 million will be used for noncompetitive continuation awards for comprehensive hemophilia diagnostic and treatment centers. Approximately $1.3 million will be available to support 11 competitive renewal or new comprehensive hemophilia diagnostic and treatment centers. The amount of each award will be approximately $118,000.

Health Planning Requirements

All new and competing renewal applications as well as all continuing applications which propose a substantive change in the scope of the project must be submitted to the appropriate A–95 Clearinghouse Agency(s) by March 1, 1981. (See Office of Management and Budget Circular A–95, Revised.) Applicants also must submit applications to the appropriate Health Systems Agency(s) by February 21, 1981.

Application Information

Application kits, including all necessary forms, instructions, and a copy of the program regulations, may be obtained upon written request to the Grants Management Branch, Bureau of Community Health Services, Room 6–49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone 301 443–1440. Completed applications must be returned to the same office.

Consultation and technical assistance regarding the development of an application are available from Mr. Edward Duffy, Office for Maternal and Child Health, Bureau of Community Health Services, Health Services Administration, Room 7–16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443–2350.

Dated: January 27, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-4583 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-84-M

National Institutes of Health

Aging Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on March 19–20, 1981, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on March 19, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 19, from 10:00 a.m. to adjournment on March 20, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 4588 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-08-M

Advisory Committees; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the establishment of the following committees by the Secretary, Department of Health and Human Services.

Behavioral and Neurosciences Study Section

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to the areas of research and training concerned with the behavioral, social, epidemiological, neural, and visual aspects of science.

Biomedical Sciences Study Section

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to the biomedical sciences to include biophysics and biophysical chemistry, biochemistry, bacteriology and mycology, bioanalytical chemistry, metallochemistry, bio-organic and natural products chemistry, cell biology, cellular physiology, molecular cytology, genetics, microbiology, microbial chemistry, molecular biology, medicinal chemistry, metabolism, nutrition, physical biochemistry, pathobiological chemistry, physiological chemistry, pharmacology, tropical medicine and parasitology, and toxicology.

Clinical Sciences Study Section

This committee shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications and proposals for grants-in-aid for research projects and for grants and awards for research and training activities relating to basic and clinical immunology, virology, physiology, cardiovascular sciences, endocrinology, reproductive biology, embryology, pathology, hematology, gastroenterology rheumatology, dermatology, urology, surgery, oral biology, radiation biology, experimental therapeutics and carcinogenesis.

Arthritis, Metabolism, and Digestive Diseases Special Projects Review Committee

This committee shall provide advice to the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, concerning the review of grant applications. This review will focus particular attention on the overall goals, the importance of the research to the mission of the Institute, the multidisciplinary scope of the total proposed project cohesiveness, scientific merit, justification of the core element, and fiscal and administrative adequacy.

Environmental Health Sciences Review Committee

This committee shall review research grant applications for support of broad interdisciplinary programs where the major emphasis is on the effects of the environment on man's health, and shall make recommendations to the Secretary, the Assistant Secretary for Health, the Director, National Institutes of Health, the Director, National Institute of Environmental Health Sciences, and the National Advisory Environmental Health Sciences Council. The Committee shall provide technical advice to the Institute in developing, monitoring, and evaluating special programs that include both grant applications and contract proposals.

Board of Scientific Counselors, National Library of Medicine

This committee shall advise the Secretary; the Assistant Secretary for Health; the Director, National Institutes of Health; the Director, National Library of Medicine; the Director, Lister Hill National Center for Biomedical Communications; and the Director, National Medical Audiovisual Center, concerning the intramural research and development programs through periodic visits to he National Library of Medicine for assessment of the research and development in progress, assessments of proposed programs and evaluation of the productivity and performance of staff scientists.

Authority for these committees shall terminate on January 12, 1983, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: February 3, 1981.

Donald S. Frederickson,

Director, National Institutes of Health.

[FR Doc. 81-4589 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-08-M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Application; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee on March 23-24, 1981, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on March 24, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Application on March 25 from 9:00 a.m. to approximately 12:00 noon in the 5th floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on March 23 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: March 23 from 11:00 a.m. to 5:00 p.m., March 24 from 8:30 a.m. to adjournment; and March 25 for the subcommittee meeting from 9:00 a.m. to 12:00 noon. These applications and the discussion could reveal confidential trade secrets or commerical property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone: 301-496-4191, will provide summaries of the meeting, roster of the committee members, and other information pertaining to the meeting.

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.)

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-4590 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-08-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, March 9-10, 1981, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on March 9, from 8:00 a.m. to 8:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 9, from 8:30 a.m. to adjournment, and on March 10, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7413) will furnish substantive program information.

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

(Catalog of Federal Domestic Assistance Number 13.399, project grants and contracts in cancer control, National Institutes of Health)

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health

[FR Doc. 81-4591 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-08-M

Cardiology Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, April 6 and 7, 1981, in Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available. Topics for discussion will include a review of subcommittee reports and recommendations of the Committee for future activities.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Barbara Packard, M.D, Ph.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Federal Building, Room 320, Bethesda, Maryland 20205, phone (301) 496–5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular)

Dated: January 29, 1981.

Suzanne L. Fremeau,

Committee Management Officer, National Institute of Health.

[FR Doc. 81–4592 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trail Review Committee, National Heart, Lung, and Blood Institute, on March 29–31, 1981, at the Boston Park Plaza Hotel, 64 Arlington Street, Boston, Massachusetts, 02117.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on March 29, 1981 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:00 p.m. to adjournment on March 29, 1981, and from 8:30 a.m. to adjournment on March 30, and March 31, 1981 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–4593 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, March 19–20, 1981, at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m., on March 19, 1981, to discuss administrative matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 19, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on March 20, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of the meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B33, Bethesda, Maryland 20205, telephone (301) 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.)

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes Health.

[FR Doc. 81–4594 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

Genetic Basic of Disease Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on March 16–17, 1981, at the National Institutes of Health, Building 31A, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on March 16, 1981, from 9:00 a.m. until 12 noon for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately ten hours for the

review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on March 16 from 12 noon until 5:00 p.m. and on March 17 from 9:00 a.m. until adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGSM, Westwood Building, Room 9A05, Bethesda, Maryland 20205, telephone 301 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Mrs. Mary L. Wolff, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland 20205 (Telephone 301–496–7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–862, Genetics Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–4595 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Large Bowel Subcommittee), National Cancer Institute, March 2–3, 1981, 10th Floor Dining Room, Houston Main Building, M.D., Anderson Hospital, 1100 Holcombe Boulevard, Houston, Texas 77030. This meeting will be open to the public on March 2, from 7:30 p.m. to 8:00 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 2, from 8:00 p.m. to adjournment, and on March 3, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee), National Cancer Institute, Blair Building, Room 312, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 becaue they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–4596 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on March 17–18, 1981, in Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on March 17, from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Attendence by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 17 from 10:30 a.m. to adjournment on March 18 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated wih the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Mrs. Majorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301,496–1696, will furnish substantive programs information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–4597 Filed 2–9–81; 8:45 am]

BILLING CODE 4110–08–M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, March 6 and 7, 1981 at the Dallas Hilton Hotel, Dallas, Texas.

The meeting will be open to the public on March 6 from 9:00 a.m. to approximately 9:30 a.m. and on March 7 from 9:00 a.m. to approximately 10:00 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public on March 6 from approximately 9:30 a.m. until adjournment and on March 7 from 10:00 until the meeting adjourns for the

review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Disease, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Bethesda, Maryland 20205, Telephone (301) 496–7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharamological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: February 3, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-4598 Filed 2-9-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Findings Against Federal Acknowledgment of the Lower Muskogee Creek Tribe-East of the Mississippi, Inc.

The notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.9(f) notice is hereby given that the Assistant Secretary proposes to decline to acknowledge the Lower Muskogee Creek Tribe-East of the Mississippi, Inc., c/o Mr. Neal N. McCormick, Route 1, Tama Reservation, Cairo, Georgia 31728, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet four of the criteria set forth in 25 CFR 54.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Under § 54.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 54.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242, Attention: Federal Acknowledgment Branch.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the **Federal Register** as provided in Section 54.9(h).

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-4614 Filed 2-9-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California; Filing of Plat of Survey

January 29, 1981.

1. A plat of survey of the following described land, accepted January 14, 1981, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on March 24, 1981.

Mount Diablo Meridian, California

T. 28 S., R. 28 E.
Secs. 34 and 35.

2. The supplemental plat, showing new lottings and areas, is based upon the plat approved September 4, 1855, and the Interior Board of Land Appeals' decision dated October 28, 1980, IBLA 73–375 (51 IBLA 3).

3. The public lands listed above are open to the operation of the public land laws, subject to any valid existing rights, and the requirements of applicable law, rules and regulations.

4. This plat was prepared to accommodate a swampland application requested by the State of California.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Branch of Records and Data Management.

[FR Doc. 81-4582 Filed 2-9-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council Meeting

Correction

In FR Doc. 81–4173, published on page 11049, in the issue of Thrursday, February 5, 1981, the signature and date was inadvertently dropped from the end of the document, and should be added to read as follows:

Thomas J. Owen,

District Manager.

January 28, 1981.

BILLING CODE 1505-01-M

District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Rawlins District Advisory Council will be held on March 19, 1981.

The meeting will begin at 9:00 a.m. in the Carnegie Room of the Fremont County Public Library, 451 North Second Street, Lander, Wyoming.

The agenda will include: (1) an update of resource program activities as discussed at the last meeting, (2) a review of the current district budget and future budget proposals, (3) status reports on the Overland and Divide Basin Management Framework Plans, (4) a review of progress on the Green Mountain Management Framework Plan, and (5) discussion of items of interest to the Council.

The meeting will be open to the public. Interested persons may make oral statements before the Council or file written statements for the Council's consideration. Persons wishing to make oral statements are asked to notify the Rawlins District Manager, 1300 North Third Street, P.O. Box 670, Rawlins, Wyoming 82301 by close of business March 13, 1981.

Elbert W. Spencer,

Acting District Manager.

[FR Doc. 81-4660 Filed 2-9-81; 8:45 am]

BILLING CODE 4310-84-M

Jarbidge Resource Management Plan, Idaho; Intent To Prepare an Environmental Impact Statement

This notice advises the public that the BLM has begun a comprehensive planning process for the purpose of developing a Resource Management

Plan (RMP). As part of the plan development an Environmental Impact Statement (EIS) will be prepared. The plan will serve as a guide for the orderly use and development of approximately 1.7 million acres of public lands in south central Idaho. Various land-use alternatives, ranging from resource production to resource preservation, will be identified and analyzed in the Resource Management Plan. The Plan and associated EIS is scheduled for completion by September 30, 1985.

The planning area is located in portions of Owyhee, Elmore and Twin Falls counties of Idaho and Elko county in Nevada. It generally extends from Anderson Ranch Dam on the north to the Jarbidge Wilderness Area of the Humboldt Forest in northern Nevada to the south and between the Bruneau River on the west and Salmon Falls Creek on the east.

This notice is being furnished as required by the Federal Land Policy and Management Act Regulations [43 CFR 1601.3(g)] to obtain suggestions from Federal agencies, State and Local governments, Indian tribes and the general public on issues to be considered in the RMP. Issues thus far identified through public contacts and which may be addressed in the plan are: vegetation allocation to domestic livestock (cattle, sheep and horses), wildlife and wild horses; watershed maintenance; agricultural expansion; wilderness; off-road vehicle areas; utility corridors; wild and scenic river systems; Bruneau Sand Dunes State Park Boundary Adjustment; wild horse; farms which return to federal ownership after default; mining claims; land exchanges; and public sales; and Areas of Critical Environmental Concen (ACEC's).

An ACEC is an area "within the public lands where special management is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." ACECs can only be designated through the planning process. One possible ACEC thus far identified in the planning area is the Hagerman Fossil Beds. The public is specifically requested to propose other areas which might merit designation as an ACEC in the Jarbidge Resource Area as well as to identify additional issues to those mentioned above.

An interdisciplinary planning team will develop the RMP. Disciplines represented will include: wildlife, soils science, range science, recreation, wilderness, geology, archaeology, botany, forestry hydrology, fisheries, and land-use planning.

There will be extensive public participation throughout the planning process. The issue identification or scoping phase of the plan began in December of 1980, at which time contacts began. Public contacts will be made throughout the planning area to obtain general public input.

Future opportunities for public involvement will be announced via appropriate news media and by direct mailings to prospectively interested individuals.

Further information can be obtained from, and/or comments sent to the attention of: Bob Mitchell or Bil Weigand at the Boise District Office, BLM, 3908 Development Ave., Boise, Idaho 83705, (208) 334–1582.

James Gabettas,

Acting District Manager.

January 26, 1981.

[FR Doc. 81–4659 Filed 2–9–81; 8:45 am]

BILLING CODE 4310–84–M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 30, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 25, 1981.

Carol Shull,

Acting Chief, Registration Branch.

CALIFORNIA

Los Angeles County

Redondo Beach, *Redondo Beach Public Library*, 309 Esplanade St.

Orange County

Orange, *Ainsworth, Lewis, House*, 414 E. Chapman Ave.

INDIANA

Cass County

Logansport, *Washington School*, 101 N. Cicott St.

Posey County

New Harmony, *Scholle, Mattias, House*, Tavern and Brewery Sts.

NEBRASKA

Webster County

Red Cloud, *Burlington Depot (Willa Cather Thematic Resources)*, Seward St.

NEW HAMPSHIRE

Hillsborough County

Mount Vernon vicinity, *Lamson Farm*, N of Mount Vernon on Lamson Rd.

Merrimack County

Henniker, *Henniker Town Hall*, Depot Hill Rd.

NEW YORK

Suffolk County

Huntington, *Fort Golgotha and the Old Burial Hill Cemetery*, Main St. and Nassau Rd.

WYOMING

Albany County

Centennial vicinity, *Knight, S. H., Science Camp*, W of Centennial on WY 130

[FR Doc. 81–4389 Filed 2–9–81; 8:45 am]

BILLING CODE 4310–03–M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. M 043848]

Availability for Public Review of a Major Modification to a Mining and Reclamation Plan for a Surface Coal Mine Proposed by Baukol-Noonan, Inc.; for the Center Mine, Oliver County, North Dakota

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability for Public Review of Proposed Major Modification to a Coal Mining and Reclamation Plan and Permit Application.

SUMMARY: Pursuant to §§ 741.17(b) and 786.11 of Title 30 and Section 1500.2 of Title 40, Code of Federal Regulations (CFR), notice is hereby given that the Office of Surface Mining (OSM) has received an application from Baukol-Noonan, Inc. to continue mining onto Federal coal at the Center Mine.

A brief description of the location follows:

Applicant: Baukol-Noonan, Inc.
Mine Name: Center Mine
State: North Dakota
County: Oliver
Section, Township, Range: NE ¼ Section 26, T142N, R84W.
U.S. Geological Survey Maps showing location: Center, North Dakota Quadrangle (7.5 minute quadrangle.)
Office of Surface Mining Reference No. ND 0010
Name and Address of Applicant: Baukol-Noonan, Inc. P.O. Box 879 Minot, North Dakota 58701

The mine is located in North Dakota, approximately 35 miles northwest of Bismarck, North Dakota, or 3½ miles southeast of Center, North Dakota, at the junction of State roads 25 and 48. The mine is currently operating under State permit 37, and a mine plan approval from the Department of the Interior pursuant to the Coal Mining Operating Regulations (30 CFR Part 211). Baukol-Noonan, Inc. is presently mining Fee coal. The current mining operation covers about 1,830 acres with a production of about 4,000,000 tons of coal per year.

On May 7, 1980, the applicant submitted a plan to mine and reclaim 213 acres of land, 160 acres of which is Federal coal, this acreage will be evaluated pursuant to North Dakota's permanent regulatory program (which was approved by the Secretary on December 15, 1980) and the permanent regulatory program for Federal lands. Thus, action on the plan will be considered pursuant to Chapter VII, Subchapter D of Title 30 (30 CFR 740 et seq.) and Article 69–05.2 of the State regulations. The principal purpose of the submission is to maintain the current production of 4,000,000 per year at the mine. With the new proposed mining and disturbance, about 213 acres, the total average under the permit would be approximately 2,040 acres.

The mining and reclamation plan has been determined to be sufficiently complete for public review. This notice is issued to inform the public of the plan for review in the offices of the regulatory authority. The Office of Surface Mining and the State of North Dakota will prepare a technical and environmental assessment (TEA) to determine whether the proposed plan meets the requirements of SMCRA and the North Dakota Surface Mining Reclamation Act which will evaluate the impacts of actions the Department of the Interior and the North Dakota Public Service Commission may take on the plan. During the analytical review, it is possible that the regulatory authority will request additional information from the company. Any further information received would also be available for public review.

No action on the modified plan will be taken by the Regional Director on or before March 12, 1981. Boukol-Noonan, Inc. published a notice of filing the proposed modification to the mining and reclamation plan in the "Center Republican" on May 7, 14, 21 and 28, 1980. Prior to making a final decision on this proposed modification, OSM will issue a Notice of Availability of the technical and environmental assessment pursuant to Section 1506.6 of Title 40, Code of Federal Regulations.

This plan is available for public review in the Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202; the North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota 58505; Baukol-Noonan, Inc. Minot, North Dakota 58701; and the Oliver County Auditor's Office, Center, North Dakota 58530. Comments on the proposed mine plan application may be addressed to the Regional Director, Office of Surface Mining, at the above Denver address; to the Reclamation Division at the North Dakota Public Service Commission at the indicated Bismarck address, or to both.

FOR FURTHER INFORMATION CONTACT: Steve Manger or John Hardaway, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 or Allen Klein, North Dakota Public Service Commission, Capitol Building, Bismarck, North Dakota 58505.

Dated: February 4, 1981.

R. H. Hagen,

Acting Deputy Regional Director.

[FR Doc. 81–4599 Filed 2–9–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

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.

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 protests in the form of verified statements filed on or before March 27, 1981 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–151

Decided: January 26, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 434 (Sub-3), filed January 12, 1981. Applicant: REMY MOVING & STORAGE CORP., Old Post Rd., Walpole, MA 02081. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036. Transporting *household goods* (1) between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, and (2) between points in CT, ME, MA, NH, NJ, NY, RI, and VT, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, NC, OH, PA, SC, TN, VA, WV, IL, IN, MI, and DC.

MC 59135 (Sub-41), filed January 8, 1981. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., 24–50 Wright Ave., Auburn, NY 13021. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036. Over regular routes, transporting *general commodities* (1) between Washington, DC, and Norfolk, VA as follows: from Washington, DC, over U.S. Hwy 1 to Richmond, VA, then Interstate Hwy 95

and Interstate Hwy 460 to Norfolk, VA and return over the same route, serving all points in VA as off-route points in connection with carrier's existing regular route authority, (2) between Norfolk, VA and Salisbury, MD as follows: from Norfolk, VA over Interstate Hwy 13 to Salisbury, MD and return over the same route, serving all points in VA as off-route points in connection with the carrier's existing regular-route authority, (3) between Pittsburgh, PA and Charleston, WV as follows: from Pittsburgh, PA over U.S. Hwy 19 to the PA/WV State Line, then over U.S. Hwy 19 to junction U.S. Hwy 19 and Interstate Hwy 79 at or near Sutton, WV, then over Interstate Hwy 79 and U.S. Hwy 119, then over U.S. Hwy 119 to Charleston, WV and return over the same route. (4) between Erie, PA, and Toledo, OH as follows: from Erie, PA over U.S. Hwy 20 to Toledo, OH and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular-route authority, (5) between Pittsburgh, PA and Cleveland, OH as follows: from Pittsburgh, PA over U.S. Hwy 22 to junction U.S. Hwy 22 and U.S. Hwys 36/250, then over U.S. Hwys 36/250 to junction U.S. Hwys 36/250 to Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland, OH and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular-route authority, and (6) between Pittsburgh, PA and Cincinnati, OH, as follows: from Pittsburgh, PA over U.S. Hwy 19 to junction U.S. Hwy 19 and Interstate Hwy 70, then over Interstate Hwy 70 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, OH, and return over the same route, serving all points in OH as off-route points in connection with carrier's existing regular route authority.

MC 65475 (Sub-42), filed January 9, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *transportation equipment,* between points in Milwaukee and Waukesha Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 106674 (Sub-523), filed January 9, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN. Representative: Jerry L. Johnson (same address as applicant). Transporting *glass containers,* between points in Monmouth County, NJ, Vigo County, IN, Houston County, GA, Okmulgee County, OK and Scott County, MN, on the one hand, and, on the other, points in the U.S.

MC 106674 (Sub-524), filed January 9, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977.. Representative: Jerry L. Johnson (same address as applicant). Transporting *general commodities,* between points in the U.S. restricted to traffic originating at or destined to the facilities used by Hammermill Paper Company.

MC 107544 (Sub-155), filed January 14, 1980. Applicant: LEMMON TRANSPORT COMPANY, INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Transporting *commodities,* in bulk, between points in VA, WV, NC, and TN, on the one hand, and, on the other, points in the U.S.

MC 111274 (Sub-63), filed January 5, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). Transporting *engines* and *fuel,* between points in the U.S., under continuing contract(s) with m.e.p. Industries, Inc., of Rockford, IL.

MC 111594 (Sub-105), filed January 12, 1981. Applicant: CW Transport, Inc., 610 High St., Wisconsin Rapids, WI 54494. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 112184 (Sub-74), filed January 8, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., a corporation, 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. Transporting *corn products,* between points in the U.S. under continuing contract(s) with Clinton Corn Processing Company, Inc., Division of Standard Brands, Inc., of Clinton, IA.

MC 114194 (Sub-220), filed January 9, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., P.O. Box 147, Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *salt, salt products, food seasoning compounds,* between the St. Louis, MO-East St. Louis, IL Commercial zone, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MO, MS, and TN.

MC 114604 (Sub-126), filed January 13, 1981. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Forest Park, GA 30050. Representative: Jean E. Kesinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Savannah, GA, and points in AL, FL, NC, SC, VA, and TN.

MC 116915 (Sub-132), filed January 7, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., restricted to shipments originating at or destined to the facilities of Georgia Marble.

MC 116915 (Sub-133), filed January 5, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of The Celotex Corporation and its subsidiaries.

MC 121745 (Sub-3), filed January 9, 1981. Applicant: C. D. SPAIN and J. T. SPAIN d.b.a. SPAIN'S TRANSFER, P.O. Box 68, Minot, ND 58701. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Minot, ND and Voltaire, ND, over U.S. Hwy 52; (2) between Velva, ND and Granville, ND: from Velva over ND Hwy 41 to junction U.S. Hwy 2, then over U.S. Hwy 2 to Granville, ND; and (3) between Minot, ND and Granville, ND, over U.S. Hwy 2.

MC 123054 (Sub-32), filed January 9, 1981. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *pulp, paper and related products,* between points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 123054 (Sub-33), filed January 9, 1981. Applicant: R & H CORPORATION, 295 Grand Avenue, Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *such commodities* as are dealt in or used by drug, grocery and food business houses, between points in CT, DE, IN, KY, MA, MD, MI, NJ, NY, NC, OH, PA, RI, VA, WV, and DC.

MC 124774 (Sub-135), filed January 6, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha,

NE 68114. Transporting *meats, meat products, meat by-products, and articles distributed by meat packing houses,* between points in IA, KS, MO, and NE, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 125335 (Sub-112F), filed January 12, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *food and related products,* between points in Nash and Rutherford Counties, NC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 128205 (Sub-99F), filed January 7, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, a Corporation, 12000 S. Doty Ave., Chicago, IL 60628. Representative: E. Stephen Heisley, 805 McLachlan Bank Bldg., 666 11th St., NW., Washington, DC 20001. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Hammond Lead Products, Inc., of Hammond, IN.

MC 128205 (Sub-100), filed January 12, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *chemicals and related products,* between points in the U.S.

MC 128905 (Sub-9), filed January 5, 1981. Applicant: ZERKLE TRUCKING COMPANY, a Corporation, 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: N. W. Bowen, Jr. (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Midwest Corporation, of Charleston, WV, and their parent Company, Unarco Industries, Inc., of Charleston, WV.

MC 133805 (Sub-64), filed January 9, 1981. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *chemicals,* between the facilities of Emery Industries, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 134064 (Sub-47), filed January 9, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *malt beverages* between points in Wood County, OH, and Okland, Macomb and Wayne Counties, MI, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, MS and LA.

MC 134105 (Sub-557), filed January 12, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossdille Avenue, Chattanooga, TN 37408. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products,* between points in Macon County, GA, on the one hand, and, on the other, points in the U.S. in and east of WI, IA, KS, OK and TX.

MC 135115 (Sub-3), filed January 13, 1981. Applicant: BRAZEAU TRANSPORT, INC., 6600 Chemin Cote St-Francois, Ville St-Laurent, Quebec H4S 1B7. Representative: Edward L. Hehez, P.O. Box 1409, Fairfield, NJ 07006. Transporting *petroleum, natural gas, and their products,* between ports of entry on the international boundary line between the U.S. and Canada in the U.S., on the one hand, and, on the other, points in ME.

MC 135364 (Sub-45), filed January 9, 1981. Applicant: MORWALL TRUCKING, INC., R.D. 3, Box 76C, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Essex Chemical Corporation, of Clifton, NJ.

MC 135895 (Sub-121), filed January 6, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *general commodities* (except classes A and B explosives), between the facilities of Airwick Industries, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136605 (Sub-161), filed January 12, 1981. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8129, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). Transporting *iron and steel articles,* between points in Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 139115 (Sub-1), filed January 2, 1981. Applicant: ROSS EXPRESS, INC., P.O. Box 42, Route 3, Penacook, NJ 03301. Representative: Robert E. Jauron, 40 Stark St., Manchester, NH 03101. Transporting *general commodities* (except classes A and B explosives), between points in NH, VT, ME, and MA.

MC 140294 (Sub-19), filed January 5, 1981. Applicant: CENTRAL FREIGHTS, INC. P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Transporting *chemicals and related products,* between Edison, NJ, and Lebanon, PA, on the one hand, and, on the other, points in MD, WV, and VA.

MC 142204 (Sub-13), filed January 13, 1981. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting (1) *such commodities* as are dealt in or used by foundaries, between points in Reno and Sedgwick Counties, KS, Dickinson County, MI, and Milwaukee, Sauk, and Waukesha Counties, WI, on the one hand, and, on the other, points in AL, GA, FL, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, OH, PA, SC, SD, TN, WV, and WI, and (2) *foundry furnace/cupola dust,* from Kingsford, MI to Germantown, WI.

MC 145435 (Sub-10), filed January 6, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 N. Parkway Dr., Fresno, CA 93711. Representative: Rolland J. Mefford (same address as applicant). Transporting *food and related products,* between points in the U.S. under continuing contract(s) with R. T. French Co., of Rochester, NY.

MC 145435 (Sub-12), filed January 13, 1981. Applicant: WESTERN AG INDUSTRIES, INC., 2750 N. Parkway Dr., Fresno, CA 93711. Representative: Rolland J. Mefford (same address as applicant). Transporting *cleaning compounds,* between points in the US.

MC 145474 (Sub-3), filed January 12, 1981. Applicant: STAR SYSTEMS, INC., 13330 Mapledale St., Norwalk, CA 90650. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Samsonite Corporation, Luggage Division, of Denver, CO.

MC 148604 (Sub-5F), filed January 12, 1981. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Avenue, Akron, OH 44306. Representative: Paul A. Englehart, (same address as applicant). Transporting *malt beverages and wine,* between points in Carroll, Columbiana, Cuyahoga, Geauga, Jefferson, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties, OH, on the one hand, and, on the other, points in IL, MI, NJ, NY, NC and WI.

MC 149114 (Sub-4F), filed December 31, 1980. Applicant: NATIONAL TRANSPORT SERVICES, 100 Industrial Ave., Edison, NJ 08817. Representative: Barbara R. Klein, 1101 Connecticut Ave., NW., Washington, DC 20036. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Wakefern Food Corporation, of Elizabeth, NJ.

MC 150745 (Sub-2), filed January 9, 1981. Applicant: ART WHIPPLE TRUCKING, INC., 2595 North Walker Way, Fresno, CA 93727. Representative: Raymond A. Greene, Jr., 100 Pine Street No. 20550, San Francisco, CA 94111. Transporting *iron and steel articles* and *wire products,* between points in the U.S., under continuing contract(s) with Reliance Steel and Aluminum Co., of Fresno, CA.

MC 151105, filed January 12, 1981. Applicant: TILLAMOOK SERVICES, INC., 10 Stuyvesant Avenue, Lyndhurst, JN 07071. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with A. Servetnick & Sons, Philadelphia, PA.

MC 151955, filed January 12, 1981. Applicant: 76 ADVENTURES OF NEW JERSEY, INC., 1 Lincoln Plaza Suite 18G, New York, NY 10023. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Fairfield and New Haven Counties, CT, Hartford, CT, New York, NY, Rockland, Westchester, Nassau and Suffolk counties, NY and extending to points in Atlantic City, NJ.

MC 151985 (Sub-2), filed January 12, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Atlanta, GA 30318. Representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, GA 30043. Transporting *tea, and beverage preparations,* between points in Fulton and Cobb Counties, GA on the one hand, and, on the other, points in FL.

MC 152085 (Sub-2), filed January 6, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *commodities in bulk,* and *cement,* between points in the U.S., under continuing contract(s) with Lehigh Portland Cement Company, of Allentown, PA.

MC 152194, filed January 13, 1981. Applicant: NECOMA TRANSPORT, INC., 11 South 360 Madison Street, Hinsdale, IL 60521. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Transporting *liquid clearning compounds,* from Blue Island, IL, to points in IA, IN, MI, MO, OH, and WI.

MC 152284 (Sub-2), filed January 8, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rotary Lift, a Division of Dover Corporation, of Madison, IN.

MC 153475, filed January 5, 1981. Applicant: WILLIAM W. CHAUDOIN, d.b.a. CHAUDOIN BUS LINE, P.O. Box 94, Summersville, KY 42782. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Transporting *passengers and their baggage* in charter operations, beginning and ending at points in Green, Adair, Russell, Clinton, Marion, Taylor, Larue, Hardin, Bullitt, Jefferson, Hart, Metcalfe, Barren and Warren Counties, KY, and extending to points in the U.S.

Volume No. OP3–154

Decided: January 28, 1981.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill. (Member Hill not participating.)

MC 2934 (Sub-99), filed January 14, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *furniture and fixtures,* between points in York County, PA, on the one hand, and, on the other, points in KS, KY, LA, MI, MN, MS, NE, OH, OK, TN, TX, VA, WI and WV.

MC 8535 (Sub-124), filed January 9, 1981. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, Suite 502, Solar Bldg., 1000–16th Street, NW., Washington, DC 20036. Transporting *machinery,* between points in Lehigh and Lancaster Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 15975 (Sub-44), filed January 15, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting *alcoholic beverages and wines,* between Jacksonville, FL, on the one hand, and, on the other, points in the U.S.

MC 26825 (Sub-34), filed January 14, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *lumber and wood products,* between points in the U.S.

MC 67234 (Sub-37), filed January 14, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 67234 (Sub-38), filed January 14, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 314–727–0777. Transporting (1) *furniture and fixtures* and (2) *such commodities* as are dealt in or used by chain and food business houses, between points in the U.S.

MC 99234 (Sub-20), filed January 13, 1981. Applicant: WESTWAY MOTOR FREIGHT, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver CO 80264. Transporting *metal products and building materials,* between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 106195 (Sub-30), filed January 16, 1981. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, 9202 West Dodge Rd., Suite 201, Omaha, NE 68114. Transporting *general commodities* (except classes A and B explosives), between points in Scottsbluff, Madison, and Douglas Counties, NE, and Omaha, NE, on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, and WI.

MC 106674 (Sub-522), filed January 9, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (Same address as applicant). Transporting *fabricated metal products,* between Philadelphia, PA and Medina, NY, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 109724 (Sub-8), filed January 16, 1981. Applicant: PAUL J. SCHMIT, d.b.a. PAUL J. SCHMIT TRUCKING, 1480 N. Springdale Rd., Waukesha, WI 53186. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *sand,* between points in the U.S., under continuing contract(s) with Manley Bros. of

Indiana, Inc., of Chestertown, IN, and Acme Resin Corporation, an affiliate of CPC North America, of Forest Park, IL.

MC 111485 (Sub-32F), filed January 6, 1981. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except classes A and B explosives), between points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall, and McCracken Counties, KY, on the one hand, and, on the other, points in the U.S.

Note.—Carrier intends to tack authority sought with carrier's regular route authority in MC 111485, and to interline with connecting carriers.

MC 112595 (Sub-97), filed January 13, 1981. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. Transporting *commodities in bulk,* between Birmingham and Mobile, AL, Phoenix, AZ, Newark, Mojave, Santa Fe Springs, and Los Angeles, CA, Denver, CO, Jacksonville, Miami, Orlando, and Tampa, FL, Atlanta, Columbus, and Savannah, GA, Argenta, Calumet City, Chicago, and Moline, IL, Indianapolis, South Bend, and Ft. Wayne, IN, Kansas City, KS, Ashland, Lexington, and Louisville, KY, Allemania, Baton Rouge, Donaldsonville, New Orleans, and Shreveport, LA, Westfield, MA, Baltimore, MD, Detroit and Lansing, MI, Minneapolis, MN, Jackson, MS, St. Louis and Valley Park, MO, Newark and Fords, NJ, Binghamton, Buffalo, Rensselaer, Syracuse, and Tonawanda, NY, Charlotte, Greensboro, and Raleigh, NC, Ashtabula, Akron, Bellaire, Belpre, Cincinnati, Cleveland, Columbus, Dayton, Lima, and Toledo, OH, Oklahoma City and Tulsa, OK, Portland, OR, Easton, Freedom, Pittsburgh, and Philadelphia, PA, Columbia and Greenville, SC, Knoxville, Memphis, and Nashville, TN, Dallas, Houston, Kosmos, Midland, and Norrick, TX, Roanoke, VA, Seattle, WA, Huntington and Neal, WV, and Menasha and Milwaukee, WI, on the one hand, and on the other, points in the U.S.

MC 114015 (Sub-34), filed January 14, 1981. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *pipe,* between points in the U.S., under continuing contract(s) with Charlotte Pipe and Foundry Co., at Charlotte, NC.

MC 116254 (Sub-323), filed January 9, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: Hampton M. Mills (same address as applicant). Transporting *metal products,* between Spaulpa, OK and Pittsburg, KS, on the one hand, and, on the other, Salisbury, NC, Winston-Salem, NC, Hannibal, OH, Lancaster, PA, Wellsville, PA, and Moncks Corner, SC.

MC 140294 (Sub-20), filed January 15, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *toys and games,* from points in New Haven County, CT, to points in Frederick County, MD.

MC 140294 (Sub-21), filed January 15, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. Transporting *machinery,* between Waynesboro, PA, and Olathe, KS, on the one hand, and, on the other, points in PA, OH, MI, MD, IN, IL, CT, ME, MA, VT, NH, RI, KS, WI, IA, NJ, and NY.

MC 143154 (Sub-9), filed January 12, 1981. Applicant: A & S TRUCKING, P.O. Box 4027, Missoula, MT 59801. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. Transporting *distilled spirits and wine,* between points in MT, ID, WA, OR, and CA, on the one hand, and, on the other, points in NY, NJ, MN, TN, IN, WI, IL, KY, CO, WY, KS, MT, WA, OR, CA, ID, OH, MI, MA, NM, AZ, NV, UT, MO, and FL.

MC 144655 (Sub-2), filed January 9, 1981. Applicant: ARCTIC TRANSPORT, INC., 4750 West Main Street, Fargo, ND 58102. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *transportation equipment,* between points in the U.S.

MC 145454 (Sub-1), filed January 9, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION CO., INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Transporting *food and related products,* between points in the U.S., under contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 145955 (Sub-21), filed January 16, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and related products,* between Omaha, NE, on the one hand, and, on the other, points in IA and WI.

MC 148764 (Sub-4), filed January 12, 1981. Applicant: MAR–PAT TRANSPORTATION CORP., 2445 Allen Avenue, Niagara Falls, NY 14303. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Transporting *hazardous materials,* between points in the U.S. east of ND, SD, NE, KS, OK, and TX.

Note.—The authority granted herein shall expire 5 years from its date of issuance.

MC 150535 (Sub-7), filed January 13, 1981. Applicant: PULS EYE TRANSPORT, INC., Suite 2424, 33 North Dearborn Street, Chicago, IL 60602. Representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 401, Chicago, IL 60603. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with New England Products Co., Inc., of Littleton, MD.

MC 151655 (Sub-1), filed January 12, 1981. Applicant: FRANK BROS. TRUCKING CO., a corporation, 349 Abbott Avenue, P.O. Box 241, Hillsboro, TX 76645. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Transporting *glass and glass products,* between points in the U.S., under continuing contract(s) with Guardian Industries Corp., Corsicana, TX.

MC 152205 (Sub-2), filed January 15, 1981. Applicant: CATARACT TRUCK & CAR RENTAL CORP., 2445 Allen Ave., Niagara Falls, NY 14303. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Transporting *hazardous materials,* between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Note.—The certificate issued in this proceeding shall expire 5 years from the date of issuance.

MC 153615, filed January 14, 1981. Applicant: SMITH TRANSFER COMPANY, INC., P.O. Box 531, Wilson, NC 27893. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *lumber and wood products,* between points in Nash and Edgecombe Counties, NC and Patrick and Sussex Counties, VA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 153624, filed January 15, 1981. Applicant: ANDERSON TRUCK LINES OF MINNESOTA, INC., Hayward, MN 56043. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *food and related products,* between Albert Lea, MN, Olathe, KS, Waukesha, WI, and

Navasota, TX, on the one hand, and, on the other, points in KS, WI, IN, MI, MN, TN, LA, OK, TX, and AR.

Volume No. OP3–155

Decided: January 29, 1981.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 18535 (Sub-71), filed December 16, 1980. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Representative: Robert H. Hicklin (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in FL, GA, NC, SC, and VA, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MD, MI, MS, NC, OH, SC, TN, VA, WV, and DC.

Note.—Applicant relies upon past operations rather than shipper support to establish a prima facie case.

MC 43475 (Sub-59), filed January 15, 1981. Applicant: G. M. W., INC., P.O. Box 43947, St. Paul, MN 55164. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102. Transporting *general commodities* (except classes A and B explosives), between points in IL, IA, MN, ND, SD, Upper Peninsula of MI, and WI.

MC 115724 (Sub-13F), filed January 5, 1981. Applicant: J. W. PHILLIPS, INC., 4500 North Sewell, Suite No. 5, Oklahoma City, OK 73154. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Temtrol, Inc., of Okarche, OK.

MC 115614 (Sub-4), filed January 14, 1981. Applicant: MORGAN TRUCKING, INC., P.O. Box 148, Shelton, WA 98584. Representative: Michael A. Jonson, 300 Central Building, Seattle, WA 98104. Transporting *general commodities* (except classes A and B explosives), between Seattle, WA and Portland, OR.

MC 128305 (Sub-1), filed January 15, 1981. Applicant: STALCUP TRUCKING, INC., 2273 North Bayshore Drive, Coos Bay, OR 97420. Representative: Floyd E. Page (same address as applicant). Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in WA, OR, CA, and ID.

MC 133015 (Sub-2), filed January 12, 1981. Applicant: JAMES G. LYNCH, R.D. #1, Box 80A, Carbondale, PA 18407. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. As a *broker* at Lackawanna County, PA in arranging for transportation of *passengers and their baggage*, between points in Lackawanna, Luzerene, Monroe, Wyoming, Susquehanna, Wayne Waune and Pike Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 144514 (Sub-1), filed January 2, 1981. Applicant: J & M ENTERPRISES, LTD., 5300 Hubbell, Des Moines, IA 50316. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Transporting *meats, meat products, and meat by-products*, and *articles distributed by meat packinghouses*, between the facilities of Farmland Foods, Inc., at or near Crete, Lincoln, and Omaha, NE, and Denison, Carroll, Iowa Falls, Des Moines, Fort Dodge, Cherokee, and Sioux City, IA, on the one hand, and, on the other, points in the U.S. in and west of MT, WY, CO, and NM.

MC 145054 (Sub-41), file January 16, 1981. Applicant: COORS TRANSPORTATION COMPANY, A Corporation, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hedstrom U.S.A. Inc., d.b.a. Outdoor Sports Industries, of Denver, CO.

MC 145355 (Sub-2), file January 6, 1981. Applicant: JMT, INC., d.b.a., JOHN MURRAY COACH CO., P.O. Box 766, Pittston, PA 18640. Representative: John J. Murray, (same address as applicant). Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Luzerne and Lackawanna Counties, PA, and extending to points in the US (excluding AK and HI).

MC 145944 (Sub-6), file January 14, 1981. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *paints*, between points in the U.S., under continuing contract(s) with Dairyland Improvement Company, Inc., of Madison, WI.

MC 145955 (Sub-21), file January 16, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Transporting *food and related products*, between points in Douglas County, NE, on the one hand, and, on the other, points in IA and WI.

MC 150745 (Sub-1), filed January 13, 1981. Applicant: ART WHIPPLIE TRUCKING, INC., 2595 North Walker Wy., Fresno, CA 93727. Representative: Raymond A. Greene, Jr., 100 Pine Street, No. 2550, San Francisco, CA 94111. Transporting *cooling towers, condensers*, and *coolers*, between points in the U.S., under continuing contract(s) with Baltimore Aircoil of California, of Madera, CA.

MC 153474 (Sub-1), filed January 8, 1981. Applicant: WAYNE THOMAS, d.b.a. C&W TRUCKING, Box 59, Route 219, Luthersburg, PA 15848. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ridgway Color Co., of Ridgway, PA, and Bowers Printing Ink Company, of Chicago, IL.

MC 153564, filed January 12, 1981. Applicant: C. J. TOWER & SONS OF BUFFALO, INC., 128 Dearborn Street, Buffalo, NY 14207. Representative: Burtram W. Anderson (same address as applicant). As a broker of *general commodities* (except household goods), between points in the U.S.

MC 153635, filed January 15, 1981. Applicant: KEESHIN TOUR AND TRAVEL, INC., 705 S. Jefferson, Chicago, IL 60607. Representative: Paul A. Keeshin (same address as applicant). *Broker*, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4090 Filed 2-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-109 (Sub-No. 1)]

Quanah, Acme & Pacific Railway Co., Abandonment Between Acme and Floydada in Cottle, Motley, Floyd, and Hardeman Counties, TX; Findings

Notice is hereby given pursuant 49 U.S.C. 10903 that by decision decided January 26, 1981, a finding which is administratively final was made by the Commission Review Board Number 5, stating that, the public conveneince and necessity permits the abandonment by the Quanah, Acme & Pacific Railway Company of the line of railroad betwen milepost 766 at or near Paducah, TX to milepost 833.2 at or near Floydada, TX a distance of approximately 67.2 miles. The total distance of the above segment is 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 Quanah, Acme & Pacific Railway Company based on the above-described finding of the abandonment on March 12, 1981 unless before February 25, 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, D.C. 20423, no later than 10 days from the publication of this notice; and

(2) It is likely that such proffered assistance would: (a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to 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 the amount of compensation, a certificate of abandonment will be issued no later than 50 days after the 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 financial assistance for continued rail service for the acquisition of the involved rail lines 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 continued therein as well as the instructions contained in the above referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4694 Filed 2-9-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-First meeting of the Board for International Food and Agricultural Development (BIFAD) on February 26, 1981.

The purpose of the meeting is to receive and discuss a Position Paper by A.I.D.'s Technical Program Committee on Agriculture entitled "A Strategy for Focusing A.I.D.'s Anti-Hunger Effort"; discuss Perspectives of the BIFAD on Future Directions; Agency Perspectives on Future Directions; and meet with the BIFAD/Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m. and will be held in the Loy Henderson Room, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting with the BIFAD/Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 2248 New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Erven J. Long, Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: February 4, 1981.

Dr. Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 81-4693 Filed 2-9-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

Cancellation of Programs in Criminal Justice Statistics, JS-3 and JS-4

The following programs, which were announced on page 37915 of the **Federal Register** on June 5, 1980, are cancelled:

Program JS-3: Cooperative Agreement Program to Collect State-Level Offender Based Transaction Statistics (OBTS) Data.

Program JS-4: Cooperative Agreement Program to Collect Statewide Data on Adult Probation.

Dated: February 3, 1981.

Harry A. Scarr,

Director, Bureau of Justice Statistics.

[FR Doc. 81-4585 Filed 2-9-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-80-112-M]

Bunker Hill Co.; Petition for Modification of Application of Mandatory Safety Standard

Bunker Hill Company, P.O. Box 29, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.11-59 (hoist operators—respirable atmosphere requirements) to its Bunker Hill and Crescent Mines located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a respirable atmosphere independent of the mine atmosphere be provided for hoist operators.

2. As an alternate method of compliance, petitioner proposes to supply its hoist operators with:

a. An approved and properly maintained independent air breathing system consisting of a mask connected to compressed air stored in containers adjacent to the hoist controls;

b. An air supply equal to at least twice the time necesary to complete the evacuation of all persons designated to use the hoist. The system will further provide a 30-minute self-contained breathing apparatus capable of quick connection with the compressed air stored in the containers.

3. Petitioner's proposal will allow 5.5 hours of breathing air for the hoist operators. The longest recorded time in 45 complete evacuations in the

petitioner's mines is 1.5 hours; the air to be supplied under the proposed alternate method is more than three times the amount needed for evacuation.

4. Petitioner further states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: January 30, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4676 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-1-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Ireland Mine located in Marshall County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that examinations of aircourses be made by a certified person on a weekly basis.

2. The entries of the mine were driven more than eleven years ago; numerous roof falls have left these aircourses virtually impassable and extremely hazardous to travel and examine.

3. These existing falls have had no effect on the velocity or quantity of air passing through.

4. As an alternate method of compliance, petitioner proposes to establish and maintain seven specified checkpoints and record the results of air measurements in accordance with 30 CFR 75.305.

5. Petitioner states that this alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: January 30, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4677 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-181-C]

ConsolidatiionCoal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Bishop No. 34 mine located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. The mine's rectifier is located at the bottom of the "power hole", in intake air. Enough ventilation air currents cannot be utilized through pipes to exhaust the air directly into the return.

3. As an alternate method, petitioner proposes to install and maintain an enclosed structure around the rectifier equipped with a fire suppression device.

4. Petitioner states that this proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: February 2, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4678 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-178-C]

Island Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40575, has filed a petition to modify the application of 30 CFR 75.507-1(a) (electric equipment other than power-connection points; permissible requirements) to its Hamilton No. 1 North Mine located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a nonpermissible pump in the mine.

2. Petitioner presently uses a 20 h.p. 550 V Reda submergible pump (nonpermissible) to drain water from the sump beneath the No. 1 return air shaft at the mine.

3. Petitioner knows of no submergible pumps of this type which are considered permissible electrical equipment.

4. The operating electrical parts of this submergible pump are at all times, during operation and otherwise, submerged in the water in the sump. Should the water level in the sump drop more than one inch below the intake point of the pump, it would discontinue pumping water. Therefore, it is impossible for the pump to lower the water level in the sump to a level that would expose the electrical operating parts of the pump.

5. The electrical power supply to the submergible pump enters the pump at a point which is also below the water level in the sump at all times.

6. For the reasons stated above, petitioner states that use of the Reda submergible pump will at all times guarantee no less than the same measure of protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: January 30, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4679 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-177-C]

Sheridan Enterprises, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Sheridan Enterprises, Inc., P.O. Drawer L, Fruita, Colorado 81521 has filed a petition to modify the application of 30 CFR 75.1100-3 (condition and examination of firefighting equipment) to its McClane Canyon Test Site No. 1 located in Garfield County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the water line along the main conveyor belt be continuously full of water.

2. Freezing conditions have been encountered as far as 400 feet into the mine; if frozen, the belt water line would afford no protection against fire.

3. All water used in the mine must be trucked to the mine; the water is pumped into the mine via the four-inch water line suspended from timbers along the belt. Fire hydrants are installed every 300 feet with 150 feet of fire hose with nozzle at each.

4. The water pumped into the mine is stored in the pump at the face of the Number 1 entry. Two valves, located near the crusher-feeder and tailpiece are turned to allow the water to leave the belt entry, travel to the Number 1 return entry, and dump into the sump.

5. At the sump, a 5 h.p. permissible pump and two inch fill line are installed to allow two 4,000 gallon water tanks at the pump station to be filled. Connected to the tanks is a 25 h.p. pump which not only feeds the working section but also charges a one and one-fourth inch, 1,000 psi hose that can be used to fill and pressurize the belt water line; turning the valves near the crusher-feeder fills the line with water.

6. Mine telephones are installed at the belt gantry, tailpiece, mine office and outside crusher; smoke from a fire along the belt would be easily detected. The availability and proximity of phones in fresh air would allow the line to be charged while miners or firefighters travel to the fire.

7. Fire warning and dry chemical suppression systems are installed at the belt drive; the crusher-feeder also has a dry chemical fire suppression system.

8. Petitioner feels that the procedures outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: February 2, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4680 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-3-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Room 1580, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Robena Mine located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air courses be examined each week by a certified person.

2. Many of the mine's return air entries were developed more than 25 years ago, prior to the advent of roof bolting for roof control; roof deterioration has resulted in numerous roof falls making the air courses virtually impassable to examaine.

3. As an alternate method, petitioner proposes to establish and maintain specified air monitoring stations and record the results of air and methane readings in a book at each location.

4. Petitioner states that this alternate method will at all times provide no less than the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 12, 1981. Copies of the petition are available for inspection at that address.

Dated: February 2, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-4681 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-509]

Proposed Exemption for a Certain Transaction Involving the Fireman's Fund American Incentive Savings and Supplemental Retirement Plan and Trust, Located in San Francisco, California

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale to the Fireman's Fund American Incentive Savings and Supplemental Retirement Plan and Trust (the Plan) of a $1,000,000 negotiable certificate of deposit by Wells Fargo Bank (the Bank), a party in interest. The proposed exemption, if granted, would affect the Bank and participants and beneficiaries of the Plan.

EFFECTIVE DATE: If granted, the exemption will be effective March 31, 1975.

DATES: Written comments must be received by the Department of Labor on or before April 10, 1981.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington D.C. 20216, Attention Application No. D–509. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ivan Strasfeld of the Department of Labor, telephone (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by the Bank, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution plan under which a certain designated amount of each employee's contribution to the Plan is matched by Firemen's Fund. In March, 1975, the Plan's Employee Benefits Administration Committee (the Committee) was responsible for the investment of plan assets. The Bank was trustee of the Plan and all its assets and invested plan assets at the direction of the Committee.

2. To meet the liquidity needs of the Plan, the Committee determined that a portion of Plan assets should be invested in short-term money market instruments such as certificates of deposit issued by major commercial banks. The Committee, in order to take advantage of Fireman's Fund's expertise in the short-term money market delegated to an officer of Fireman's Fund the authority to manage the Plan's investment in short-term money market instruments.

3. The Bank's Investment Department is a major source of certificates of deposit issued by various commercial banks. On March 31, 1975, the Firemen's Fund officer contacted the Bank's Investment Department regarding the availability of short-term money market instruments for investment by the Fireman's Fund for its own account. The Investment Department advised the officer of available short-term instruments which included a $1,000,000 negotiable certificate of deposit (C.D.) issued by Citibank of New York. The officer, with knowledge that the Plan had that day received $800,000 from the redemption of another certificate of deposit, directed the Bank's Investment Department to sell the Citibank C.D. to the Plan.

4. The Citibank C.D. was sold to the Plan for its fair market value of $999,486.80 to yield 6.35 percent to date of maturity. An additional $2,101.34 was paid by the Plan and represented accrued interest from the date the Bank purchased the Citibank C.D. to the date it was sold to the Plan. The Bank received no commission on the sale. The Plan held the Citibank C.D. until its maturity date, September 15, 1975, at which time it was redeemed by Citibank for $1,031,250 representing its face value plus accrued interest.

5. The Bank Investment Securities Division of Bank of America, as an independent dealer in the secondary market for negotiable certificates of deposit, was contacted by the Bank to confirm that the price paid by the Plan for the Citibank C.D. did not exceed its fair market value at the time of the sale. It was the opinion of Bank of America, based on its analysis of the market for certificates of deposit on the date of the transaction, that the price paid for the Citibank C.D. did not exceed its fair market value. Bank of America represents that the data base source used to determine fair market value was owned and managed by Bank of America on the date the Citibank C.D. was sold to the Plan.

6. The Bank represents that only three banks in the San Francisco area typically handle certificates of deposit in denominations of $1,000,000 or more. If the Plan had not purchased the Citibank C.D., the money received from the redeemed certificate of deposit would either have been invested until a later date or would not have been invested in an inferior money market instrument.

7. In summary, the applicant represents that the criteria of section 408(a) of the Act were satisfied by the sale to the Plan because:

1. The sale to the Plan was accomplished at the direction of a plan fiduciary unrelated to the Bank who was knowledgeable regarding investments in the short-term money market;

2. The Fireman's Fund officer who directed the investment considered the transaction to be in the best interest of the Plan and its participants;

3. The purchase of the Citibank C.D. permitted the Plan to promptly invest a large amount of uninvested cash in a negotiable income producing investment; and

4. It was a one-time cash transaction that has already been completed and can be easily verified.

Notice to Interested Persons

Notice to all participants of the Plan shall be made by posting on the bulletin boards in all offices of Fireman's Fund. Notice shall be given within 30 days of the day the notice of pendency of such exemption is published in the **Federal Register.** Such notice shall include a copy of the notice of pendency and shall inform those persons of their right to comment on the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) and the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act of the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the sale the to Plan of the $1,000,000 Citibank C.D. by the Bank for the amount of $999,486.80 plus accrued interest, provided that amount was not more than the fair market value of the certificate of deposit at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 3rd day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4489 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-411]

Proposed Exemption for Certain Transactions Involving the Jim W. Miller Construction Company, Inc., Employees' Profit Sharing Plan and Trust, Located in St. Cloud, Minnesota

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed temporary exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sales of real property by the Jim W. Miller Construction Company, Inc. Employees' Profit Sharing Plan and Trust (the Plan) to Jim W. Miller Construction Company, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, and other persons participating in the transaction.

Temporary Nature of Exemption

The proposed exemption, if granted, is temporary in nature and will expire five years after the date of such grant. At the end of the five-year period, the applicant may apply for further exemptive relief, at which time the Department will review the transactions which have taken place and decide whether or not to extend the exemption.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–411. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Department of Labor, telephone (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service.

However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is a profit sharing plan with 67 participants and total assets of $1,706,497 as of October 31, 1979. The Plan was established in 1963.

2. The trustees of the Plan are Jim W. Miller, the President and principal shareholder of the Employer; Galen Kabe, Vice President of the Employer; and Thomas Hartmann, who is not employed by the Employer. These trustees are responsible for the investment decisions of the Plan.

3. The Employer, a Minnesota corporation, is engaged in real estate development, residential and commercial/industrial development and various types of specialized construction.

4. Over the course of several years, the Plan has purchased a number of large tracts of raw land (the Property). It presently holds approximately 603 acres which represented 44% of total Plan assets as of October 31, 1979. The Plan purchased the Property for the purpose of obtaining capital appreciation prior to

its sale or lease. Most of the Property is slated for development as commercial/industrial property, e.g., apartment buildings or warehouses. Some of the Property is also suitable for the building of townhouses. The Property has been and continues to be available to third party purchasers.

5. Because of the nature of the Employer's business and its expertise in real estate development, the applicant seeks an exemption to permit prospective sales of certain parcels of the Property to the Employer. The Employer would subsequently develop the parcel which, the applicant represents, would in turn encourage the sale and development of adjacent parcels. For example, if a prospective purchaser requests a particular type of building, the Employer would purchase the parcel from the Plan and construct the building, thereby encouraging others to purchase and develop adjacent lots owned by the Plan.

6. The applicant has also requested an administrative exemption for past sales of real estate from the Plan to the Employer. The Department has determined not to grant retroactive exemptive relief for these past transactions.

7. All future sales of the Property to the Employer will be limited to real property already held by the Plan. The Employer will in all instances pay at least fair market value for the Property. All sales will be for cash and the Plan will not be required to pay real estate commissions.

8. The First American National Bank of St. Cloud (the Bank) will be appointed as an independent fiduciary with the authority to approve or disapprove all future sales of the Property to the Employer. The application states that Jim Miller, the Employer, and all Miller companies collectively represent less than one-fourth of one percent (0.25%) of the total deposits of the Bank; that Mr. Miller and all Miller companies collectively represent less than one percent (1%) of the Bank's total loans; and that neither Mr. Miller nor any of the Miller companies have an established line of credit at the Bank.

9. In summary, the applicant represents that the criteria of section 408(a) of the Act will be satisfied because:

(1) The sales will be one-time transactions for cash;

(2) The sales will contribute to the orderly disposition of non-income producing property currently held by the Plan for fair market value as determined by the Bank;

(3) The liquidation of the Property will permit the Plan to further diversify its investments;

(4) No sales commissions will be paid by the Plan for the sales of the Property to the Employer;

(5) The land is available for sale to third parties; and

(6) The Bank will make a determination prior to each sale that the sale is appropriate and in the best interests of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Notification of the pending exemption will be given to all interested persons by letter containing a copy of the Notice of Pendency as published in the **Federal Register.** Such interested persons shall include all active participants in the Plan and all former participants and beneficiaries who have a vested interest in benefits under the Plan. Such interested persons will also be informed of their right to comment and/or request a hearing within the time period set forth in the Notice of Pendency. Further, the notice will be posted on bulletin boards and in other appropriate places throughout the facilities of the Employer and the facilities of related companies where the participants of the Plan are employed. The above-described notice will be given within ten days after the Notice of Pendency is published in the **Federal Register.**

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1) (B) of the Act: nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1) (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting a portion of the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply from the date of the granting of this exemption until five years thereafter, to the cash sales by the Plan to the Employer of real property currently held by the Plan, located in the St. Cloud, Minnesota area, for amounts not less than fair market value at the time of the sales.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to

be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4492 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1863]

Proposed Exemption for Certain Transactions Involving Reliable Liquors, Inc., Employees' Profit Sharing and Retirement Trust, Located in Baltimore, Maryland

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale for cash of a trademark by the Reliable Liquors, Inc. Employees' Profit Sharing and Retirement Trust (the Plan) to Reliable Liquors, Inc., (the Employer), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATES: Written comment and requests for a public hearing must be received by the Department on or before March 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1863. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $1,124,010 and 71 participants as of August 15, 1980. The assets of the Plan are held by Maryland National Bank as trustee (the Trustee). A committee (the Committee) directs the investments for the Plan. The individuals who comprise the Committee and make the investment decisions for the Plan are as follows: Irving A. Smith, an employee and officer of the Employer; Louis F. Smith, an employee and officer of the Employer; Louis Hoffman, counsel to the Employer; and Mayme Bollinger and William Peters, both employees of the Employer.

2. In 1969, the Employer contributed to the Plan the "Green Spring Valley Club" trademark (the Trademark), which is used in promoting the sale of liquors, in lieu of a cash contribution. At the time of contribution, the Trademark was subject to a licensing agreement (the Agreement) between the Employer and Mr. Boston Distiller, Inc. (Mr. Boston), a corporation located in Boston, Massachusetts. Under the terms of the Agreement, Mr. Boston paid a monthly licensing payment of $1,500 to the Employer.

3. In the early part of 1978, Mr. Boston was acquired by Glenmore Distilleries Company (Glenmore), an unrelated party. Subsequent to that purchase, Glenmore expressed no interest in continuing the Agreement with respect to the Trademark. As a result, the Agreement was cancelled and the last licensing payment was received by the Plan on March 6, 1978. Since that date, the Trademark has not been used and has not generated any income to the Plan. From March 1978 to August 1979, the Trustee attempted to license the Trademark to third parties without success. On August 1, 1979, the Committee determined that because the Trademark could not be licensed to an unrelated party, it would be in the best interests of the Plan to sell the Trademark for its fair market value.

4. The Trademark has been offered for sale to the following liquor wholesale distributors in the Maryland area without success: Musa Inc.; County Beverage Corporation; Casey Wine & Spirits; Standard Distillers Products, Inc.; Frederick P. Winner, Ltd.; and Montebello Brands, Inc. Mr. Leo Conte, an officer of Montebello Brands, Inc., represents that he is totally unfamiliar with the Trademark and that he has no record of the Trademark. Since the Trademark is not in use, Mr. Conte represents it has little or no value. Mr. Andrew Merle, owner and chief executive officer of Standard Distillers Products, Inc., a major user of trademarks in the Maryland area, represents that because the Trademark has not been in use, anyone who wishes to use it now will have to "start from scratch" as though it were a brand new trademark. Terry Poisson, a manager of Casey Wine & Spirits, represents that the Trademark would be worth something if it were an established brand which was being actively sold, but since the Trademark is not being used, it has little or no value.

The Trustees, being unable to find a purchaser for the Trademark, propose to sell it to the Employer for a cash payment of $1,000. No commission will be paid by the Plan with respect to the Trademark. The Employer wishes to use the Trademark to market an inexpensive line of products in the Maryland area.

The Employer has furnished information which indicates that it could develop a new trademark to market the inexpensive line of products for a cost of approximately $500.

5. In addition to the fact that the Tradmark is non-income producing and has little or no value, it is represented that the sale of the Trademark to the Employer would be beneficial to the Plan because monies received as a result of the sale of the Trademark could be invested in diversified, income producing assets thus enhancing the Plan's financial liquidity.

6. The Trustee, notwithstanding its position as directed trustee, represents that "the proposed transaction is in the best interest of the Plan and the Plan's participants to sell the Trademark to the

Employer and that the agreed price of $1,000 is substantially in excess of the fair market value of the Trademark, which is strongly believed to have no value whatsoever." The Trustee further represents that "the price of $1,000 is more than adequate and that the Trustee would agree to accept this price for the Trademark even if the Trustee were acting as a wholly independent trustee, rather than as a directed trustee."

7. In summary, it is represented that the proposed sale of the Trademark meets the statutory criteria for an exemption under section 408(a) of the Act because: (1) It is a one time transaction for cash; (2) the sales price is approximately twice the cost of developing a new trademark; (3) the Plan will be able to dispose of a non-income producing asset for a substantial profit and reinvest the proceeds in income producing assets; (4) no commissions will be paid by the Plan in connection with the proposed sale; (5) the Trustee of the Plan has attempted without success to sell the Trademark to unrelated parties; and (6) the Trustee has determined that the transaction is appropriate for the Plan and is in the best interest of the Plan participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all of the Plan participants and beneficiaries within 15 days of the day the Notice of Pendency of such exemption is published in the **Federal Register** by hand delivery or by first class mail. Such notice shall also inform interested persons of their right to comment and to request a hearing regarding the requested exemption within the period set forth in the Notice of Pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of the Trademark to the Employer for $1,000, provided that the price of $1,000 is not less than the fair market value of the Trademark on the date of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4493 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-13; Exemption Application No. D-1225]

Exemption From the Prohibitions for Certain Transactions Involving the David A. Levitsky, M.D., and Charles L. Miller, M.D., P.A., Profit Sharing Plan and Trust, Located in Wilmington, Delaware

AGENCY: Department of Labor.

ACTION: Grant of individual exemption

SUMMARY: This exemption retroactively exempts the sale on June 4, 1979 for cash of real property (the Property) by the David A. Levitsky, M.D. and Charles L. Miller, M.D., P.A., Profit Sharing Plan and Trust (the Plan) to David A. Levitsky and Marilyn L. Levitsky, his wife, and Charles L. Miller and Lois L. Miller, his wife (the Purchasers), parties in interest with respect to the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

FOR FURTHER INFORMATION CONTACT: Mr. Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 5, 1980, notice was published in the **Federal Register** (45 FR 80612) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions

of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the trustees of the Plan (the Trustees). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department.

In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The Trustees have represented that they have complied with the notice to interested persons requirement as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and traditional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of the Property to the Purchasers on June 4, 1979, provided that the sales price was not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4491 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-12; Exemption Application No. D-1747]

Exemption From the Prohibitions for Certain Transactions Involving the Restated Profit Sharing Trust and Plan of Fox Valley Tool & Die, Inc., Located in Kaukauna, Wisconsin

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits a loan of $125,000 by the Restated Profit Sharing Trust and Plan of Fox Valley Tool & Die, Inc. (the Plan) to Fox Valley Tool & Die, Inc. (the Employer).

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 5, 1980, notice was published in the **Federal Register** (45 FR 80608) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written

request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been furnished by December 24, 1980, to interested persons in compliance with the requirements to notify interested persons as set forth in the notice of pendency of the proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $125,000 by the Plan to the Employer, provided that the terms and conditions of the loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–4490 Filed 2–9–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–10; Exemption Application No. D–1129]

Exemption From the Prohibitions for Certain Transactions Involving the Sheet Metal Workers Pension Plan for Northern California, Located in San Francisco, California

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the issuance by the Sheet Metal Workers Plan for Northern California (the Plan) of commitments obligating the Plan to purchase mortgage loans on single-family dwelling units from financial institutions which are parties in interest solely by reason of being service providers to the Plan, when construction of such dwelling units may be by persons who are parties in interest with respect to the Plan, and the repurchase of defective mortgages by such financial institutions.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 7, 1980, notice was published in the **Federal Register** (45 FR 74111) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for the transactions described in an application filed on behalf of the Plan by its legal counsel. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These

provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to issuance by the Plan of commitments, in accordance with the guidelines and procedures set forth in the application, obligating the Plan to purchase mortgage loans on single family dwelling units from financial institutions which are parties in interest solely by reason of being service providers to the Plan, when construction of such dwelling units may be by persons who are parties in interest with respect to the Plan, and the repurchase of defective mortgages by such financial institutions. The foregoing exemption will be applicable subject to the conditions as set forth in the notice of pendency.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–4494 Filed 2–9–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–11; Exemption Application No. D–970]

Exemption From the Prohibitions for Certain Transactions Involving the Simmons First National Bank Pension Plan, Located in Pine Bluff, Arkansas

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the contribution of an undivided one-half interest in certain farm property to the Simmons First National Bank Pension Plan (the Plan) by the employer, Simmons First National Bank (the Bank), and the assignment by the Bank to the Plan of its undivided interest in a lease of another parcel of farmland adjacent to the contributed property.

EFFECTIVE DATE: This exemption is effective December 30, 1977.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 5, 1980, notice was published in the **Federal Register** (45 FR 80610) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed on behalf of the Bank. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exempted to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. By Letter dated December 22, 1980, the applicant informed the Department that the notice to interested persons was not provided until three days after the date specified in the notice of pendency. Pursuant to discussions with the Department, the applicant has represented that on January 5, 1981, interested persons were notified that the date for receiving comments and/or requests for a hearing was extended from January 14, 1981, to January 20, 1981. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution of an undivided one-half interest in certain farm property (known as the Tamo Farm or the Baker-Matthews Farm) to the Plan by the Bank, and the assignment by the Bank to the Plan of its undivided interest in a lease of another parcel of farmland adjacent to the contributed property, provided that the farm property and the lease interest are valued at their respective fair market values on the date of the transaction.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 3rd day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–4495 Filed 2–9–81; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–1687]

Proposed Exemption for Certain Transactions Involving the Group Health Insurance Programs Maintained by Spiegel, Inc.; Located in Chicago, Illinois

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt, under certain conditions, the reinsurance by the Guaranteed Equity Life Insurance Company (GELIC) of group health insurance contracts sold to Spiegel, Inc. (the Employer) on behalf of the group health insurance programs (the Plans) maintained by the Employer. GELIC is a party in interest with respect to the Plans. The proposed exemption, if granted, would affect the Employer, participants and beneficiaries of the Plans, GELIC, and other persons participating in the transactions.

EFFECTIVE DATE: If the proposed exemption is granted, it will be effective January 1, 1979.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before April 1, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1687. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406 (a) and (b) of the Act. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79–41 (PTE 79–41), 44 FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans, if certain conditions are satisfied.

In PTE 79–41, the Department stated its view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79–41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a corporation organized under the laws of the State of Delaware and is engaged in the mail-order business of general merchandise. The Employer is a wholly-owned subsidiary of the Beneficial Corporation, which is a publicly held corporation the stock of which is actively traded on the New York Stock Exchange, as well as other major exchanges. The Employer's principal place of business is Chicago, Illinois.

2. The Plans are employee welfare benefit plans which provide health insurance benefits to employees of the Employer. There are approximately 7,255 participants in the Plans. The total premiums on the subject insurance contracts were approximately $2 million in 1979.

3. GELIC is a wholly owned subsidiary of the Employer. GELIC is a corporation organized under the laws of the State of Arizona, with its principal offices in Phoenix, Arizona. GELIC is engaged in various forms of insurance, including reinsuring risks under group insurance policies. As of December 31, 1979, GELIC's balance sheet assets were approximately $12.7 million.

4. The benefits under the Plans have been funded since 1958 through the purchase of group insurance contracts by the Employer from the Prudential Insurance Company of America (Prudential). Prudential is unrelated to the Employer and to GELIC. In consideration for payment by Prudential of a reinsurance premium, GELIC has reinsured Prudential for 50 percent of its liability under some of the group health contracts since January 1, 1979. GELIC represents that the amount of the premiums paid to GELIC by Prudential are no more than the amount of the premiums which Prudential would pay if it were dealing at arm's-length with a party which was not related to the Employer. The benefits under the Plans are provided unconditionally by Prudential, and the Plans are not a party to the reinsurance transactions.

5. The applicant represents that the subject reinsurance transactions have met or will meet all of the conditions of PTE 79–41 covering direct insurance transactions:

(a) GELIC is a party in interest as described in Act section 3(14) (G) by reason of stock affiliation with the employer maintaining the Plans.

(b) GELIC is licensed to sell insurance in at least one of the United States.

(c) GELIC is audited every three years by the Insurance Commissioner of the State of Arizona and is presently in good standing. GELIC has recevied a Certificate of Authority from the Director of Insurance of the State of Arizona.

(d) GELIC underwent a financial examination by the Insurance Commissioner of the State of Arizona as of December 31, 1977.

(e) GELIC has undergone in the past, and will continue to undergo in the future, an annual examination by an independent certified public accountant.

(f) The Plans pay no more than adequate consideration for the insurance contracts. Because Prudential is one of the largest group insurance underwriters in the country and enjoys substantial economies of scale in overall policy administration, the premium charge to the Plans is highly competitive. The reinsurance transactions are not a factor in the premium computation and thus do not in any way affect the cost to the Plans.

(g) No commissions will be paid in connection with either the direct sale of the insurance contracts or with respect to the reinsurance agreement between prudential and GELIC, after December 31, 1981.

(h) The gross premiums and annuity considerations from reinsurance received in 1979 by GELIC for group life and health contracts for plans (and their employers) with respect to which GELIC is a party in interest did not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in 1979 by GELIC. Such premiums amounted to approximately 7 percent of GELIC's gross premiums received.

6. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because: (1) the insurance could not be purchased by the Plans directly from GELIC more economically than the Plans purchase it from Prudential; (2) Plan participants and beneficiaries are afforded insurance protection by Prudential, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations; (3) GELIC is a sound, viable insurance company which has been in business for many years, and which does a substantial amount of business outside its affiliated group of companies; and (4) each of the protections provided to the Plans and their participants and beneficiaries by PTE 70–41 has been, or will be met under the subject reinsurance transactions.

Notice to Interested Persons

Notice of this proposed exemption will be provided to all participants and beneficiaries of the affected Plans within 14 days of the publication of the notice in the **Federal Register.** Participants who are currently employed will be notified by means of posting an announcement in a place that is customarily used for providing notice to plan participants. Retired employees will be notified by mail. The notice to interested parties will contain a copy of the proposed exemption and will inform all interested persons of their right to comment and request a hearing.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1979, the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks and

the receipt of premiums therefrom by GELIC from the group health insurance contracts sold by Prudential to the Employer to provide benefits to the Plans, provided the following conditions are met:

(a) GELIC—

(1) Is a party in interest with respect to the Plans by reason of a stock or partnership affiliation with the Employer that is described in section 3(14) (E) or (G) of the Act,

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Authority from the Insurance Director of its domiciliary state, Arizona, which has neither been revoked nor suspended; and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary state, Arizona) by the Insurance Commissioner of the State of Arizona within 5 years to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plans pay no more than adequate consideration for the group health insurance contracts;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof, after December 31, 1981; and

(d) For each taxable year of GELIC, the gross premiums and annuity considerations received in that taxable year by GELIC for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which GELIC is a party in interest by reason of a relationship to such employer described in section 3(14) (E) or (G) of the Act does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by GELIC. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, both for the subject reinsurance transactions as well as for any direct sale of life insurance, health insurance, or annuity contracts to such plans (and their employers) by GELIC. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by GELIC.

(2) All premiums and annuity considerations written by GELIC for plans which it alone maintains are to be excluded from both the numerator and the denominator of the fraction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 3rd day of February 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-4496 Filed 2-6-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-9]

Exemption From the Prohibitions for Certain Transactions Involving Supermarket Merchandising Corporation Profit Sharing Plan (Application No. D-1976); Decor Distributors, Inc.; Profit Sharing Plan (Application No. D-1977); M-K Housewares Company Profit Sharing Plan (Application No. D-1978); Located in Houston, Texas

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed loans (the Loans) of money for a period of five years by the Supermarket Merchandising Corporation Profit Sharing Plan, the Decor Distributors, Inc. Profit Sharing Plan and M-K Housewares Company Profit Sharing Plan (collectively, the Plans) to their respective sponsors, Supermarket Merchandising Corporation, Decor Distributors, Inc. and M-K Housewares Company (collectively, the Companies), the sponsors of the Plans and for the term of the Loans to the personal guarantees of the Companies' obligations by Joel Mandel (Mandel) and J. B. Kahn (Kahn), parties in interest with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On November 7, 1980, notice was published in the **Federal Register** (45 FR 74113) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the propsed Loans by the Plans to the Companies and for the term of the Loans to the personal guarantees of the Companies' obligations by Mandel and Kahn. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have met the notification requirements as specified in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in

accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply for a five year period to the Loans to the Companies by the Plans as described above and for the term of the Loans to the personal guarantees of the Companies' obligations by Mandel and Kahn.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of February, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–4497 Filed 2–6–81; 8:45 am]

BILLING CODE 4510–29–M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period January 26–30, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–8344; Formative Products Co., Inc., Troy, MI. Investment revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8177; Dana Corporation, Lansing, MI. Investigation revealed that criterion (3) has not been met. A survey of customers of the subject firm indicated that increased imports did not contribute importantly to sales declines and worker separations at the subject firm.

TA–W–8918; American Bosch Corp., Springfield, MA. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. In addition, sales, production, and employment increased from 1978 to 1979.

TA–W–8348; Star Tool and Die Works, Inc., Detroit, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8844; Production Painting, Inc., Detroit, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8710 & 8871; Automotive Moulding Co., Warren, MI and La Grange Moulding Co., La Grange, GA. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8398; Auto Specialties Mfg. Co., Casting Div., Benton Harbor, MI. Investigation revealed that criterion (3) has not been met. Evidence developed revealed that increased imports of brakes did not contribute importantly to sales and production declines. All quarter-to-quarter declines were the result of seasonal factors.

TA–W–8400; Auto Specialties Mfg. Co., Brake Division, Hartford, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8713; Bearfoot Corp., Wadsworth, OH. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of non-leather bottomstock materials for footwear, rubber footwear and rubber auto parts did not increase as required for certification.

TA–W–9182 & 10,940; The Budd Company, Plastic Products Group, Carey, OH and North Baltimore, OH. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8389; Norton Pattern and Engineering Co., Muskegon, MI. Investigation revealed that criterion (3) has not been met. A survey of customers of the subject firm indicated that increased imports did not contribute importantly to sales declines and worker separations at the subject firm.

TA–W–8905; L.L. Products, Inc., Romeo, MI. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of adhesive and sealants are negligible.

TA–W–11,724; Jaguar-Rover-Triumph, Inc., Mt. Clemens, MI. Investigation revealed that criterion (3) has been met.

Thr workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–11,021; Gibson, Inc., Seattle, WA. Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–8130; Barsteel Division, U.S. Industries, Inc., Detroit, MI. Investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA–W–8855; Schwarb Foundry Co., Warren, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8623; Gulf and Western Manufacturing Co., Morse Cutting Tools Div., New Bedford, MA. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation of the firm.

TA–W–8802; Geraldine Sportswear, Inc., New York, NY. Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–8260; B.F. Goodrich Co., Woodburn, IN. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8052; Leon of Paris Co., Inc., New York, NY. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8392; Quality Pattern, Co., Grand Haven, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8891; P.G.C. Industries, Inc., Tipton, PA. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8393; Seaway Pattern, Inc., Muskegon Heights, MI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8843; White Automotive Corporation, Columbia City, IN. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8994 & 8995; Waupaco Foundry, Inc., Marinette and Waupaco, WI. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Furthermore, the subject firm's offiliate which purchases most of the rotor castings and drum castings does not import and a survey of the offiliate's customers indicated that customers decreased their reliance on foreign sources for finished hub and disc units.

TA–W–9045; Greencastle Manufacturing Co., Greencastle, IN. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8391; Paiagon Pattern Manufacturing Co., Muskegon Heights, MI. Investigation revealed that criterion (3) has not been met. A survey of customers of the subject firm indicated that increased imports did not contribute importantly to sales declines and worker separations at the subject firm.

TA–W–8969, 9259, 9061, & 11,164; Champion Spark Plug Co., Upton Avenue Plant, Toledo, OH, Tort Industry Plant, Toledo, OH, Cambridge, OH, and Hellertown Manufacturing Co., Hellertown, PA. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,351; Acme Carbide Die, Inc., Melvindale, MI. Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive stamping dies are negligible.

TA–W–8794; Burkart Randall Division, Textron, Inc., Blytheville, AR. Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–9204 & 9204A; Dynamic Instrument of Puerto Rico, Inc. and Dynamic International Corp., Lajas, Puerto Rico. A certification was issued covering all workers of the firm separated on or after December 1, 1979.

I hereby certify that the aforementioned determinations were issued during January 26–30, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: February 3, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–4685 Filed 2–9–81; 8:45 am]

BILLING CODE 4510–28–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 21(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 20, 1981.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 20, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Brown Shoe (AFL-CIO)	St. Louis,Mo	1-23-81	1-19-81	TA-W-12,166	Manufacturing shoes.
Garrison Stove Works (workers)	Claremont, NH	1-23-81	1-16-81	TA-W-12,167	Manufacturing wood burning stoves.
Grizzly Shake Co. (workers)	Forks, WA	1-23-81	1-12-81	TA-W-12,168	Manufacturing shakes.
Hyde Park Chemical Corp. (workers)	Plainview, NY	1-21-81	1-20-81	TA-W-12,169	Weed killers, fertilizers, and solvent degreasers.
Pacific-Columbia Mills Richland Plant (ACTWU).	Columbia, SC	1-23-81	1-20-81	TA-W-12,170	Textiles.
Republic Die & Tool Co. (UAW)	Wayne, MI	1-23-81	1-20-81	TA-W-12,171	Building dies and fixtures for autos.
Somar, Inc. (workers and company)	Jersey City, NJ	1-23-81	1-9-81	TA-W-12,172	Ladies blouses and sportswear (contract work).
Snob Fashions, Inc. (company)	Jersey City, NJ	1-23-81	1-20-81	TA-W-12,173	Ladies coats.
TRW Rogersville Plant (company)	Rogersville, TN	1-23-81	1-21-81	TA-W-12,174	Manufacturing power assisted rack and pinion steering gears.
W&T Cartage Company, R&W Service System (workers).	Taylor, MI	1-16-81	1-12-81	TA-W-12,175	Steel.
Bulova Watch Co., Inc. (workers)	Providence, RI	1-26-81	1-17-81	TA-W-12,176	Manufacturing watch cases.
Electromech, Inc. (company)	Hoboken, NJ	1-26-81	1-22-81	TA-W-12,177	Transformers.
F. A. Neider Co. (workers)	Augusta, KY	1-26-81	1-24-81	TA-W-12,178	Manufacturing stampings and trim buttons.
Haidee Sportswear Co., Inc. (workers)	Highland, Park, NJ	1-26-81	1-20-81	TA-W-12,179	Ladies' dresses.
Millington Screw Products (workers)	Millington, MI	1-26-81	1-22-81	TA-W-12,180	Component parts for seat belt retractors.
Paragon Leather Services, Inc. (workers)	Gloversville, NY	1-23-81	1-8-81	TA-W-12,181	Finish skins.
Quad Knit, Inc. (workers)	Philadelphia, PA	1-26-81	1-20-81	TA-W-12,182	Ladies' and men's sweaters.
Slinger Foundry Co., Inc. (IMAW)	Slinger, WI	1-26-81	1-20-81	TA-W-12,183	Manufacturing components for outboard and inboard engines.
Sun Ship, Inc. International Brotherhood of Boilermakers.	Chester, PA	1-26-81	1-23-81	TA-W-12,184	New ship construction, repair and conversion, industrial products.
York Mills, Inc. (workers)	Brooklyn, NY	1-21-81	1-19-81	TA-W-12,185	Knit shirts.
Columbus Products Corp. (IUE)	Columbus, OH	1-27-81	1-21-81	TA-W-12,186	Manufacturing refrigerators and dishwashers.
Farnam Manufacturing Co., Inc. (company)	Asheville, NC	1-27-81	1-19-81	TA-W-12,187	Hair dryer heating elements.
Goerlichs, Inc. (workers)	La Porte, IN	1-26-81	1-16-81	TA-W-12,188	Distribution center handles exhaust systems, shocks and suspension parts.
J. C. Manufacturing Co., Inc. (workers)	Long Branch, NJ	1-27-81	1-20-81	TA-W-12,189	Make and assemble coat parts.
FMC (ASED Division) (workers)	Culver City, CA	1-27-81	1-5-81	TA-W-12,190	Electronic automotive test equipment.
Koehring Atomaster Division (SMW)	Bowling Green, KY	1-26-81	1-20-81	TA-W-12,191	Manufacturing portable space and wick type heaters.
Richmond Headwear Co., Inc. (company)	Richmond, VA	1-28-81	1-22-81	TA-W-12,192	Men's and boys' headwear.
Sealed Power Corp. (workers)	Rochester, IN	1-28-81	1-21-81	TA-W-12,193	Manufacturing engine cylinder sleeves.
Beach Engineering, Inc. (workers)	Novi, MI	1-28-81	1-26-81	TA-W-12,194	Test equipment for automotive companies.
Bozak, Inc. (company)	South Norwalk, CT	1-28-81	1-26-81	TA-W-12,195	Loudspeakers.
Chris-Craft Corp. (workers)	Holland, MI	1-28-81	1-26-81	TA-W-12,196	Pleasure boats.
Christenson Bros. Shake (workers)	Mount Vernon, WA	1-26-81	1-23-81	TA-W-12,197	Shakes and shingles.
Electric Apparatus Company (UAW)	Howell, MI	1-29-81	1-27-81	TA-W-12,198	Electric motors.
Hyster Company (United Shop & Service Employees).	Portland OR	1-28-81	12-30-80	TA-W-12,199	Industrial lift trucks.
International Hat Company (workers)	Oran, MO	1-28-81	1-23-81	TA-W-12,200	Tennis visors.
King Dodge, Inc. (company)	St. Louis, MO	12-19-80	12-16-80	TA-W-12,201	Car and truck dealership.
Lamson & Sessions Company (Allied Industrial Workers of America).	Kent, OH	1-29-81	1-27-81	TA-W-12,202	Industrial fastners.
Microdot Fastening Systems, Detroit Diamond Division (workers).	Wyandotte, MI	1-28-81	1-26-81	TA-W-12,203	Nuts.
Michigan Metal Processing Corp. (workers)	Brooklyn, OH	1-29-81	1-26-81	TA-W-12,204	Slitting, pickling, shearing, leveling of steel.
Northwest Pattern Co. (company)	Farmington, MI	1-28-81	1-22-81	TA-W-12,205	Machined parts for tractor operations.
Russell Gasket Co. (workers)	Cleveland, OH	1-28-81	1-21-81	TA-W-12,206	Gaskets.
Saginaw Shingle Co. (workers)	Aberdeen, WA	1-28-81	1-23-81	TA-W-12,207	Cedar shakes and shingles.
Town & Country Shoes, Inc. (company)	Clayton, MO	1-28-81	1-22-81	TA-W-12,208	Administrative office and salesmen.
Town & Country Shoes, Inc. (company)	Cape Girardeau, MO	1-28-81	1-22-81	TA-W-12,209	Retail store.
Town & Country Galeria (company)	Houston, TX	1-28p81	1-22-81	TA-W-12,210	Retail store.
Town & Country Shoes, Factory Store (company).	Columbia, MO	1-28-81	1-22-81	TA-W-12,211	Retail store.
Town & Country Shoes (company)	St. Louis, MO	1-28-81	1-22-81	TA-W-12,212	Retail store.

[FR Doc. 81-4875 Filed 2-9-81; 8:45]

BILLING CODE 4510-28-M

[TA-W-9163]

Nucar Prep Sytem, Inc., Santa Fe Springs, Calif.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigastion regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on July 7, 1980 in response to a petition which was filed on behalf of workers at NuCar Prep System, Incorporated, Santa Fe Springs, California, a subsidiary of Chrysler Corporation. Workers at NuCar Prep System, Incorporated are engaged in predelivery preparation of new Chrysler, Dodge and Plymouth automobile and trucks.

With respect to the Import Department the investigation revealed that criterion (3) has not been met.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of Section 222 of the Trade Act of 1974. *See, e.g., Fortin* v. *Marshall,* 608 F.2d 525 (1st Cir. 1979). However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an articles and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of the case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly to the product adversely affected by increased imports.

NuCar Prep System, Incorporated, a wholly owned subsidiary of Chrysler Corporation, performs a variety of pre-delivery functions for Chrysler Corporation on behalf of Chrysler, Plymouth and Dodge dealers in southern California, southern Nevada, Arizona and Hawaii. The services are provided on a contract basis to franchised and Chrysler-owned dealerships, both of which have the option of performing predelivery preparation functions in-house or of having the work done for them by NuCar Prep System, Incorporated. The company's two main functions are: (1) the preformance of predelivery repairs and general "prepping" (including the thorough cleaning and inspection of new cars and trucks), and the testing of new vehicles' main mechanical and electrical system; and (2) the performance of "pier-side" services on automobiles and trucks imported from Japan, including the installation of certain accessories and the storage of imported vehicles until they are released to dealers in southern California, southern Neveda and Arizona. The latter set of functions is preformed by workers in the Import Department of NuCar Prep.

The Import Department of NuCar Prep System serviced exclusively imported Chrysler vehicles from Japan in 1978, 1979 and 1980. The reduction in demand for their services did not originate at Chrysler production facilities whose workers were certified eligible to apply for adjustment assistance. To the extent there are fewer Chrysler imports of automobiles and trucks due to decreased demand, there is less demand for the car prepping services performed by the Import Department of NuCar Prep. Therefore, Import Department can not be considered integrated into the production of import-impacted Chrysler car and truck lines. Services of the Import Department can not be regarded as adversely affected by the loss of Chrysler sales due to increased import competition.

With respect to all departments except for the Import Department of NuCar Prep System, the investigation revealed that all of the criteria have been met.

NuCar Prep System workers are Chrysler Corporation employees. Workers, except those in the Import Department, service only Chrysler-produced vehicles and these services are an integral part of the sale of Chrysler vehicles. Most of the domestic vehicles prepped for sale by NuCar Prep in the period under investigation were import-impacted vehicles. The reduction in demand for their services originated at Chrysler production facilities whose workers were certified as eligible to apply for adjustment assistance because, to the extent there is less Chrysler auto production because of increased import competition, there is less demand for the car prepping services performed by NuCar Prep System, except for the Import Department. NuCar Prep System's services, except for the Import Department, can be regarded as adversely affected by the loss of Chrysler sales due to increased import competition.

Because U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with cars, trucks, vans and general utility vehicles produced at Chrysler Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers at NuCar Prep System, Santa Fe Springs, California. In accordance with the provisions of the Act, I make the following certification:

All workers except workers in the Import Department of NuCar Prep System, Incorporated, Santa Fe Springs, California who became totally or partially separated from employment on or after June 20, 1979 and before October 4, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I determine that all workers of the Import Department of NuCar Prep System, Incorporated, Santa Fe Springs, California are denied eligibility to apply for adjustment assistance benefits.

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

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-4684 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8794]

Textron, Inc., Burkart Randall Division; Blytheville, Ark.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistanced.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed by the United Auto Workers on behalf of workers at the Blytheville, Arkansas plant of the Burkart Randall Division of Textron, Incorporated. The workers produce metal trim.

The investigation revealed that criterion (3) has not been met.

The Blytheville, Arkansas plant of the Burkart Randall Division of Textron, Incorporated produces metal trim primarily for the automotive industry. Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at the Blytheville, Arkansas plant of Burkart Randall. Although imported automobiles incorporate metal trim, imports of automobiles are not like or directly competitive with metal trim. Imports of metal trim must be considered in determining import injury to workers producing this product at the Blytheville, Arkansas plant of Burkart Randall.

A Departmental survey was conducted or major customers of the Blytheville, Arkansas plant. The survey revealed that customers which accounted for a substantial portion of the company's sales during the period from 1978 through November 1980 decreased their purchases of imported automotive trim from model year 1979 to model year 1980. Most customers who increased their purchases of imported automotive trim also substantially increased their purchases of this product from domestic sources from model year 1979 to model year 1980. Customers who increased purchases of imported automotive trim and decreased purchases of the product from domestic sources from model year 1979 to model year 1980 constituted a relatively small percentage of total company sales; any import influence by these customers, either individually or in aggregate, could not have contributed importantly to overall employment declines at the firm.

Conclusion

After careful review, I determine that all workers of the Blytheville, Arkansas plant of the Burkart Randall Division of Textron, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

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

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-4682 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8816]

Wheel Weights, Inc., Anchorville, Mich.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980 in response to a petition which was filed on behalf of workers at Wheel Weights, Incorporated, Anchorville, Michigan. The workers produce lead wheel and seatbelt balance weights.

The investigation revealed that criterion (3) has not been met.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at Wheel Weights, Incorporated. Although imported automobiles incorporate lead wheel and seatbelt balance weights, imports of the whole product are not like or directly competitive with their component parts. Imports of lead wheel and seatbelt balance weights must be considered in determining import injury to workers producing lead wheel and seatbelt balance weights at Wheel Weights, Incorporated.

Preliminary estimates indicate that there are no U.S. imports of wheel balancing weights for use as original equipment.

A Departmental survey was conducted of customers purchasing lead wheel and seatbelt balance weights from Wheel Weights, Incorporated. Results indicated that no customers purchased wheel weights from foreign sources in 1979 or in the January–June 1980 period. Customers who increased purchases of seatbelt weights from foreign sources in 1979 compared to 1978 and in January–June 1980 compared to the like period in 1979, accounted for a very small percentage of total company sales in these time periods.

Conclusion

After careful review, I determine that all workers of Wheel Weights, Incorporated, Anchorville, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of November 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-4683 Filed 2-9-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Expansion Arts Panel (CityArts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel (CityArts Section) to the National Council on the Arts will be held on February 23, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

Dated: January 28, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-4663 Filed 2-9-81; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel; Cancellation of Meeting

Notice is hereby given that the meeting of the Humanities Panel scheduled to be held at 806 15th Street, N.W., Washington, DC 20506 in Room 1023 from 9:00 a.m. to 5:30 p.m. on March 25, 26, and 27, 1981 is canceled. This meeting was announced in the **Federal Register** on Wednesday, January 28, 1981 at page 9269.

This meeting was to have reviewed applications submitted for Museums and Historical Organizations Humanities Projects, Division of Public Programs, for projects beginning after July 1, 1981.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-4687 Filed 2-9-81; 8:45 am]

BILLING CODE 7536-01-M

Media Arts Panel (Opera-Musical Theater Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Panel (Opera-Musical Theater Section) to the National Council on the Arts will be held on February 25, 1981, from 9:00 a.m. to 5:30 p.m. in the 12th floor screening room of the Columbia Plaza Office Complex, 2401 E St., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: January 28, 1981.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-4664 Filed 2-9-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[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. 51 to Facility Operating License No. DPR-51, issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operations 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 Appendix B Environmental Technical Specifications relating to the frequency of fish impingement samples. The fish impingement sampling is reduced from three times per week to two times per week from October 1 through March 31.

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), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application for amendment dated March 9, 1979, as supplemented December 29, 1980, (2) Amendment No. 51 to License No. DPR-51, and (3) the Commission's letter to the licensee dated February 2, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, 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, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-4652 Filed 2-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison 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-35, issued to Boston Edison Company (the Licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment effects changes to the Technical Specifications which reflect the latest organizational changes in the management of the facility.

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 it does involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1980, (2) Amendment No. 46 to License No. DPR-35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library

on North Street in Plymouth, Massachusetts 02360. 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 Licensing.

Dated at Bethesda, Maryland, this 2nd day of February 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-4653 Filed 2-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358 OL]

Cincinnati Gas & Electric Company, et al. (William H. Zimmer Nuclear Station, Operating License Proceeding); Order Scheduling Evidentiary Hearing

February 4, 1981.

As a result of delay by the Staff in completing its analysis of the financial qualifications of the Applicants, the tentative schedule established by our Memorandum and Order of December 24, 1980, LBP-80-32, 12 NRC——, for the evidentiary hearing on Contention 13 must be modified. In order to complete the hearing on this issue as soon as possible, and to accommodate the schedules of various Board members in other cases, the hearing on Contention 13 will commence on Monday, March 2, 1981 (one week later than the tentative schedule), at 9:30 a.m. at the United States District Court, Room 805, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45202. It will continue at 9:00 a.m. on March 3 and (if necessary) March 4.

The Applicants, Staff, and Miami Valley Power Project must file their direct testimony no later than Friday, February 13, 1981. (We understand that the Staff will not issue its safety evaluation on the Applicants' financial qualifications until a later date but that its testimony will constitute the substance of that evaluation.) We urge those parties to arrange for hand-service of testimony to the extent feasible. (Copies for Dr. Hooper should be mailed to Apt. 204, 105 Inn Lane, Oak Ridge, Tennessee 37830. An extra copy of testimony for Dr. Hooper should be served with the Chairman's copy.)

Our previous orders providing for discovery with respect to the Staff's analysis are hereby rescinded as a result of the limited time available prior to the hearing. Cross-examination will, of course, be available to all parties. Our earlier orders regarding presentation of a direct case by Dr. Fankhauser are hereby modified to provide that, if he desires to present a witness or witnesses on Contention 13, he must notify the Applicants and Staff by telephone no later than close of business Feburary 20, 1981, and must have prepared testimony in the hands of the parties and Board by no later than 12 noon on February 27, 1981. (Dr. Hooper's copy may be served with that of the Board Chairman.)

No opportunity for limited appearance statements will be provided at this session of the hearing.

It is so ordered this 4th day of February 1981.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81-4648 Filed 2-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413A; 50-414A]

Duke Power Co., North Carolina Electric Membership Corp., Saluda River Electric Cooperative (Catawba Nuclear Station, Units 1 and 2—Antitrust); Order

(Dismissing Proceeding)

February 4, 1981.

On January 13, 1981, this Licensing Board entered an Order denying the request for an antitrust hearing filed on December 15, 1980 by Harvard G. Ayers. Leave was granted Mr. Ayers to file by January 30, 1981, an amended petition for leave to intervene and request for an antitrust hearing, which would comply with the requirements of 10 CFR 2.714 and 42 U.S.C. 2135(c)(5).

No amended petition has been filed by Mr. Ayers within the alloted time. Accordingly, it is this 4th day of February 1981

Ordered

That our Order of January 13, 1981 is affirmed, and the petition of Harvard G. Ayers requesting an antitrust hearing is denied with prejudice.

The Atomic Safety and Licensing Board.

Marshall E. Miller,

Administrative Judge.

B. Paul Cotter, Jr.,

Administrative Judge.

Robert M. Lazo,

Administrative Judge.

[FR Doc. 81-4647 Filed 2-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-484]

Northern States Power Co., et al. (Tyrone Energy Park, Unit 1); Order Revoking Construction Permit

I

Northern States Power Company *et al.* ("the co-owners") hold Construction Permit No. CPPR-157 which authorizes the construction of a nuclear power reactor at the Tyrone Energy Park in Dunn County, Wisconsin. Construction Permit No. CPPR-157 was issued on December 27, 1977 and would otherwise expire on October 1, 1985.

II

On July 24, 1979, Northern States Power Company announced that the co-owners of the proposed Tyrone Unit 1 had voted to cancel the project. Northern States Power informed the NRC of the intended cancellation and asked the Office of Nuclear Reactor Regulation (NRR) to stop further action on the Tyrone docket. The Atomic Safety and Licensing Appeal Board granted the company's request to terminate remaining proceedings involving the Tyrone construction permit. In August 1979, the Badger Safe Energy Alliance requested pursuant to 10 CFR 2.206 that the Director of NRR revoke the Tyrone construction permit.

On June 16, 1980, the Director of NRR issued under 10 CFR 2.202 an Order to Show Cause why the Tyrone construction permit should not be revoked. 45 FR 42,093 (June 23, 1980). The co-owners of the Tyrone project consented to the entry of an order revoking the construction permit. However, the North Dakota Service Commission and the South Dakota Public Utilities Commission asked on July 11, 1980, that the NRC defer the proposed revocation of the Tyrone construction permit and grant the Dakota Commissions a hearing if one was necessary to act on the request for deferral. The Dakota Commissions based their requests on the alleged economic injury to Dakotan ratepayers that might flow from the cancellation of the Tyrone project. The Dakota Commissions' requests were referred to the Commission for disposition. On November 3, 1980, the Commission denied the Dakota Commissions' requests for deferral of revocation and for a hearing. *See Northern States Power Co.* (Tyrone Energy Park, Unit 1), CLI-80-36, 12 NRC——(1980). On November 13, 1980, the Dakota Commissions petitioned for reconsideration of the Commission's November 3rd decision. The Commission denied the petition for

reconsideration in its Order of December 24, 1980.

III

In light of (i) the Commission's denial of the Dakota Commission's petition and (ii) the co-owners consent to entry of an order of revocation, it is hereby ordered that pursuant to 10 CFR 2.202 (d) and (e) Construction Permit No. CPPR–157 is revoked.

Effective Date: February 3, 1981, Bethesda, Maryland.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–4624 Filed 2–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 92, 92, and 89 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the licenses and the Common 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.

These amendments: (1) revise the Technical Specifications regarding the high pressure trip setpoint and the pressurizer power operated relief valve setpoint; (2) add three license conditions and additional Technical Specifications which incorporate certain of the Three Mile Island Unit No. 2 Lessons Learned Category "A" requirements; and (3) revise the Technical Specifications to include an additional portion of Regulatory Guide 1.16 in the reporting requirements.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission 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) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 21, 1979; October 2, 1980, as supplemented October 30, 1980; and October 20, 1980, (2) Amendments Nos. 92, 92, and 89 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of January 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–4651 Filed 2–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–269, 50–270, and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 91, 91 and 88 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the 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.

These amendments revise the Station's common Technical Specifications by providing for surveillance intervals for certain requirements to be extended from an annual cycle to each reload shutdown, a nominal 18-month cycle.

The application for the amendments complies with the standards and requirments of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 29, 1980, (2) Amendments Nos. 91, 91, and 88 to Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Oconee County Library, 501 West Southbroad, Walhalla, South Carolina 29691. 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 28th day of January 1981.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81–4650 Filed 2–9–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR–73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised license condition 2.E.(3) for operation of the Three Mile Island Nuclear Station, Unit 2 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises license condition 2.E.(3) so that tankage to store waste water would no longer be required to be reserved in TMI–1, but

would rather be required to be reserved in TMI–2.

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 October 31, 1980, (2) Amendment No. 12 to License No. DPR–73, 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 Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania 17126. 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, TMI Program Office.

Dated at Bethesda, Maryland this 29th day of January, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81–4654 Filed 2–9–81; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Committee on Private Voluntary Agency Eligibility; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Personnel Management announces the following meeting:

Name: Committee on Private Voluntary Agency Eligibility
Date and time: February 27, 1981, 9:00 A.M.
Place: Office of Personnel Management, 1900 E Street NW., Washington, D.C.
Room: Auditorium—GJ–14 (Ground floor)
Type of meeting: Open. Any interested person may file a written statement with the Committee in advance of or at the meeting
Contact person: Nelda A. Perkins, Office of the Assistant to the Director, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415. Telephone: 202–632–5564
Purpose of committee: To make recommendations to the Director of the Office of Personnel Management regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program
Agenda: Review of applications for fund-raising privileges which have been submitted by voluntary organizations to the Office of Personnel Management in accordance with the Federal Fund-Raising Manual.

Joseph S. Patti,

Assistant to the Director.

[FR Doc. 81–4609 Filed 2–9–81; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Section 337 Case Concerning Certain Air Tight Cast Iron Stoves; Solicitation of Public Views

Under the provisions of section 337 of the Tariff Act of 1930, the United States International Trade Commission (USITC) issued an order excluding from entry into the U.S. certain airtight cast-iron stoves and six cease and desist orders relating to those stoves. (See USITC Investigation No. 337–TA–69).

The USITC determined that there was a violation of section 337 which resulted from certain trade practices, found to be unfair, in the importation into, and sale in, the United States of the stoves in question. The report of the USITC was referred, on January 12, 1981, to the USTR who receives it for the President, leads an interagency review and advises the President whether to approve the order or to disapprove it for policy reasons.

The President, under section 337(g) (19 U.S.C. 1337(g)), has 60 days following receipt of the USITC determination and order during which he may disapprove the determination for policy reasons, approve it expressly or take no action, allowing the USITC order to become final following the 60 day period.

In order to prepare the recommendation to the President, the Trade Policy Staff Committee welcomes the views and comments of interested parties concerning the policy issues, economic and political, which should be considered in relation to the exclusion of this product from importation into the United States.

Written comments should be submitted in 20 copies to the Secretary, Trade Policy Staff Committee, Room 735, Office of The United States Trade Representative, 1800 G Street, N.W., Washington, D.C. 20506. Such submissions should be received no later than close of business, February 26, 1981. For further information, call Alice Zalik (202) 395–3432.

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81–4704 Filed 2–9–81; 8:45 am]

BILLING CODE 3190–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0118]

Affiliated Investment Fund, Ltd.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Affiliated Investment Fund, Ltd. (Affiliated), 2225 Shurfine Drive, College Park, Georgia 30337, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1980) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, Affiliated proposes to provide funds to Crook's, Inc., for the purpose of building and equipping a grocery outlet located at Highway 16, Route 1, Box 3, Senoia, Georgia 30276.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the Regulations because Mr. Wilber Ellis Crook, owner of Crook's, Inc., is a member of the Board of Directors of Associated Grocers Co-op. Inc., the sole shareholder of Affiliated, and therefore is considered an Associate of Affiliated as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, on or before February 20, 1981, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 4, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4670 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5192]

Broward Venture Capital Corp.; Issuance of License

On June 3, 1980, a Notice was published in the **Federal Register** (45 FR 37575) stating that an application had been filed by Broward Venture Capital Corporation, 660 S. Federal Highway, Pompano Beach, Florida 33062, 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 June 18, 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. 04/04-5192 to Broward Venture Capital Corporation, to operate as a section 301(d) SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4666 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 06/06-0242]

Commerce Southwest Capital, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Commerce Southwest Capital, Inc., Room 202, 1525 Elm Street, Dallas, Texas 75201, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are as follows:

Harold W. McNabb, Diboll, TX 75941, President, Director.
Richard H. Braucher, 625 Wentworth Dr., Richardson, TX 75080, Secretary.
L. David Harrison, 2204 Goldent Willow, Richardson, TX 75081, Treasurer, Director.
Michael Doman, 9502 Shady Valley, Dallas, TX 75238, Director.
Edward C. Nash, Jr., 3312 Bryn Mawr, Dallas, TX 75205, Director.
Henry M. Meredith, 3607 Euclid, Dallas, TX 75205, Director.
National Bank of Commerce of Dallas, 100 percent Shareholder.

There will be one class of stock authorized: one million shares of common stock. All of the authorized shares will be issued with a resultant private capital of $1,003,500. Applicant proposes to conduct its operations principally in the States of Texas, Louisiana, Arkansas, Oklahoma and New Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, on or before February 25, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4667 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0278]

I.B.S.I. Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by I.B.S.I. Capital Corporation (Applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Melvin Bacharach*, 43 La Crescenta Way, San Rafael, CA 94901; Chairman of Board, President.
Vernon Heyman, 541 Spruce Street, San Francisco, CA 94118; Vice President, Chief, Financial Officer, Treasurer Director.
Jeffry Bernstein, 473 Lombard Street, San Francisco, CA 94133; Director.
International Business Sponsors, Inc.; 100 percent.

Melvin Bacharach owns about 14 percent of the outstanding voting securities of International Busines Sponsors, Inc. There are no other ten or more percent shareholders.

The Applicant, a California corporation, with its principal place of business at 765 Bridgeway, Sausalito, California 94965, will begin operations with $645,000 of private capital. They expect that many investments will be made locally, but intend to invest throughout the United States. The Applicant will have a diversified investment policy.

Matters involved in SBA's consideration of the Applicant include the general reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, on or before February 25, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hayward, California.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4668 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-5174]

Louisiana Venture Capital Corp.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with Small Business Administration pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1980)) for the transfer of control of Louisiana Venture Capital Corporation (LVCC), a small business investment company licensed by the Small Business Administration on November 26, 1974, and operating under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

LVCC, a Louisiana corporation with its principal place of business located at 315 North Street, Natchitoches, Louisiana 71457, is presently owned by the following stockholders:

Name, Shares and Percent of Ownership

Winnfield Life Insurance Co., 315 North Street, Natchitoches, LA 71457; *Class "A" Common-Voting* / 1,988, 49.7, *Class "B" Common-Non-Voting* / 38, 3.5
Ben D. Johnson, 214 High Street, Natchitoches, LA 71457; *Class "A" Common-Voting* / 11, .3, *Class "B" Common-Non-Voting* /12, 1.0
Edward Ward, Jr., 831 Fifth Street, Natchitoches, LA 71457; *Class "A" Common-Voting* / 1 –
James S. Dollar, 324 Nelkin Street, Natchitoches, LA 71457; *Class "A" Common-Voting* / 1 –
Hydria J. Baptiste, 608 Levy Street, Natchitoches, LA 71457; *Class "A" Common-Voting* / 1 –
Business Venture Resources Corporation, P.O. Box 944, New Courthouse, Room 216, Natchitoches, LA 71457; *Class "A" Common-Voting* / 1,988, 50.0, *Class "B" Common-Non-Voting* / 1,050

Under a Purchase and Sale Agreement, Bayou Joint Venture, Inc., a Louisiana corporation located at 1033 Swan Street, Baton Rouge, Louisiana 70807, will purchase 2,000 shares or 50 percent of LVCC's issued and outstanding Class "A" voting common stock and 50 shares or 4.5 percent of the issued and outstanding Class "B" non-voting common stock collectively from Mr. Johnson, Mr. Ward, and Winnfield Life Insurance Corporation.

Upon consummation of the transfer of control, Bayou Joint Venture, Inc. will own 50 percent of the Licensee's outstanding Class "A" voting common stock and 4.5 percent of the Licensee's outstanding Class "B" non-voting common stock. Mr. Mack B. Johnson owns 51 percent of Bayou Joint Ventures, Inc. No other person owns in excess of seven percent of Bayou Joint Ventures, Inc.

Mr. Johnson and Mr. Ward will resign as officers and directors of LVCC and the following individuals are to be elected as LVCC's Board of Directors:

Mr. Mack B. Johnson, 1033 Swan Avenue, Baton Rouge, LA 70807;
Mr. Lloyd Hinton, 1733 N. Acadian Thruway West, Baton Rouge, LA 70802;
Mr. Ernest Johnson, P.O. Box 73758, Baton Rouge, LA 70807.

The proposed management intends to move the Licensee's office from its present location in Natchitoches to Baton Rouge, Louisiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed management, and the probability of successful operations of the company under this management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may submit written comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416 on or before February 25, 1981.

A copy of this notice shall be published in a newspaper of general circulation in Natchitoches, Louisiana, and also in Baton Rouge, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4672 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0276]

Novus Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On October 28, 1980, a notice was published in the **Federal Register** (45 FR 71462), stating that Novus Capital Corporation, located at 5670 Wilshire Boulevard, Los Angeles, California 90036, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1980), for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were again given until the close of business November 11, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-0276 to Novus Capital Corporation, on December 12, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.111, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4669 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0199]

Venture Capital Corporation of America; Inssuance of License

On December 8, 1980, a notice was published in the **Federal Register** (45 FR 80942), stating that an application had been filed by Venture Capital Corporation of America 1700, North Dixie Highway, West Palm Beach, Florida 33407, with the Small Business Administration pursuant to § 107.102 of the Regulations governing shall business investment companies (SBIC's) under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business December 23, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) 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. 04/04-0199 to Venture Capital Corporation of America, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: February 3, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-4673 Filed 2-9-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Issue of United States Securities Bearing Facsimile Signatures of Former Secretaries of the Treasury

Pursuant to the provisions of 5 U.S.C. 301, in the issue of United States securities under the Second Liberty Bond Act, as amended, codified in Title 31, Chapter 12, United States Code, I hereby authorize the use of all stocks on

hand, or on order, bearing the signature of any former Secretary of the Treasury, where (1) such securities are issued as an additional issue or under a continuing offer, or (2) such securities are to be issued pursuant to a new offer heretofore or hereafter made, and stocks therefor bearing my signature are not available for timely delivery.

This authorization shall be effective immediately.

Dated: February 3, 1981.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 81-4584 Filed 2-9-81; 8:45 am]

BILLING CODE 4810-40-M

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief from Disabilities Incurred by Conviction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20026, (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adams, Jack B., Route 5, Russell Springs, Kentucky, convicted on February 10, 1977, in the United States District Court, Western District of Burlington, Kentucky; and on October 4, 1977, in the United States District Court, Eastern District of Lexington, Kentucky.

Aguilera, Alex, 4836 South 92nd Avenue, Omaha, Nebraska, convicted on December 13, 1954, in the Douglas County District Court, Douglas County, Nebraska.

Anderson, Jerry, 1172 South "G" Street, Lakeview, Oregon, convicted August 1, 1975, in the Circuit Court of Lake County, Oregon.

Bass, Frederick F., 914 "B" Street, P.O. Box 124, LaCenter, Washington, convicted on March 19, 1974, in the King County Superior Court of Washington.

Becker, Thomas, 2375 Oakwood Manor Drive, Florissant, Missouri, convicted on November 18, 1974, in the St. Louis County Circuit Court, Division 9, of Missouri.

Biondi, Ralph, 7672 Jensen Drive, Tucson, Arizona, convicted on November 29, 1977, in the United States District Court, Pittsburgh, Pennsylvania.

Blalock, Peggy Ruth, 4136 Lindsey Drive, Decatur, Georgia, convicted on August 17, 1976, in the United States District Court, Northern District of Georgia.

Blanchard, James E., 8322 Brunning Street, Portage, Michigan, convicted on October 1, 1956, in the Kalamazoo County Circuit Court, of Michigan.

Braswell, Meredith E., P.O. Box 4333, Tallahassee, Florida, convicted on October 2, 1973, in the Leon County Circuit Court, Tallahassee, Florida.

Brisco, Terry M., 1907 Terrace Court, Jeffersonville, Indiana, convicted on September 16, 1974, in the Circuit Court of Clark County, Indiana.

Brown, Jim L., 4720 139th Avenue, SE., Snohomish, Washington, convicted on January 8, 1974, in the Superior Court of Snlonomish County, Washington.

Buie, Phillip Glynn, 3902 College Main, Apt. 115, Bryan, Texas, convicted on April 12, 1977, in the Criminal District Court Parish of Orleans, New Orleans, Louisiana.

Camp, Charles L., 211 Bethesda Church Road, Lawrenceville, Georgia, convicted on May 12, 1966, in the Fulton County Superior Court, Atlanta, Georgia.

Campbell, Claude Dean, Route 4, Box 398, Salem, Virginia, convicted on July 28, 1976, in the Circuit Court of Henry County, Virginia.

Carty, James F., 439 Lafayette Boulevard, Brigantine, New Jersey, convicted on March 22, 1978, in the United States District Court, Philadelphia, Pennsylvania.

Chambers, Royce, R., 1378 Robsheal Drive, San Jose, California, convicted on July 21, 1961, in the Superior court of San Bernardino, California.

Childers, Thomas E., 6235 Humphrey, Flushing, Michigan, convicted on September 20, 1966, in the Circuit Court for the County of Clare, Harrison, Michigan.

Coleman, William R., 510 Green Street, Smithport, Pennsylvania, convicted on November 21, 1952, in the Judge Advocate General, Department of the Army, Camp Gordon, Georgia.

Coley, James R., 1044 Walnut Street, Macon, Georgia, convicted on October 13, 1977, in the United States District Court, Middle District of Macon, Georgia.

Colosi, Robert P., 2200 South 3rd Street, Philadelphia, Pennsylvania, convicted on September 12, 1975, in the United States District Court, Eastern Judicial District of Pennsylvania.

Comer, Kay R., Route 1, Box 190, Shenandoah, Virginia, convicted on May 15, 1978, in the United States District Court, Western District of Virginia.

Cooper, Harold C., P.O. Box 2048, Salmon, Idaho, convicted on August 11, 1977, in the United States District Court, Boise, Idaho.

Corbin, Jr., Charles L., 7496 Princess Carol Court, Apt. 4, Manassas, Virginia, convicted on June 8, 1970 in the Henrico County Circuit Court, Richmond, Virginia; May 20, 1974; and on June 3, 1975, in the Fauquier County Circuit Court, Warrenton, Virginia.

Cotter, Maurice M., 422 Collins Avenue, Marysville, Ohio, convicted on July 24, 1972, in the Common Pleas Court of Franklin County, Columbus, Ohio.

Cotter, Jr., Roy Lee, P.O. Box 1371, Elizabeth, Tennessee, convicted on July 13, 1966, in the Los Angeles County Superior Court of California.

Crawford, William D., Route 11, Box 217, Poplar Springs Road, Gainesville, Georgia, convicted on February 5, 1971, in the State Superior Court of Griffin, Georgia.

Creech, Bobby R., Route 6, Box 655, Bassett, Virginia, convicted on February 24, 1977, in the Henry County Circuit Court of Virginia.

Daniel, Edward B., P.O. Box 643, Cumberland, Wisconsin, convicted on November 20, 1969, in the Eau Claire County Court, Eau Claire, Wisconsin.

Davison, Rafe N., 838 Sennette Street, Baton Rouge, Louisiana, convicted on May 17, 1974, in the United States District Court for the Middle District of Louisiana.

Dear, Charles F., 1505 Palo Duro, Austin, Texas, convicted on July 6, 1978, in the 167th District Court of Travis County, Texas.

Debolt, Danny E., P.O. Box 38, Deep Valley, Pennsylvania, convicted on January 27, 1975, in the Circuit Court of Wetzel County, West Virginia.

Deloney, Conrad L., 3019 East Pine Street, Seattle, Washington, convicted on November 6, 1950, in the United States District Court, Western District of Arkansas.

Dill, Gregory W., R.D. 2, Box 33, Sanbury, Pennsylvania, convicted on January 24, 1977, in the Orleans Parish Criminal Court District Court, New Orleans, Louisiana.

Dotson, James E., P.O. Box 392, Soda, Idaho, convicted on July 17, 1959; April 13, 1962; and March 11, 1966, in the 7th Judicial District of Idaho, Caldwell, Idaho.

Duckett, Rufus W., 610 Fox Street, Flint, Michigan, convicted on June 19, 1961, in the Circuit Court of Genesee County, Michigan.

Dunnett, Patrick T., 14327 Densmore Avenue North, Seattle, Washington, convicted on October 2, 1975, in the Superior Court of Snohomish County, Washington.

Edwards, Jr., Robert Lee, 531 140th Place, SW., Lynwood, Washington, convicted on July 19, 1970, in the Superior Court of Snohomish County, Washington.

Ensign, Eugene H., 165 Cyress Street, Snohomish, Washington, convicted on February 26, 1929, and on May 10, 1944, in the Circuit Court of Deschutes County, Oregon.

Estrada, David Lee, 4722 North Martin, Spokane, Washington, convicted on November 9, 1976, in the Superior Court of Pierce County, Washington.

Evanich, Joseph, P., 15 Cynthia Drive, Milford, Connecticut, convicted on October 19, 1977, in the Superior Court of Milford, Connecticut.

Evanoff, Michael G., 9878 South Meridian, Puyallup, Washington, convicted on July 26, 1972, in the Superior Court of the State of Washington for the County of Thurston, Olympia, Washington.

Featherston, Robin E., 138 State Street, Lexington, Kentucky, convicted on January 9, 1975, in the United States District Court, Eastern District of Kentucky; and on May 21, 1975, in the Circuit Court of Lexington, Kentucky.

Ferguson, John F., 2109 East 99th Street, Indianapolis, Indiana, convicted on July 7, 1977, in the Marion County Criminal Court, Indianapolis, Indiana.

Ferrell, Johnny Lee, 1024 South Jennings Avenue, Lanett, Alabama, convicted on September 15, 1952, in the Chambers County Circuit Court, Alabama.

Fleckenstein, Richard, 113 Casswall Street, Napa, California, convicted on April 4, 1968; June 11, 1968; and March 11, 1971, in the Superior Court of Los Angeles, California.

Fletcher, Gary W., P.O. Box 381, Bingen, Washington, convicted on January 16, 1976, in the Superior Court of Grant County, Washington.

Ganelin, Paul, 914 East 16th Street, National City, California, convicted on May 11, 1973, in the United States District Court, Southern Judicial District of San Diego, California.

Garcia, Jr., Fabriciano E., 800 Upas, McAllen, Texas, convicted on September 2, 1976, in the 92nd Judicial District Court, Hidalgo County, Texas.

German, Keith C., 518 7th Street West, Williston, North Dakota, convicted on February 14, 1977, in the Ninth Judicial District Court of Itasca County, Minnesota.

Gilbert, Stephen John, 1731 Kenwood Avenue, Duluth, Minnesota, convicted on February 6, 1978, in St. Louis County District Court, Duluth, Minnesota.

Gladney, John H., 3930 West Cherry Street, Milwaukee, Wisconsin, convicted on July 6, 1961, in the Milwaukee County Municipal Court, Milwaukee, Wisconsin.

Gordon, Jr., Hugh W., 930 Briar Ridge, Houston, Texas, convicted on May 30, 1979, in the United States District Court, Eastern District of Louisiana.

Greene, Leroy, 2939 Salina Court, Wichita, Kansas, convicted on September 26, 1969, in the Circuit Court of Drew County, Arkansas.

Gregory, Billy Eugene, Rural Route 2, Box 225, Lily, Kentucky, convicted on May 12, 1975, in the Laurel County Circuit Court of Kentucky.

Grimes, Marion E., 700 South Ohio Street, Sheridan, Indiana, convicted on October 8, 1941; and on March 17, 1950, in the Hamilton County Circuit Court of Indiana.

Halazak, Richard A., 1513 North 13th Street, Bismarck, North Dakota, convicted on August 8, 1978, in the United States District Court, Southwestern Division District of North Dakota, in Bismarck, North Dakota.

Hale, Rex, I., 439 South Broadway, Tyler, Texas, convicted on October 18, 1976, in the 7th Judicial District Court for Smith County, Texas.

Harris, James B., P.O. Box 655, Wheatland, Wyoming, convicted on June 22, 1970, in the Platti County District Court, First Judicial District of Wyoming.

Haygood, Kay, 10517 Palestine Street, Houston, Texas, convicted in March 1977, in the Criminal District Court of Harris County, Texas.

Helms, Christopher L., 534 Sandy Bend Road, Castle Rock, Washington, convicted on August 21, 1975, in the Cowlitz County Superior Court of Washington.

Hess, Nhyle L., R.F.D. 1, Spring Grove, Virginia, convicted on November 30, 1954, in the General Court Martial Headquarters County, 8232d Army Unit, Comp Tokyo, Japan.

Higgins, Thomas Lee, 1050 Eastway Drive, Apt. 9, Youngstown, Ohio, convicted on July 6, 1962, in the United States District Court, Northern District of Ohio, Cleveland, Ohio.

Hooks, Charles E., 2317 Highway 62 East, Jeffersonville, Indiana, convicted on February 26, 1952, in the Circuit Court of Benton County, Fowler, Indiana.

Hobbs, Gregory, 4485 North 46th Street, Milwaukee, Wisconsin, convicted on June 30, 1970, in the United States District Court, Eastern Judicial District, Milwaukee, Wisconsin.

Homewood, Stephen K., Route 1, Box 856, Micanopy, Florida, convicted on July 18, 1969, in the St. Johns County Circuit Court, St. Augustine, Florida.

Jenkins, Billy J., Route 2, Box 1228, Locust Grove, Oklahoma, convicted on July 14, 1961, in the District Court of the Tenth Judicial District, State of Oklahoma.

Johnson, James R., 8405 Zug Road, Bowie, Maryland, convicted on September 12, 1960, in the United States District Court, Eastern District of Virginia.

Lincoln, Kayan, 1561 SE. 23rd Avenue, P.O. Box 2092, Pompano Beach, Florida, convicted on March 19, 1973, in the Circuit Court of Page County, Virginia.

Knull, Kenneth, 194 Interstate Parkway, Bradford, Pennsylvania, convicted on June 22, 1976, in the General Court Marshall, Judge Advocate, United States Navy, Norfolk, Virginia.

LaForm, Arthur J., 1201 Mulberry Street, Harrisburg, Pennsylvania, convicted on July 29, 1971, in the Dauphin County Court of Harrisburg, Pennsylvania.

Lane, Robert L., 234 North Main Street, Vassar, Michigan, convicted on March 25, 1968, in the Circuit Court of Genesee County, Michigan.

Madison, Michael L., 4033 Applewood Drive, Apt. 1, Erlanger, Kentucky, convicted on April 25, 1972, in the Jefferson County Criminal Court, Louisville, Kentucky.

Malcolm, Jerry T., 504 Ambry, Anaheim, California, convicted on October 21, 1974, in the United States District Court, Central District of California, Los Angeles, California.

Manning, Brian K., 4304 Libby Street, Boise, Idaho, convicted on February 7, 1977, in the 5th Judicial District of Gooding, Idaho.

Matz, Bart T., Route 2, Box 115, Barron, Wisconsin, convicted on April 21, 1976, in the Dakota County Court of Hastings, Minnesota.

McClung, Marion F., Rural Route 1, P.O. Box 59, Garrison, Kentucky, convicted on June 11, 1957, in the Lewis County Circuit Court, Vanderburg, Kentucky.

McClusky, Billy Joe, P.O. Box 1437, Clewiston, Florida, convicted on August 31, 1962, in the Broward County, Court of Record, Fort Lauderdale, Florida.

McCullock, Sr., Robert Y., 2808 42nd Avenue South, Minneapolis, Minnesota, convicted on June 2, 1949; and on September 2, 1959, in the District Court, Fourth Judicial District of Minneapolis, Minnesota.

McMillian, Scott A., 401 West 33rd Street, Belle, West Virginia, convicted on October 11, 1976, in the Circuit Court of Kanawha County, West Virginia.

Medina, Joseph R., 30 Marshall Drive, Cornwall, New York, convicted on June 25, 1973, in the Supreme Court of Westchester County, New York.

Monville, Paul K., 4001 Benvea Road, Sarasota, Florida, convicted on October 28, 1968, in the 8th Judicial District Court, Levy County, Bronson, Florida.

Newton, Michael D., 305 Salem Drive, Rockingham, North Carolina, convicted on March 15, 1973, in the United States District Court, Gainesville, Florida.

O'Neal, William L., 4551 Grand Avenue South, Minneapolis, Minnesota, convicted on April 4, 1974, in the District Court of St. Louis County, Minnesota.

Owens, Kenneth R., Route 1, Box 97, Pineapple, Alabama, convicted on July 24, 1956, in the United States District Court, Southern District of Alabama.

Parks, Lester W., 240 East Carpenter Street, Charlevoix, Michigan, convicted on March 24, 1958, in the Oakland County Circuit Court of Michigan.

Pashukewich, Marvin E., 41701 Ann Arbor Trail, Plymouth, Michigan, convicted on September 7, 1955, in the Recorders Court, City of Detroit, Michigan.

Pearce, Allen R., 200 North Beach, Fort Worth, Texas, convicted on July 22, 1975, in the State District Court, Fort Worth, Texas.

Pepe, David A., 609 4th Street, West Pittston, Pennsylvania, convicted on August 30, 1974, in the United States District Court, Middle District of Pennsylvania.

Peterson, Jr., Robert G., 2121 Sunset Drive, North Platte, Nebraska, convicted on February 19, 1974, in the District Court of Lincoln County, Nebraska.

Post, Dennis V., 3237 Signet, Drayton Plains, Michigan, convicted on July 25, 1974, in the United States District Court, Eastern District of Michigan.

Poteet, Ruth A., Route 3, Box 3908, Grandview, Washington, convicted on May 11, 1977, in the Yakima County Superior Court of Washington.

Rade, Armin W., 7213 North 88th Avenue, Phoenix, Arizona, convicted on July 15,

1976, in the Superior Court of Maricopa County, Phoenix, Arizona.

Rardin, Timothy B., 328 West Brundage, Sheridan, Wyoming, convicted on August 2, 1978, in the Fourth Circuit Court, Sheridan, Wyoming.

Richardson, James H., 24 Libby Lane, Jackson, Tennessee, convicted on September 9, 1977, in the United States District Court, Western Judicial District of Tennessee.

Robertson, Charles E., 2310 70th Street, Apt. 141, Lubbock, Texas, convicted on November 11, 1975, in the 196th District Court of Greenville, Hunt County, Texas.

Robinson, Larry H., 218A Donaur Drive SW., Cullman, Alabama, convicted on June 22, 1970, in the Superior Court of Spaulding County, Georgia.

Ronspiez, Malcolm J., 719 North Choctaw, El Reno, Oklahoma, convicted on May 14, 1968, in the United States District Court, 7th Judicial District of Canadian County, Oklahoma.

Rosencrantz, Jerry W., 416 Diamond Street, Nampa, Idaho, convicted on March 27, 1972, in the 5th Judicial District of Twin Falls County, Idaho

Royston, Joseph E., P.O. Box 36, Valley Lee, Maryland, convicted on August 11, 1955, in the Circuit Court for St. Mary's County, Maryland.

Russo, Steven M., 5200 160th Street, SE., Apt. 305, Prior Lake, Minnesota, convicted on June 2, 1976, in the District Court, First Judicial District of Scott County, Minnesota.

Ruth, William T., 836 Hamilton Boulevard, Hagerstown, Maryland, convicted on July 19, 1967, in the Circuit Court of Washington County, Hagerstown, Maryland.

Sandbo, Sherman C., 2112, Avenue "D" East, Bismarck, North Dakota, convicted on October 11, 1973, in the District Court, 4th District of Stutsman County, North Dakota.

Schmidt, Daniel D., 1112 South Westland Drive, Lot 30, Appleton, Wisconsin, convicted on September 15, 1975, in the Circuit Court of Outagamie County, Wisconsin.

Shepherd-El, Emmitt T., Route 1, Box 15, Faber, Virginia, convicted on March 7, 1966; and on May 2, 1966, in the United States District Court, District of Columbia.

Shew, John W., Route 3, Box 486, North Wilkesboro, North Carolina, convicted on May 23, 1963; and on April 9, 1964, in the Western Judicial District of Charlotte, North Carolina.

Sims, John D., Route 1, Box 93, Fairfax, Alabama, convicted on December 9, 1977, in the United States District Court, Middle District of Alabama.

Sinnott, Larry J., Route 7, Box 420, Sequim, Washington, convicted on October 30, 1967, in the Washington County Supreme Court, Hillsboro, Oregon.

Smithey, Gene H., Route 3, Box 427, North Wilkesboro, North Carolina, convicted on November 22, 1949; November 21, 1958; and on May 22, 1961, in the United States District Court, Wilkesboro, North Carolina.

Sparrow, John C., RFD 2, Hawkinsville, Georgia, convicted on May 3, 1973, in the United States District Court, Middle District of Georgia, Macon, Georgia.

Spicer, Leon H., Route 1, Box 270, Traphill, North Carolina, convicted on November 21, 1967; November 30, 1967; February 26, 1968, and on April 26, 1968, in the United States District Court, Winston-Salem, North Carolina.

Spychalski, Francis E., 1012 South Birney Street, Bay City, Michigan, convicted on September 13, 1965, in the Bay County Circuit Court of Michigan.

Steadman, Jerrold S., 1131 West 9th Street, Apt. 2, Port Angeles, Washington, convicted on May 7, 1975; and on February 23, 1977, in the Clallam County Superior Court of Port Angeles, Washington.

Stenger, John W., 910 Frost Street, Flint, Michigan, convicted on September 24, 1964, in the Genesee County Circuit Court of Michigan.

Stewart, III, Alfred C., P.O. Box 624, Pineland, Texas, convicted on January 10, 1975, in the First Judicial District Court of Hemphill, Sabine County, Texas.

Thomas, David E., 9601 North Bryant Street, Oklahoma City, Oklahoma, convicted on March 19, 1968, in the 7th Judicial district of Oklahoma County, Oklahoma.

Thomas, Donald P., 4043 Oakview Drive, LaPorte, Indiana, convicted on February 9, 1950, in the United States Superior Court of St. Joseph County, Michigan; and on May 28, 1952, in the United States Circuit Court of LaPorte County, Indiana.

Thomas, Edward Lee, 1812 French Street, Erie, Pennsylvania, convicted on April 27, 1965, in the Court of Quarter Sessions, Erie County, Pennsylvania.

Thomas, Eric A., 21701 Parthenia, Apt. 202E, Canoga Park, California, convicted on September 10, 1962, in the Common Pleas Court of Sandusky, Ohio.

Thompson, Carolyn M., P.O. Box 167, Sugar Grove, Virginia, convicted on October 31, 1968, in the Circuit Court of Smyth County, Virginia.

Tobin, Eric P., 5260 Highway 112 West, Port Angeles, Washington, convicted on May 26, 1974; and on January 7, 1977, in the Clallam County Superior Court of Washington.

Toliver, Sr., Ramon, 4331 North Audubon Road, Indianapolis, Indiana, convicted on January 17, 1964, in the United States District Court for Southern Indianapolis, Indiana.

Towers, Marvin L., 709 SW. 22nd Avenue, Pendleton, Oregon, convicted on January 4, 1977, in the Umatilla County Circuit Court of Oregon.

Turner, Melvin L., P.O. box 182, Clements Road, Cottondale, Alabama, convicted on June 3, 1968, in the 6th Judicial Circuit Court of Tuscaloosa, Alabama; and on April 2, 1975, in the United States District Court, Northern District of Mississippi.

Underwood, Jackie J., Route 1, Box 9, Ferrum, Virginia, convicted on June 26, 1974, in the Circuit Court of Floyd County, Virginia.

Watson, James, Route 1, Kosciusko, Mississippi, convicted on February 10, 1947; in 1951; October 26, 1972; and on November 8, 1974, in the United States District Court, Northern District of Mississippi, Jackson, Mississippi.

Watson, Joseph L., R.D. 1, Box 314, Popple Hill Road, Berkshire, New York, convicted in January 1976, in the Superior Court of Washington County, North Carolina.

Wentzel, Lynn D., 169 Liberty Circle, Hereford, Pennsylvania, convicted on September 9, 1975, in the Berks County Court of Common Pleas of Pennsylvania.

Whitman, Scott A., Route 1, Box 52A, Hermann, Missouri, convicted on December 10, 1974, in the Montgomery County Circuit Court of Missouri.

Wilbur, Frank L., 293 Read Street, Portland, Maine, convicted on June 2, 1972, in the Cumberland County Superior Court of Portland, Maine.

Willems, Gregory R., 2217 26th Avenue, Kenosha, Wisconsin, convicted on January 20, 1976, in the Branch 3, Douglas County Court of Superior, Wisconsin.

Williams, Jimmy P., Route 2, Box 360, Faison, North Carolina, convicted on January 21, 1976, in the United States Superior Court of Duplin County, North Carolina.

Winslow, Donald R., 3912 West Mallory Street, Pensacola, Florida, convicted on September 13, 1963; and on February 2, 1967, in the Court of Record of Escambia County, Florida.

Wolfe, George W., 4410 Edward Street, Texas City, Texas, convicted on April 16, 1971, in the 195th Judicial District Court of Dallas, Texas.

Worley, Sidney R., 428 Eighth Avenue, Albany, Georgia, convicted on November 19, 1965, in the Superior Court of Dougherty County, Georgia.

Wright, Robert E., 1109 East Weldon, Phoenix, Arizona, convicted on August 1, 1969, in the United States District Court, Southern District of Illinois.

Young, Gordon L., 4200 3rd Street, Rural Route 1, Box 427, Great Bend, Kansas, convicted on February 4, 1965, in the Pratt County District Court of Kansas.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

G. R. Dickerson,

Director.

[FR Doc. 81-4705 Filed 2-9-81; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 2-81]

Series J-1984 Notes; Interest Rate

February 4, 1981.

The Secretary announced on February 3, 1981, that the interest rate on the notes designated Series J-1984 described in Department Circular—Public Debt Series—No. 2-81 dated January 29, 1981, will be 13¼ percent. Interest on the notes will be payable at the rate of 13¼ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria

for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 81-4665 Filed 2-9-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects

AGENCY: Veterans Administration.

ACTION: Revised procedure.

SUMMARY: The Veterans Administration is updating its procedures for evaluation, review and coordination of Federal and federally assisted programs and projects to include new and revised assistance programs and to assign responsibility for them.

FOR FURTHER INFORMATION CONTACT: Jon E. Baer (202-389-3316).

SUPPLEMENTARY INFORMATION: On April 30, 1976 (41 FR 18181) the Veterans Administration published Chapter 13—Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects (OMB Circular A-95). The procedure is updated to add a new assistance program 64.203, State Cemetery Grants, authorized by Pub. L. 95-476 and to assign responsibility for it. Former assistance programs 64.005, "Grants to State for Construction of State Nursing Home Care Facilities" and 64.017, "Grants to States for Remodeling of State Home Hospital/Domiciliary Facilities", are combined under program number 64.005. In addition the dollar value of a building demolition project subject to reporting to State and areawide clearinghouses is revised.

Approved: January 28, 1981.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

Chapter 13—Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects (OMB Circular A-95)

1. In paragraph lb, a new subparagraph (5) is added and the former subparagraphs (5) and (6) are redesignated (6) and (7) so that the added and revised material reads as follows:

1. Purpose

* * * * *

b. The above will be carried out at the earliest feasible time in project planning. Notification will include a summary description of the project and will contain the following information, as appropriate and available:

* * * * *

(5) A statement as to whether or not the property(ies) is on or eligible for the National Register of Historic Places or may meet the National Register criteria.

(6) The Federal program title and number and agency under which assistance will be sought as indicated in Attachment D of OMB Circular A-95 (revised) or the latest "Catalog of Federal Domestic Assistance." (The Catalog is issued annually in the spring and is updated during the year.) In the case of programs not listed therein, the program will be identified by Pub. L. Number or U.S. Code citation.

(7) The estimated date the applicant expects to formally file an application.

2. Paragraphs 2 and 3 are revised to read as follows:

2. Scope

These regulations are to serve as agency procedural guidelines in carrying out the provisions of OMB Circular A-95 (revised) and are applicable to the following programs identified in the Catalog of Federal Domestic Assistance.

64.005 Grants to States for Construction of State Home Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools—Assistance to Health Manpower Training Institutions.
64.114 Veterans Housing—Guaranteed and Insured Loans.
64.203 State Cemetery Grants.

All activities of the Veterans Administration including those listed in the Catalog of Federal Domestic Assistance, which are applicable to the notification process under OMB Circular A-95, Part II (Direct Federal Development) are also within the purview of these regulations. This includes activities in the areas of health care delivery, construction, and cemeteries.

3. Responsibilities

a. *Department of Medicine and Surgery.* The department of Medicine and Surgery is responsible for agency compliance under this chapter for the following assistance programs: State Home Grant Program 64.005 and Medical School Assistance Programs 64.020 and 64.021. It is the further responsibility of the Department of Medicine and Surgery to notify the State and areawide clearinghouses of planned VA construction projects related to medical facilities, changes in the delivery mode, the advent of new services and other aspects of the agency's health care program applicable to the notification process under OMB Circular A-95, Part II, as described herein. This shall be accomplished where appropriate through the DM&S designated representatives to the area Health System Agency and the State Health Coordinating Council.

b. *Department of Memorial Affairs.* The Department of Memorial Affairs is responsible for agency compliance under this chapter for the State Cemetery Grants Program 64.203.

c. *Department of Veterans Benefits.* The Loan Guaranty Service is responsible for agency compliance with OMB Circular A-95 for the Veterans Housing—Guaranteed and Insured Loans Program 64.114.

d. *Controller.* The Controller will act as the VA liaison with the Office of Management and Budget in matters relating to compliance with OMB Circular A-95.

e. *Office of Construction.* The Assistant Administrator for Construction is responsible for agency compliance with OMB Circular A-95, Part II, for all VA Cemetery construction projects and acquisition of real property.

f. *Department and Staff Office Heads.* Department or Staff heads will supplement this chapter as necessary to make its provisions and policies effective in their areas of jurisdiction. In carrying out these responsibilities they will seek the advice and guidance of the Controller, as appropriate.

3. In paragraph 5a, subparagraphs (1) and (3) are revised to read as follows:

5. Project Notification and Review System (PNRS)

a. *Assistance Programs.* (1) All entities making application for Federal assistance under programs listed below, shall include with their application a Standard Form 424, Federal Assistance, with Sections I and II completed.

* * * * *

(3) Those programs applicable under this requirement (identified by title and Federal Domestic Assistance Catalog number) are:

64.005 Grants to States for Construction of State Home Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools—Assistance to Health Manpower Training Institutions.
64.203 State Cemetery Grants.

* * * * *

4. In paragraph 6d, subparagraph (4) is revoked and subparagraphs (5), (6) and (7) are redesignated (4), (5) and (6) and revised and paragraph 6(h)(2) is revised so that the revised and redesignated material reads as follows:

6. Direct Federal Development

* * * * *

d. *Criteria for Notification.* A project will be reported to State and areawide clearinghouses provided that it is any of the following:

* * * * *

(4) An acquisition of real property.

(5) A major building demolition project exceeding $270,000 expenditure.

(6) A project for inpatient care purposes exceeding $270,000 expenditure and either

(a) Alters the bed capacity by 25,

(b) Modifies the primary function of the facility, or

(c) Provides a major new medical care service e.g., Supervoltage Therapy, Hemodialysis, Cardiac Catheterization, etc.

* * * * *

h. Coordination With Environmental Impact Program

* * * * *

(2) When the responsible Department official has approved the need for a 102 Statement on a particular VA construction project, the responsible office preparing the Statement (Assistant Administrator for Construction) will request copies of clearinghouse comments from the Department to include in the Draft 102 Statement.

[FR Doc. 81-4623 Filed 2-9-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 27
Tuesday, February 10, 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).

CONTENTS

1

FEDERAL ENERGY REGULATORY COMMISSION.

February 6, 1981.

TIME AND DATE: 10 a.m., Saturday, February 14, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. ID–1818, Geoge Fabian Brewer.

(2) Docket No. RP75–61, Investigation into the Activities of South Texas Natural Gas Gathering Company and All Companies Affiliated With It.

(3) Docket No. IN80–7, Texaco Inc.

(4) Docket Nos. CP76–462, *et al.*, Southern Union Gas Company v. Cities Service Gas Company, *et al.*

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary (202) 357–8400.

[S–221–81 Filed 2–6–81; 3:20 pm]

BILLING CODE 6450–85–M

2

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 9848, January 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., January 29, 1981.

CHANGE IN THE MEETING: Time of the meeting is changed from 9 a.m., to 10 a.m. on January 29, 1981.

[S–219–81 Filed 2–6–81; 2:21 pm]

BILLING CODE 6730–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

February 4, 1981.

TIME AND DATE: 10 a.m., February 11, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C. 20005.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Harman Mining Company, VA 80–94–R, etc. (Petition for Discretionary Review; issues include whether activities are within the jurisdiction of the Federal Mine Safety and Health Act of 1977.)

2. United States Steel Corporation, WEVA 81–33–R. (Petition for Discretionary Review; issues include whether judge erred in concluding that an imminent danger existed.)

3. Quarto Mining Company, LAKE 80–311, etc. (Petition for Discretionary Review; issues include interpretation and application of 30 CFR 75.316.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–220–81 Filed 2–6–81; 2:38 pm]

BILLING CODE 6820–12–M

4

[NM–81–4]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, February 19, 1981.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Florida Commuter Airlines, Inc., Douglas DC–3, N75KW, Grand Bahama Island, Bahamas, September 12, 1980.

2. *Aircraft Accident Report*—Redcoat Air Cargo, Ltd., Bristol Britannia 253F, G–BRAC Billerica, Massachusetts, February 16, 1980.

3. *Recommendation* to the Federal Aviation Administration regarding weight determinations of bulk shipments. (Ref., Redcoat Air Cargo, Ltd., Bristol Britannia 253F, G–BRAC Billerica, Massachusetts, February 16, 1980.)

4. *Safety Effectiveness Evaluation*—Bulk Hazardous Materials Transportation by Truck.

5. *Recommendation* to the Federal Aviation Administration concerning flightcrew response to ground proximity warning system terrain closure warnings.

6. *Discussion* of Airline Pilots Association's request for oral argument regarding the probable cause, National Airlines, Inc., Boeing 727, NA7444A, Escambia Bay, Pensacola, Florida, May 8, 1978.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

February 6, 1981.

[S–222–81 Filed 2–6–81; 3:28 pm]

BILLING CODE 4910–58–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of February 9, 1981.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Tuesday, February 10:

3 p.m.: Briefing by Executive Branch on Export Matter (closed—exemption 1, as announced)

Wednesday, February 11:

2 p.m.: Briefing by LOFT Review Group (approximately 2 hours, public meeting) (revised)

Thursday, February 12:

10 a.m.: Discussion of ATWS Policy (approximately 1½ hours public meeting)

2 p.m.

1. Discussion of Policy on Proceeding with Pending Construction Permit and Manufacturing License Applications (approximately 1½ hours, public meeting)

2. Affirmation/Discussion Session (approximately 30 minutes, public meeting)

a. Draft Commission Opinion Regarding Exports to Taiwan

b. NRC Rulemaking to Implement EPA's "Environmental Radiation Protection Stds for Nuclear Pwr Operations: Part 190 (tentative)

Friday, February 13:

2 p.m.: 1. Discussion of Status of LOFT Research Project (approximately 1½ hours, closed—exemption 9)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meetings.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

February 5, 1981.

[S–218–81 Filed 2–6–81; 12:38 pm]

BILLING CODE 7590–01–M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 10269, February 2, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 28, 1981.

CHANGES IN THE MEETING: Deletion/ additional items/ meeting. The following item was not considered at an open meeting scheduled for Thursday, February 5, 1981, at 10 a.m.:

Consideration of whether to establish an Advisory Committee on Shareholder Communications for the purpose of exploring the possibilities for improving the process by which issuers communicate with the beneficial owners of stock held in the name of a broker-dealer, bank, or other nominee name. For further information, please contact Gregory H. Mathews at (202) 272–2589.

The following additional items will be considered at a closed meeting scheduled for Thursday, February 5, 1981, following the 10 a.m. open meeting:

Regulatory matters bearing enforcement implications.
Settlement of injunctive actions.
Order compelling testimony.

The following item will be considered at a closed meeting scheduled for Friday, February 6, 1981, at 2 p.m.

Opinion.

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further infromation and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272–2467.

February 5, 1981.

[S–217–81 Filed 2–5–81; 4:27 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
February 10,1981

Part II

Federal Reserve System

Home Mortgage Disclosure, Revision of Regulation C and Aggregation Tables

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0350]

Home Mortgage Disclosure; Revision of Regulation C and Aggregation Tables

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board's Regulation C implements the Home Mortgage Disclosure Act (HMDA) and requires depository institutions with offices in standard metropolitan statistical areas (SMSAs) to disclose data about their home mortgage and home improvement loans each year. The Board is publishing for comment a revised version of Regulation C to implement certain amendments to the act that are contained in the Housing and Community Development Act of 1980 (Pub. L. 96-399). The statutory amendments require compilation and disclosure of loan data by calendar year, in place of fiscal year; itemization of data by census tract and county, rather than by census tract and ZIP code; the use of a standard disclosure format as prescribed by the Federal Reserve Board; and a system of central data repositories in each SMSA.

The amendment to the act requiring a changeover to calendar year compilation of data was implemented by an amendment to Regulation C published by the Board on December 8, 1980 (45 FR 80813). The proposal that follows implements the remaining changes. It includes an extensive regulatory analysis, to comply both with the expanded rulemaking procedures set forth in the Board's policy statement of January 19, 1979 (44 FR 3957) and with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354).

The amended act also requires the Federal Financial Institutions Examination Council (FFIEC) to produce, for each SMSA, aggregate residential loan data by census tract for all depository institutions covered by HMDA or similar state regulations. The Board's proposal contains a section (which it is publishing on behalf of the FFIEC) relating to the aggregation of the HMDA data; the package includes a proposed format for the basic aggregation tables that will be produced for each SMSA (with various groupings of the loan data by age of housing stock, income level, and racial characteristics).

DATE: Comments must be received on or before April 15, 1981.

ADDRESS: Comments may be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th & Constitution Avenue, N.W., Washington, D.C. between 8:45 a.m. and 5:15 p.m. Comments may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m. All material submitted should refer to Docket No. R-0350.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation, contact: John C. Wood, Senior Attorney (202-452-2412), Claudia Yarus, Staff Attorney (202-452-3667), Jesse Filkins, Staff Attorney (202-452-3867), or Lyn Goldfaden, Staff Attorney (202-452-3867), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the HMDA-1 disclosure form, contact: Tim Burniston, Review Examiner, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3946). Regarding the Board's regulatory analysis or the FFIEC's proposed aggregation tables, contact: Glenn Canner, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2503).

SUPPLEMENTARY INFORMATION: (1) *General.* Regulation C implements the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.*, and requires depository institutions that have offices in SMSAs and that have more than $10 million in assets to make annual disclosure of their mortgage lending activity. On October 8, 1980, provisions of the Housing and Community Development Act extended HMDA for a five-year period and made certain changes in its requirements. The 1980 amendments to HMDA require (1) that depository institutions change their data compilation and disclosure from a fiscal to a calendar year basis, beginning with 1980 data; (2) that disclosures be made by census tract and county, rather than by census tract and ZIP code; (3) that the Federal Reserve Board prescribe a standard format for disclosures; (4) that disclosure statements be made available at central data repositories; and (5) that aggregate data tables, covering all institutions in each SMSA, be prepared and made available by the Federal Financial Institutions Examination Council (FFIEC).

On December 8, 1980, the Board published an amendment to Regulation C to implement calendar year disclosures for 1980. This means that a covered institution which previously complied data on a non-calendar year basis must conert its data compilation and disclosure from a fiscal to a calendar year basis beginning with 1980 data. In addition, such an institution will need to prepare a partial-year disclosure statement for that portion of 1979, if any, which was not covered by the institution's last fiscal year statement. For example, an institution that compiled and disclosed data for its 1979-80 fiscal year will need to redisclose the 1980 loan data in a 1980 calendar year statement. However, it need make no new disclosure of its 1979 loan data. If, on the other hand, the institution's last fiscal year statement was for 1978-79 loan data, then the institution must provide a partial-year statement for 1979 (for that portion of 1979 not covered by the 1978-79 fiscal year report) in addition to the statement for calendar year 1980.

The Board is now publishing a proposed revision of Regulation C to implement the remaining statutory changes. The Board has taken this opportunity to redraft the regulation in a simplified, more concise form—in keeping with the objectives of its Regulatory Improvement Project—and believes that the regulation ultimately adopted will be easier to use. The proposed regulation is approximately 30 percent shorter than the current version.

Because of the statutory requirement regarding aggregation of data, institutions will be subject to certain reporting requirements with respect to data for 1980 and subsequent years. Reporting procedures are being worked out among the Board, the Federal Reserve Banks, the FFIEC, and the other financial institution regulatory agencies—the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. It is envisioned that the reporting requirement will involve a depository institution's submitting two copies of its disclosure statement to its HMDA supervisory agency. One copy will be transmitted by the agency to the central repository that will be established in each SMSA, and the other copy will be sent to the Federal Reserve Board, which will aggregate the data on behalf of the FFIEC. It is anticipated that specific instructions on procedures for reporting 1980 data will be sent by each supervisory agency to the institutions under its jurisdiction by the end of February.

As required by the act, the Board will prescribe, with the final adoption of a

revised Regulation C, a mandatory disclosure format to be used by depository institutions for reporting 1981 loan data. A proposed form, included as Appendix A, is being published for comment at this time.

Institutions are reminded that while a standard form is not required for the disclosure of 1980 data, in order to facilitate the Board's aggregation of 1980 data they should use a format similar to HMDA–1. (It is the Board's understanding that most institutions already do so.)

(2) *Proposed revision.* In revising Regulation C, the Board has attempted to weigh the compliance costs to institutions against the benefits to the public of each regulatory requirement. In a number of instances where the act allows exercise of discretion, the Board proposes to delete or reduce current regulatory requirements accordingly. Other requirements have been modified to ensure that data will be compiled and reported on a uniform basis so as to facilitate aggregation of data.

Some of the principal changes to the regulation that appear in the proposal are as follows. First, an institution that has exempt status and that subsequently loses its exemption must begin to compile and report data only for the calendar year *following* the loss of exemption (rather than for the preceding year, as in the present regulation). Second, the "total residential mortgage loans" category (that is, the sum of the FHA/FmHA/VA loan category and the conventional loan category) would no longer be required. Third, geographic breakdowns would be given in terms of census tracts or counties; ZIP codes could no longer be used. Fourth, disclosure would no longer be required at a branch office in the SMSA where the institution's home office is located. Fifth, disclosures at other branch offices would only be required to give data about loans on property in the SMSA where the branch is located. (The home office disclosure and disclosures at central data repositories would, however, contain complete data for all SMSAs in which the institution has offices.) Finally, the publicizing of loan data availability (for example, by posting a notice in lobbies or by publication in a newspaper) would no longer be required.

These proposed changes are discussed in greater detail below, along with other changes contained in the proposed revision. The discussion follows the order of sections of the proposed regulation.

§ 203.1 Authority, purpose, and scope.

Section 203.1 of the proposal corresponds to § 203.1(a) of the existing regulation. Current § 203.1(b), dealing with administrative enforcement, has been incorporated into proposed § 203.6.

Paragraph (a) of the proposal establishes the authority for the regulation. Paragraph (b) defines the purpose of the regulation; the new material is drawn from the statement of purpose in the act.

Proposed paragraph (c) summarizes which institutions are covered by the regulation and generally describes their disclosure and reporting responsibilities. Proposed paragraph (d) references the contemplated system of central data repositories and of data aggregation; this information is related to some of the regulatory requirements. The Board believes that including it here may help explain some of the regulatory requirements and make the regulation easier to use.

§ 203.2 Definitions.

Section 203.2 contains, in alphabetical order, the definitions that apply to the entire regulation. Several of the defined terms in the current regulation have been deleted or incorporated into other definitions.

Act. This definition cites the original and the amended statute.

Branch office. A specific exclusion has been added to this definition for automated teller machines and other electronic terminals. Although such machines may require approval as branches, they are not offices for purposes of this regulation. Administrative offices, data processing offices, and loan production offices are not covered because they are not approved as branches.

Depository institution. This definition has been revised. First, a reference to federally related mortgage loans has been added. A second change is the incorporation of Board Interpretation § 203.001, concerning the treatment of majority-owned subsidiaries (both depository and non-depository) of an institution.

"Federally related mortgage loan" is defined in a footnote (it appears as a separately defined term in the existing regulation) and is substantially similar to the definition in the Real Estate Settlement Procedures Act. An institution qualifies as a depository institution for Regulation C purposes if (1) it makes first-lien mortgage loans on 1-to-4 family dwellings in the United States or Puerto Rico, and (2) it is federally insured or regulated, or originates loans that are insured or guaranteed by HUD, VA, or another federal agency, or that are intended to be sold to FNMA, GNMA, or FHLMC.

Federal Housing Authority (FHA), Farmers Home Administration (FmHA), or Veterans Administration (VA) loans. There are no substantive changes in this definition.

Home improvement loan. This definition has been changed in several ways. The current requirement that a secured home improvement loan be secured by collateral other than a first lien on residential real property has been eliminated. Under the proposal, first-lien loans would be reported as home improvement loans if they otherwise meet the home improvement loan definition. The Board believes that this classification is more meaningful than their classification as "residential mortgage loans" under the existing regulation. However, comment is solicited on whether this change would make data compilation more difficult or the disclosures less useful.

Language has been added to include refinanced loans in the definition. This means that a refinancing for home improvement purposes would be reported as a home improvement loan whether the original loan was for home improvement, purchase of a dwelling, or some other purpose. An exclusion for certain types of refinanced loans is contained in proposed § 203.4(c)(3).

Like the existing definition, the proposal requires both that the purpose of the loan be for home improvement *and* that the loan be recorded as a home improvement loan on the institution's books. (The recording requirement is satisfied even if the institution uses some other term—such as "modernization loans"—to identify loans that fall within the definition of home improvement loans.) With regard to the stated purpose of a loan, the word "application" replaces the word "transaction." The Board believes that "application" more precisely defines the time at which the intent of the borrower is expressed.

Existing Regulation C provided a special transition rule, applicable only to the first disclosure year, that allowed use of a state law definition of home improvement loans. The Board believes it is not necessary to include a special rule of this sort in the revised regulation. However, comment is solicited on whether any problems currently exist in this area.

Home purchase loan. This definition corresponds to the existing definition of residential mortgage loan. It has been substantially rewritten and restructured; the first sentence states what is included and the second what is excluded.

There are six revisions worthy of note. First, the definition initially establishes that only loans for the purchase of residential dwellings fall within this category. As noted above, first-lien loans for repair or remodeling purposes would now be included in the definition of home improvement loans.

Second, a parenthetical phrase incorporates current § 203.2(i), defining residential real property. Third, the current requirement that a home purchase loan be secured by a first lien has been eliminated; any secured home purchase loan, regardless of the type of lien, would be covered by the definition.

Fourth, the exclusion in existing § 203.2(h)(iii), of loans for business or consumer purposes unrelated to the purchase or improvement of residential real property, has been deleted. The Board believes that an express exclusion is unnecessary because of the change in the definition limiting it to loans for the purchase of residential property.

Fifth,the temporary-financing exclusion—for short-term lending where a source of permanent financing will later be required—has been further clarified. In the case of construction loans, only temporary financing is excluded from coverage. A reference to bridge loans makes clear that the exclusion applies to loans for the purchase of a new home pending receipt of proceeds from the sale of a prior residence. Whether or not there is a firm take-out commitment for permanent financing, the Board considers these temporary loans to be other than mortgage loans, and believes their inclusion as home purchase loans would distort the data, contrary to the purposes of the act

Sixth, the reference to refinanced loans has been changed. The current definition includes only first-lien refinancings. The proposed definition would include all refinancings for home purchase purposes, other than those expressly excluded under proposed §203.4(c)(3).

The Board solicits comment on the extent to which any of these proposed changes would increase institutions' costs, create difficulties in data compilation, or diminish the utility of the disclosures.

State. The definition is unchanged from the current regulation.

§ *203.3 Exemptions.*

This section establishes the categories of depository institutions that would be exempt from the requirements of Regulation C. The categories are essentially the same as in the existing regulation.

Paragraph (a)(1) exempts any depository institution with assets of $10 million or less. The only change from the current regulation is the substitution of December 31 for "the last day of its last full fiscal year" as the date for determining the institution's asset size.

Paragraph (a)(2) provides an exemption for any depository institution that does not have a home or branch office in an SMSA. The substitution of the U.S. Department of Commerce for the Office of Management and Budget reflects the fact that the Department of Commerce, rather than OMB, now defines SMSAs.

The exemption set forth in paragraph (b) corresponds to existing § 203.3(a)(3). It is available to state-chartered depository institutions that are subject to state laws containing requirements substantially similar to Regulation C and making adequate provision for enforcement. The procedures for applying to the Board for exempt status are set forth in proposed § 203.30 (Supplement I).

The amended act requires that loan data for all depository institutions, including those which receive an exemption from the federal law, be aggregated and that disclosure statements be made available at the central repository in each SMSA. To implement these requirements, § 203.3(b) limits the state law exemption by providing that exempt institutions shall submit the data required by their state law to their state supervisory agencies, which in turn will forward the data to the appropriate central repositories and, for aggregation, to the Federal Reserve.

Existing § 203.3(b) requires that an institution losing its exemption begin compliance by compiling and disclosing data for the year preceding the year in which the exemption was lost. Proposed paragraph (c) would change this rule. An institution would instead report beginning with the data for the first calender year after the exemption is lost. For example, if on April 1, 1982, an institution opens a home or branch office in an SMSA, and thereby loses its exemption, it would have to compile and report its 1983 data. This report would have to be available by March 31, 1984, in accordance with § 203.5 (a) and (d). Similarly, if on December 31, 1982, an institution's assets exceed $10 million for the first time, the institution would be required to compile its 1983 data and report it by March 31, 1984. The Board believes that the high cost of compiling data for a period already ended justifies the proposed change.

Because of the revision regarding loss of exemption, existing Board Interpretation § 203.002 would no longer be applicable. If the rule is adopted as proposed, this interpretation will be rescinded.

There is no express provision on when an exemption, once applicable, takes effect. The intent, however, is that an exemption would become effective immediately. Therefore, the institution would not report its data for that year or for subsequent years, so long as it remains exempt.

§ *203.4 Compilation of loan data.*

Section 203.4 sets forth the rules for the compilation of loan data and describes what data are included. This section has been restructered and significantly rewritten, and contains some substantive changes. Current § 203.4(a)(2) (i) and (ii) and (a)(4)(ii) have been deleted as obsolete, since they are transition rules related to the original implementation of the regulation.

Paragraph (a) of the proposal describes the mortgage loan data to be compiled. It requires data compilation on a calender year basis, rather than fiscal year, to implement a statutory change. The existing regulation already reflects this change in § 203.4(d)(1), which was published by the Board on December 8, 1980 (45 FR 80813).

The proposal (like the existing regulation) requires that loan data be shown in terms of the number of loans and the total dollar amount of loans. The definition of "total dollar amount," set forth in existing § 203.4(a)(3), appears as footnote 2 in the proposal.

Paragraph (b) of the proposal, concerning format and itemization of data, incorporates portions of existing § 203.4 (a) and (c) and contains a number of changes. It requires that data be compiled separately for originations and purchases (as does the present regulation), and requires the use of a standard format for disclosures. (The proposed form appears as Appendix A.) Note that this would be a required form, unlike Form HMDA–1 in existing Regulation C. The use of a standard reporting format is necessary to facilitate the aggregation of data mandated by the amended act.

Paragraph (b)(1) describes the required geographic itemization of data. As in the existing regulation, the general rule is that data must be broken down by the SMSA within which the property that secures the loan (or that is to be improved) is located; within each SMSA the data is to be further itemized by the census tract in which the property is located.

There are exceptions to census tract reporting; these differ to some extent

from the existing regulation. First, loans relating to property in any county having a population of 30,000 or less must be itemized by county rather than by census tract. (The term "county" includes similar state political subdivisions such as parishes.) This exception implements an amendment to the act.

Second, loans on property located in an area that has not been census tracted (even if in a county with a population over 30,000) also must be itemized by county. The second exception, made necessary by the fact that some areas have not been assigned census tract numbers, corresponds to the current provision in Regulation C permitting compilation on the basis of ZIP codes for untracted areas. The Board believes that compilation of data for untracted areas by county rather than by ZIP code will result in simpler compilation procedures and in more understandable mortgage loan disclosures. If the ZIP code provision were carried over from the existing regulation, the resulting disclosures might well contain three different types of geographic breakdowns—census tracts, counties, and ZIP codes.

The rule set forth in proposed paragraph (b)(1)(ii) is unchanged from present Regulation C. For loans on property located *outside any* SMSA in which the institution has a home or branch office, the data need not be broken down but may simply be reported as a lump sum figure covering all such loans. This category includes both loans on property outside any SMSA and loans on property in an SMSA where the institution has no home or branch office.

Paragraph (b)(2) requires that, for each geographic category (census tract, county, SMSA total, and outside-SMSA), loan data must be further itemized by type of loan. The loan categories are substantively unchanged from those in the existing regulation except that the "all residential mortgage loans" category, described in existing § 203.4(a)(1)(iii), has been deleted. Since that category represents the sum of the preceding two home purchases categories (FHA/FmHA/VA loans and conventional mortgage loans), it does not provide new or different information, and hence is unnecessary. In addition, deletion of this category will simplify the required aggregation of data.

Paragraph (b)(2)(v) generally requires an institution to present, as an addenduim item, data about loans made to non-occupant borrowers. The second sentence of this paragraph expressly excludes loan data in the outside-SMSA category from this requirement.

Footnote 3 to paragraph (b)(2)(v) incorporates part of existing § 203.4(c). The footnote permits an institution to assume, unless its records on a particular loan contain information to the contrary, that a purchased loan was made to an occupant borrower. The phrase in existing paragraph (c) limiting this presumption to loans on 1-to-4 family dwellings is believed to be unnecessary, since paragraph (b)(2)(v) applies only to such loans. The portion of existing paragraph (c) relating to loans originated prior to June 28, 1976, has been deleted as obsolete.

Paragraph (c) lists certain mortgage loan data that are to be excluded from data compilation; it corresponds to existing § 203.4(a)(4)(i). Paragraphs (c)(1) and (3), regarding loans on which the institution acts in a fiduciary capacity and certain refinancings that involve no increase in the outstanding principal balance, are carried over without change from the existing regulation.

Paragraph (c)(2) specifically excludes loans on unimproved land, and corresponds to a limitation to improved real property contained in the existing definition of residential real property. A specific exclusion is necessary because the proposed definition of "home purchase loan" (which incorporates the existing residential real property definition) contains no such limitation.

Paragraph (d), defining geographic units for compilation purposes, parallels § 203.4(b) of the existing regulation. The U.S. Department of Commerce is now responsible for defining SMSA boundaries and the reference to the Office of Management and Budget has been changed accordingly.

The proposed regulation provides that for compilation purposes, SMSA boundaries are those in effect on January 1 of the year to which the data relate, reflecting the statutory change from fiscal to calendar year compilation. Thus, even if a county becomes part of an SMSA during a reporting year, all loans made in the county are to be reported *for that year* as being outside the SMSA.

Paragraph (d)(2) requires that 1980 census tract maps be used for compilation purposes. Because tract maps for the 1980 census are not yet available, however, footnote 4 provides that the 1970 census tract maps shall be used until the complete 1980 series is available.

Footnote 4 also requires that, for any *previously untracted* area, an institution use the census tract update available on January 1 of the year in which the loan was made. This requirement applies only with respect to areas that became tracted for the first time after the 1970 census. Areas that were tracted for the 1970 census are to be reported using 1970 census tracts, *not* any later updates. This rule is necessary to permit preparation of aggregate data tables using demographic data obtained in the census. The same rule will apply to the 1980 census tracts when institutions begin using 1980 census tracts.

Section 203.4(b)(3) of the existing regulation, dealing with applicable ZIP codes, has been deleted as unnecessary.

Section 203.4(b)(4) of the existing regulation permitted a depository institution to use maps, directories, or computer programs that contained more recent definitions of SMSA areas than those in effect on the first day of the reporting year. This option was available if the depository institution met certain other reporting specifications and disclosed that an updated SMSA definition was used. Because of the need for uniformity in aggregation, the Board has eliminated this option from the proposed regulation. As noted above, the proposed regulation instead requires that depository institutions all use the SMSA definition in effect on January 1 of the calendar year to which the disclosure statement relates, so that all the reports for a given SMSA will be consistent with each other.

A depository institution may still use directories or computer programs instead of maps to tabulate loans by SMSA, census tract, or county, provided the correct SMSA and census tract definitions have been incorporated into the directory or program.

§ 203.5 Disclosure and reporting requirements.

The title of § 203.5 has been changed to reflect that, under the amended act, depository institutions are required not only to disclose mortgage loan data at certain offices, but also to report the data for purposes of availability at central data repositories and for multi-institutional data aggregation.

Paragraph (a) deals with timing and retention requirements for disclosures, and reflects the change in basis for compilation from fiscal year to calendar year. It sets March 31 as the due date for the annual disclosure statements, thus retaining the 90-day interval currently provided by the regulation.

Paragraphs (a)(1)(i) and (2) of the existing regulation contain special rules dealing with the first-year disclosures under Regulation C. They are obsolete, and have been deleted. Paragraph (a)(1)(iii) of the existing regulation provides a special rule on the due date

for disclosures when an institution loses an exemption. It is no longer needed under the proposal, since any institution that loses its exemption would compile data beginning with the following calendar year.

The proposal describes the retention period as five years from the disclosure due date. The retention period applies only to the disclosure statements at the depository institutions. The act and regulation do not set a retention period for data on file at the central data repositories.

Paragraph (b), concerning the offices at which disclosure statements are to be made available, has been revised substantially. Proposed paragraph (b)(2) would no longer require that a disclosure statement be made available at a branch office that is in the *same* SMSA as the home office. The Board believes that this requirement is not mandated by the statute, and is unnecessary, given the new provision for central data repositories.

Proposed paragraph (b)(1), concerning the disclosures at the home office, requires availability of the entire statement, as does existing Regulation C. However, paragraph (b)(2) would permit a branch office disclosure statement to omit all the data relating to property located outside its SMSA. The proposal thus differs from the rule in existing § 203.5(b)(1)(ii), which requires at a branch office either (1) the entire disclosure statement or (2) a statement showing complete itemization by census tract or ZIP code for the SMSA where that branch office is located, total figures by SMSA for other SMSAs in which the institution has offices, and a total figure for all loans outside such SMSAs.

The Board believes that the proposed rule is easier to understand and might make preparation of disclosures easier for institutions, without diminishing the utility of the data disclosure. It would cut down to some extent the length of the disclosure statements at branch offices. Information concerning mortgage loans outside a particular SMSA will be available both at the institution's home office and at the central data repository for any SMSA in which the institution has offices.

Under the proposal, institutions would continue to have the option to make the entire disclosure statement available at branch offices, or to provide more than the minimum disclosures required.

Paragraph (b)(3) is substantively unchanged from existing § 203.5(b)(4). It requires an institution to respond promptly to requests for information about the offices where its disclosure statements are available.

"Existing § 203.5(b)(2) has been deleted. That paragraph sets forth special requirements for public availability of disclosures of depository institutions with offices inaccessible to the general public (such as some credit unions). The intent of the act, in part, is to provide consumers with information to aid them in deciding where to deposit their funds. The Board believes that when an institution does not accept deposits from the general public, it is less essential to make its statements available in a public place. In addition, the disclosure statements of these institutions will now be available to the general public at the central data repositories. (These institutions are subject, of course, to the general requirements on location of disclosure statements at home and branch offices.)

Existing § 203.5(b)(3), which requires a depository institution to notify its depositors at least once each year of the availability of its mortgage loan data, has also been deleted. The notification is not required by the act and the Board believes it is not necessary in light of the establishment of the central data repositories. It is contemplated that the availability of mortgage loan data at the central data repositories, and their location, will be publicized.

Paragraph (c), concerning photocopying and hours of availability, incorporates minor language changes for clarification but is substantively unchanged from the current regulation.

Paragraph (d) has no counterpart in the current regulation. It provides that a depository institution must send two copies of its entire disclosure statement to the appropriate regional office of its supervisory agency (as listed in appendix B).This transmittal to the supervisory agency would be the first step in the process by which disclosure statements will become available at central data repositories and data will be aggregated to cover all reporting institutions in each SMSA.

§ 203.6 Administrative enforcement and sanctions for violations.

Aside from minor editorial changes, these provisions mirror their counterparts in §§ 203.1(b) and 203.6 of the existing regulation. Paragraph (a), which sets forth the agencies responsible for enforcing the act and Regulation C, has been placed in this section to make its structure consistent with other recent Board regulations.

Paragraph (b) corresponds to existing § 203.6. It notes that depository institutions found to be in violation are subject to administrative sanctions as set forth in § 305 of the act. It also provides relief for an unintentional error in compilation as long as the depository institution maintains procedures reasonably adapted to avoid any such error.

§ 203.30 Procedures for an exemption application pursuant to § 203.3(b) of Regulation C (Supplement I).

The act and § 203.3(b) of the regulation provide an exemption for state-chartered institutions in cases where the Board determines that the state law contains requirements substantially similar to those imposed by Regulation C, with adequate provision for enforcement. This supplement describes the procedures for seeking a Board determination. The changes made to paragraphs (a),(b), and (c) simplify and shorten the text. The few substantive changes to the supplement will be discussed below.

Paragraph (d) corresponds to a portion of paragraph (d) of the current supplement, and is unchanged except for editorial revisions and the insertion of a parenthetical reference to the fact that, under proposed § 203.3(B), an exempt institution is required to send the state-required mortgage loan data to its state supervisory agency.

Paragraph (e) corresponds to existing paragraphs (d)(2) and (e). A new provision clarifies that the Board may require a reapplication for an exemption because of amendments to the act or regulation. Depending upon the circumstances, the Board may require a complete reapplication, or may simply require updating of information in the areas affected by the amendments. (The Board is currently considering which of these actions would be appropriate with regard to the presently exempt states in view of the recent amendments to the act and these proposed amendments to the regulation.)

The remainder of proposed paragraph (e) is substantively unchanged, except for the addition of paragraph (e)(5) to address situations when certain of the revocation procedures would be inappropriate.

Appendix A—Form HMDA–1 (revised) and instructions.

The proposed standard reporting and disclosure form is similar to the guideline form that appears as an appendix to existing Regulation C. Some of the column headings have been revised to reflect changes in terminology in the regulation itself, and the existing "total residential mortgage loans" column has been deleted becaused of a proposed change in the regulatory requirement.

The instructions have been changed to reflect changes in the regulatory

requirements, and are more detailed than the existing instructions. The purpose of this change is to make the form easier to use.

Appendix B—Federal enforcement agencies.

Proposed Appendix B lists the federal enforcement agencies for each type of depository institution covered by the regulation. There is no substantive change from the corresponding list in the present regulation.

(3) *Regulatory analysis.* The regulatory analysis that follows is published pursuant to the Board's policy statement of January 19, 1979 (44 FR 3957), concerning expanded rulemaking procedures. It also satisfies the requirement for an initial regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 603.

The Home Mortgage Disclosure Act amendments of 1980 extend with amendments and a five-year sunset provision the Home Mortgage Disclosure Act of 1975 (HMDA). HMDa was motivated by congressional concern that

> * * * some depository institutions have sometimes contributed to the decline of certain geographic areas by their failure pursuant to their chartering responsibilities to provide adequate home financing to qualified applicants on reasonable terms and conditions.[1]

The purpose of HMDA was

> * * * to provide the citizens and public officials of the United States with sufficient information to enable them to determine whether depository institutions are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.[2]

The 1980 HMDA amendments to the 1975 act impose substantial additional costs. However, these additional costs largely fall upon either the financial institution regulatory agencies or other federal agencies. The key amendments include: (1) mandatory disclosure of HMDA data on a calendar year basis; (2) establishment by the Federal Reserve Board of a uniform disclosure format; (3) disclosure by census tract for standard metropolitan statistical area (SMSA) counties with populations that exceed 30,000, and disclosure by county name for SMSA counties with 30,000 or fewer residents; (4) establishment of a central repository in each SMSA for HMDA disclosure statements; (5) aggregation of HMDA data for all covered institutions within each SMSA, and the production of a variety of tables showing the relationship between the geographic distribution of disclosed loans and census tract income level, racial composition, location, and age of housing stock.

Overview of the HMDA amendments

The 1980 amendments, as implemented by revised Regulation C, require depository institutions with offices located within SMSAs annually to compile and disclose to the public the geographic location of the number and dollar value of the residential loans they either originate or purchase during each calendar year. This residential loan data must be disclosed by census tract number for counties within SMSAs that have populations exceeding 30,000. Residential loans extended on properties within SMSA counties that do not exceed 30,000 residents must be disclosed by county name. The home mortgage disclosure data that are compiled are to be made available to the public and the appropriate supervisory agency by the reporting institution within 90 days of the end of the relevant calendar year. Each institution reporting under the provisions of the act is required to maintain the disclosure statement in at least one office in each SMSA in which it does business.

Benefits, accuracy and costs. A basic input in the regulatory analysis of revised Regulation C is a review of the Federal Home Loan Bank Board/Federal Deposit Insurance Corporation (FHLBB/FDIC) study commissioned to evaluate the 1975 Home Mortgage Disclosure Act.[3] Although the FHLBB/FDIC study focused on the 1975 Home Mortgage Disclosure Act and was carried out in 1977, the study remains highly relevant to an evaluation of the benefits, accuracy, and costs of the 1980 act because very few fundamental provisions of the original law have been amended. The following section reviews the basic findings of the FHLBB/FDIC study. The economic impact of the central repository system and HMDA aggregation are also reviewed.

The benefits of HMDA are not quantifiable in dollar terms. However,the FHLBB/FDIC study identified a number of uses that have been made of the disclosure information. First, HMDA has been useful to the financial institution regulatory agencies in fulfilling their statutory responsibilities under the Community Reinvestment Act (CRA) and civil rights laws. In this context, HMDA data have been used to identify possible discriminatory lending practices related to the geographic location of the dwelling. The disclosure data have also been employed to alert regulators to possible discriminatory lending practices based upon the applicant's race, color, or national origin. Second, HMDA data have been used by local public officials to help determine target areas for public investment. Third, community and public interest groups have made use of HMDA data in evaluating depository institutions' CRA records and have based most CRA protests of depository institution applications on lending patterns developed from the data. Despite their usefulness for CRA protest purposes, relatively few community groups have sought to obtain the information.[4] Moreover, the reporting institutions have received virtually no benefits from HMDA.

In summary, HMDA data have been primarily useful to the regulatory agencies in carrying out their responsibilities under the anti-discrimination regulations and have been of some value to community groups and local public officials. Although community groups have made limited use of HMDA data to date, it is possible that they will increase their utilization of the disclosure information in the future.

Accuracy of the disclosure statements is critical to their utility. The FHLBB/FDIC study found that a significant percentage of the depository institution disclosure statements were too inaccurate to be used for their intended purpose. Based on a survey of a sample of lending institutions from three SMSAs, the study found that: (1) those institutions that failed to use an address coding guide to identify property census tract numbers achieved a poor level of geocoding accuracy; (2) 25 of 43 institutions sampled (58 percent) made aggregation errors in more than 50 percent of the census tract lines; (3) 29 of 43 institutions in the sample (67 percent) had aggregation errors that were so severe that their statements were considered too inaccurate to be used for their intended purpose.

A number of recommendations were offered in the FHLBB/FDIC study to rectify the accuracy problem. One recommendation, adopted as an amendment to the 1975 act, directs the

[1] Home Mortgage Disclosure Act, Pub. L. 94-200, 12 U.S.C. 2801-2809, Sec. 302.

[2] *Ibid.*, Sec. 302.

[3] "Analysis of the Home Mortgage Disclosure Act data from three Standard Metropolitan Statistical Areas," JRB Associates, McLean, Virginia, November 1979.

[4] A United States League of Savings Associations survey of 2,800 savings and loans found that 71 percent of the respondents had not received a single request for their 1977 fiscal year disclosure statements. *American Banker*, August 28, 1978.

Federal Reserve Board to prescribe a standard format for disclosures required under HMDA.[5] The standard format should eliminate some errors with very little additional cost to the institutions. However, the predominant source of disclosure errors—aggregation inaccuracy—is not addressed in the regulation. The study recommended that examination procedures be implemented to assess and improve the accuracy of the geocoding and aggregation of disclosure data. Moreover, the study suggested that additional examination time be established for accuracy reviews of the disclosure statements. It was estimated that implementation of this recommendation would cost approximately 20 additional man-years (at least $300,000 in the first year) of examination time per year.

The FHLBB/FDIC study assessed the annual costs of HMDA compliance. Cost estimates were calculated on both a per loan and aggregate basis. The study found that nationwide HMDA cost the 8,138 reporting institutions approximately $5.8 million in 1977. Based on these estimates, reporting institutions incurred an average cost of $713 to compile and disclose their HMDA data in 1977. The 44 depository institutions in the study incurred an average cost per loan of $1.42. A cross section analysis of these lenders revealed that: the 13 institutions with automated residential loan files and more than 1,000 loans in their disclosure statements bore an average per-loan cost of $1.36; the 13 institutions with between 200 and 1,000 loans in their HMDA statements incurred an average cost of $1.68 per loan; and, the 11 lenders with fewer than 200 loans incurred an average cost of $3.67 per loan.

In general, the costs of HMDA compliance fall disproportionately on those lenders that are marginally in the residential real estate market. Commercial banks incur a greater average cost per loan than other types of covered lenders because banks typically extend fewer residential loans than other types of covered lenders. According to the FHLBB/FDIC study, institutions that disclose fewer than 200 loans per year incur an average cost per loan that is 2.7 times as great as the average cost per loan of lenders reporting over 1,000 loans per year. Moreover, those institutions least active in residential finance are likely to be the smaller depository institutions. As a result, the costs of HMDA compliance are borne disproportionately by the smaller depository institutions.

Establishment of central repositories. The 1980 amendments to HMDA direct the Federal Financial Institutions Examination Council (FFIEC) in consultation with the Secretary of the Department of Housing and Urban Development (HUD) to establish a central repository for HMDA data for each SMSA. The central data repository will receive and maintain all HMDA statements of the covered institutions with offices located in its SMSA. The statements on file at the central repository will be made available to the public for inspection and copying.

The principal benefit of the central repository system is that users of HMDA data will be able to obtain all of the various institutions' disclosure statements at one location. The current system requires users to contact the institutions on an individual basis to obtain the disclosure data.

The reporting requirements of the central repository system are implemented by § 203.5(d) of the regulation. The reporting institution will incur a slight increase in costs under this section of the regulation. Incremental costs will be those incurred to make two additional copies of the HMDA statement and handling and postage costs to mail the statements to the appropriate supervisory agency. Assuming the typical HMDA statement contains approximately 20 pages, it is estimated that it will cost the average institution approximately $8.00 annually to copy and forward the statements to the appropriate supervisory agency. Based on 8,138 reporting institutions, the aggregate annual cost to the covered institutions will be approximately $65,100.

Other costs that arise from the establishment of the central repository system will be borne by the central repository and the regulatory agencies. These costs consist of some handling, training, storage and public information costs. Although the costs to the central repository system are not likely to be excessive, the benefits are also likely to be small. The system does not provide any new information and is solely a convenience for users. Given the limited number of users, it is difficult to justify even the relatively small additional expense of establishing and maintaining this system.

Aggregation of HMDA data. The 1980 amendments direct the FFIEC to compile annually for each SMSA aggregate data by census tract for all depository institutions that are required to disclose data under the act. In addition, the FFIEC is directed to produce tables for each SMSA that aggregate covered institutions' lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level and racial characteristics. According to the act, the Federal Reserve Board is required to provide the resources necessary to perform the aggregation. Tables generated from the aggregation process are to be made available to the public by December 31 of the year following the calendar year on which the data are based.

Aggregation of HMDA data will involve substantial costs. The FDIC/FHLBB HMDA study estimated aggregation costs to be approximately $1 million annually with a possible variation in actual costs of anywhere from −30 percent to 50 percent of that estimate. Since the estimate was based on a 1977 survey, it is likely that the actual dollar costs will be approximately 30 percent higher due to the effects of general inflation.

Aggregation will impose minor burdens on the reporting institutions. The only aggregation costs imposed on the covered institutions will be those that arise from sending two additional copies of their disclosure statements to the appropriate supervisory agency. In addition, some institutions will bear costs that arise from having to correct incomplete or inaccurate statements that are uncovered in the editing process.

Although the costs of aggregation are quantifiable, the benefits cannot be measured in dollar terms. Two principal benefits were cited to support aggregation. First, it was argued that the utility of using and evaluating individual institutions' HMDA statements will be enhanced if comparisons can be made to aggregate SMSA lending patterns. Second, aggregate lending patterns can be used by public officials to aid in the determination of target areas for public investment.

Although the benefits of aggregation are not quantifiable, it seems unlikely that the first suggested use will actually provide significant benefits. Experience with enforcement of the CRA and anti-discrimination laws suggests that aggregation will not materially aid regulators in their enforcement responsibilities. Home loan information currently is proposed on an individual institution basis and that is the form in which it is principally used. When comparing one institution's record with others, comparisons must be between institutions of similar types and sizes to be meaningful. Having an overall view of SMSA lending patterns will not be

[5] Section 203.4(b) of the regulation specifies the reporting format the Board is proposing to adopt. The prescribed form in revised Regulation C is substantially similar to the form currently employed by the vast majority of covered institutions.

particularly helpful in evaluating the CRA or civil rights records of individual lenders. Aggregate HMDA lending patterns may be a useful tool for public officials efforts to target public investment. However, there is simply no way to determine if the substantial costs of aggregation are outweighed by the benefits some public officials will receive from the availability of the aggregated data. Moreover, if individual states or localities find aggregate lending information valuable for planning purposes, they probably can compile the information more quickly and perhaps in a more useful format than can be done in Washington.

Economic impact analysis of revised Regulation C

Section 203.2 of the regulation provides definitions (for example, of the types of depository institutions that are covered by the regulation and of the types of residential loans that must be disclosed). The definitions of home improvement loan and home purchase loan in § 203.2 have been revised in the proposed regulation to reflect more accurately the actual purpose for which the loan was made. In the original regulation, the home improvement loan category did not include first-lien loans that were for the purpose of improving an existing residential structure. In addition, the original regulation did not categorize a loan, whose purpose was to purchase residential property, as a home purchase loan unless the loan was secured by a first lien. The revised definitions may impose some minor additional costs on the institution in terms of retraining staff personnel. However, the new definitions are intuitively appealing and will provide more accurate information about the residential credit activity of covered lenders.

Section 203.3 of the revised regulation includes the same exemption standards as existed under previous Regulation C. These standards provide a blanket exemption for any depository institution that does not have an office in a designated SMSA area. In addition, any depository institution, regardless of location, is exempt if it has year-end assets of less than $10 million.

The exemption standards in § 203.3 of the revised regulation are identical to those mandated by the statute. These exemption standards appear to reflect several congressional perceptions. The exemption for non-SMSA located institutions reflects the perception that disinvestment by depository institutions is largely an urban problem. The $10 million asset examination standard was adopted primarily in recognition of the fact that HMDA disclosure requirements impose a disproportionate burden on small depository institutions.

As noted, the FHLBB/FDIC study of HMDA found that the costs of compliance fall disproportionately on those lenders marginally active in the home loan market. The FHLBB/FDIC study found that the costs of compliance, on a per loan basis, were approximately two times as high for institutions reporting fewer than 200 loans per year than they were for institutions extending between 200 and 1,000 loans per year. The study also found that institutions disclosing fewer than 200 loans per year incur an average cost per loan that is approximately three times higher than the average cost per loan of lenders reporting over 1,000 per year.

While the $10 million asset exemption does reduce the number of small depository institutions in SMSAs that must comply with HMDA, it results in as inequitable treatment of the different types of institutions covered by the act.[6] The current exemption standards fail to recognize the specialization that exists in the residential loan market between commercial banks and thrift institutions. A comparison between the typical commercial bank and thrift institution, of any similar asset size, will reveal a large disparity in the percentage of lendable funds devoted to home loans. As a result, the $10 million asset exemption standard allows many thrift institutions that are relatively active residential lenders to be exempt from disclosure requirements and hence public review of their lending activity. At the same time, this exemption standard requires many commercial banks with assets in excess of $10 million, but many fewer home loans than the smaller exempt thrift institutions, to compile and disclose their home loan activity. Since the reporting costs per loan rise as the number of loans disclosed declines, it follows that smaller-sized commercial banks bear a disproportionate share of the total cost of HMDA reporting.

An alternative exemption standard that is more equitable than the asset size exemption standard would base exemption upon the size of an institution's home purchase and home improvement loan portfolio and the number of loans made by the lender in a calendar year.[7] This two-part test is better adapted than an asset-size standard to measuring whether an institution is sufficiently active in the home loan market to justify the costs of reporting.

An exemption standard that requires a lender to report if it has a home loan portfolio of more than $10 million or extends 200 or more home loans in a calendar year is a cost-effective standard to establish. This specific alternative exemption standard reflects the cost findings of the FHLBB/FDIC study. The Board considered incorporating a portfolio exemption in this propoosal, in light of its goal to reduce regulatory burdens and of its responsibilities under the new Regulatory Flexibility Act (Pub. L. 96–354).[8] Such an exemption standard would substantially reduce the number of institutions required to report under the act.[9] However, the impact on the proportion of residential loans disclosed would be less substantial since the excluded institutions are the least active home lenders.

The alternative exemption standard would reduce the number of commercial banks required to file disclosure statements by approximately 69 percent (from 5,160 reporting banks to approximately 1,612 covered commercial banks).[10] Although the exemption standard would result in a substantial reduction in the number of reporting commercial banks, it would continue to require the major bank lenders in the residential loan market to file disclosure statements. Under this exemption standard, at least 88 percent of the dollar value of all home purchase and home improvement loans held by commercial banks headquartered in SMSAs would be held by banks subject to reporting requirements.

[6] The $10 million asset standard exempts approximately 826 (14 percent) of the SMSA based commercial banks and 160 (7 percent) of the savings and loan associations with offices in designated SMSA areas.

[7] A similar exemption standard was proposed by the Federal Reserve Board in hearings before Congress on the HMDA amendments in May 1980.

[8] The cutoff of 200 loans is based upon the finding of the FHLBB/FDIC study that per-loan reporting costs escalate sharply when fewer than 200 loans are to be reported. This portion of the exemption standard would be necessary to ensure that institutions extending a significant number of home loans in a given calendar year cannot avoid reporting requirements by selling these loans in the secondary market, thereby keeping their year-end home loan portfolio below $10 million.

[9] Estimates of the number of covered institutions that would be required to report under this exemption standard are based on December 1979 call report data.

[10] The 1,612 estimate represents the minimum number of commercial banks that would be required to report. At least some banks that originate and sell their residential loans on a regular basis would be excluded under the portfolio exemption but would be required to report because they extend more than 200 home purchase and home improvement loans in a calendar year.

The exemption standard outlined above would require approximately 2,255 savings and loan associations and 296 mutual savings banks to file disclosure statements. This would reduce the number of savings and loan associations and mutual savings banks that are required to report about 3 percent. These 2,551 thrift institutions held over 99 percent of the dollar value of all home purchase plus home improvement loans held by savings and loan associations and mutual savings banks headquartered in SMSAs at year-end 1979. Overall, the alternative exemption standard would reduce the total number of reporting institutions by approximately 47 percent. Despite the sharp drop in the number of reporting institutions, at least 97 percent of the dollar value of home purchase and home improvement loans held by all commercial banks, savings and loan associations, and mutual savings banks with offices in SMSAs would be disclosed.

The exemption standard outlined above would significantly reduce the number of small institutions that must comply with HMDA. Moreover, the exemption standard would not result in a significant reduction in benefits. In most cases consumer compliance examiners would be able to judge an exempt lender's CRA and civil rights compliance by reviewing a sample of residential loans from the institution loan files. The additional examination burden that results from the alternative exemption standards would offset some of the savings that arise from the reduction in compliance costs.

The Board ultimately decided not to propose a portfolio exemption because of the fact that the Senate had considered, and rejected, a similar proposed amendment.

Section 203.3(b) allows state-chartered institutions, subject to state regulations substantially similar to revised Regulation C, to be exempt from compliance with the federal regulation. This section requires institutions exempt from federal regulation to file two copies of the disclosure statements (prepared under the provisions of their state law) with the appropriate state supervisory agency. This minor additional burden is necessary because exempt-state institutions must be included in the HMDA aggregation process.

Section 203.3(c) allows institutions that lose their exempt status under § 203.3 (a) or (b) of the regulation to report beginning with data for the first existing calendar year after the year in which their exemption was lost. The existing regulation required institutions that lost their exemption to file disclosure statements not only for the year in which they lost their exemption, but also for the prior year. The revised regulation will reduce compliance burdens on average by about $1,426 for each institution that loses its exempt status.[11] This figure represents a conservative estimate because it is more costly for institutions to compile data from a prior year than it is to compile the information on a continuous basis. This provision should not result in a significant loss in consumer benefits. Moreover, the data from the year prior to the year in which the exemption was lost will not be available in time to be included in the SMSA aggregation process.

The 1980 HMDA amendments require covered institutions to compile and report their HMDA data on a calendar year basis. Section 203.4(a) of the regulation implements this provision of the act. The goal of this regulation is to establish a uniform reporting period so that data from all covered institutions in an SMSA may be compared over an equivalent time period. The original Regulation C allowed institutions to report on a fiscal year basis. As a result, it was difficult to aggregate and compare different institutions' lending records. The switch to a calendar year reporting period was first implemented by an amendment to Regulation C adopted in November 1980.[12] As a result, the revised regulation does not technically change the reporting period from that which is mandated in the current regulation.[13]

The 1980 HMDA amendments authorize the Federal Reserve Board to prescribe a standard format for disclosures of HMDA data. Currently, the vast majority of covered institutions use a reporting form that is quite similar to the one set forth in Regulation C. However, minor variations do exist across institutions. While such variations in format are not significant in a small sample study, they present costly impediments to a cost-effective aggregation of HMDA data on an SMSA basis. Variations in format raise the cost of using the disclosure data substantially, perhaps doubling the costs associated with aggregating the data. Prescription of a standard format will impose some minor one-time costs on the reporting institutions. These one-time costs arise from the need to alter the institution's existing format. In some cases this will impose minor computer programming changes; in all cases it will involve some additional personnel training.

The reporting format prescribed in the revised regulation deletes one column—total residential mortgage loans on 1-to-4 family dwellings—from the HMDA form in old Regulation C. This column is not required under the act and is simply the summation of columns two and three. Deletion of this column should reduce both the number of errors in the institutions' reports, and on net reduce the costs of compliance since the new form will require fewer manual or computer computations and reduced paper work. Moreover, deletion of this column should result in a significant savings in the aggregation process since it will reduce by one-seventh the amount of material that must be aggregated. Based on the FHLBB/FDIC study of HMDA aggregation costs, deletion of one column should result in an annual cost savings of about $46,000.[14]

Section 203.3(b) of the regulation requires exempt-state institutions to follow the basic reporting format. Aggregation requirements necessitate the establishment of a uniform reporting format because the exempt-state institutions must be incorporated into the aggregation process. This requirement will impose additional costs on some of these institutions. However, most of the exempt-state institutions already compile HMDA data in a format similar to that prescribed in the regulation.

Section 203.4 of revised Regulation C requires covered lenders to compile the geographic disclosure of loan originations and purchases on separate

---

[11] $1,426 represents the 1977 costs of compiling home moratgage disclosure statements for two years for the average institution covered by the act.

[12] 45 FR 80813, December 8, 1980.

[13] The regulatory amendment imposes a one-time cost on those institutions disclosing data on other than a calendar year basis. This one-time cost has two components. First, there is the cost associated with changing operating methods to conform with a calendar reporting requirement. These costs involve additional training of institution personnel responsible for preparing the disclosure reports and some minor computer programming adjustments to reflect the calendar year reporting data requirements. These costs are not expected to be significant. Second is the cost associated with preparaing a separate disclosure statement containing data for any period prior to calendar year 1980 which is not covered by the lsat full year report prior to the 1980 calendar year report. In addition, those institutions reporting on a fiscal year basis which have disclosed their 1980 fiscal year reports will have to duplicate that portion of their fiscal 1980 reports that falls in calendar year 1980.

The FHLBBV/FDIC study found that 85 percent of the covered institutions in their survey currently report on a calendar year basis. Therefore, it is unlikely that this regulation will impose any burden on the bulk of the reporting institutions. However, the regulation will impose an additional burden on those institutions not previously reporting on a calendar year basis.

[14] This estimate was derived by calculating one-seventh of the statement related and tract line related costs of aggregation.

report forms. The previous regulation also required separate disclosure reports for originations and purchases.

Another 1980 amendment to the act requires lenders to geocode all covered loans extended within SMSAs on a census tract basis unless the loan involves a property located in an SMSA county whose population does not exceed 30,000. Section 203.4(b) of the revised regulation allows covered loans extended in the less populous counties to be geocoded by county name. Based upon 1970 census data, approximately 19 percent of the counties located in SMSAs have populations that do not exceed 30,000.

This amendment makes two modifications in the statute. First, it allows lenders extending credit in SMSA counties with small populations (30,000 or less) to geocode these loans by county name. The previous regulation required lenders to geocode these loans by either census tract or ZIP code. The modification in geocoding requirements for loans extended in these less populous areas will reduce the costs of HMDA compliance as well as improve the accuracy of the reports with no associated loss in the usefulness of the data. The amendment will not reduce the usefulness of the data because, in general, loans in such rural areas are already aggregated for CRA or civil rights analysis.

The second modification resulting from this amendment to the act requires lenders to geocode loans by census tract in SMSA counties whose populations exceed 30,000. Complete compliance with this amendment is impossible because there are untracted SMSA counties with populations that exceed 30,000. As a result, the revised regulation allows lenders extending credit in such untracted areas to report the data by county name. Disclosure by county name in these large untracted counties should marginally reduce the costs of compliance and improve the accuracy of the disclosure reports.

According to § 203.4(d) of the revised regulation, depository institutions must use the *1970 Census of Population and Housing: Census Tracts, Final Reports, PHC(1) Series* prepared by the Bureau of Census, U.S. Department of Commerce to determine whether property is in a particular census tract, until the 1980 census material becomes available. The 1970 census tract maps for each SMSA are currently available for purchase at a nominal fee from the Bureau of the Census, Washington, D.C.[15] When the 1980 census material becomes available, the Federal Reserve System will inform lenders that they should begin using this data. At that time the depository institutions will bear additional compliance costs associated with purchasing new geocoding material. These costs will be nominal for an institution. The switch to the 1980 census material is necessary in order for the Federal Reserve to complete the data aggregation required under the act.

Section 203.5 of the regulation precribes the date and manner by which institutions must make their disclosure statements available. Section 203.5(b) requires that depository institutions make their disclosure statements available at their home office and at one branch in each SMSA in which they have an office, other than the SMSA in which the home office is located. This provision reduces the compliance burden because under the old regulation a lender had to make the statements available at both the home office and at one branch in every SMSA. The revised regulation provides for a more liberal disclosure requirement, because each lender's statement will now be available at the central repository as well as the institution's home office.

Section 203.5(b) of the revised regulation provides for a more liberal branch office disclosure requirement than existing Regulation C. Under the existing regulation, an institution may either make the entire institution-wide disclosure statement available at one branch in each SMSA, or the institution may omit detailed geographic breakdowns for loans on property in other SMSAs at the local branch office. In the latter case the institution's disclosure statement would include a complete geographic breakdown for loans in the local SMSA, a total figure for each other SMSA in which the institution has offices, and an aggregate figure for loans on property located outside SMSAs in which the institution has an office. The revised regulation would permit branch office disclosures to omit all data relating to SMSA other than the SMSA in which the particular branch office is located.

This suggested rule change would result in some reduction in data compilation and reproduction costs for those institutions with branch offices in more than one SMSA. The rule change will not reduce the consumer benefits since the entire disclosure statement will be available at the institution's home office and at the central repository in each SMSA.

The revised regulation no longer requires covered institutions to annually notify depositors of the availability of HDMA data. A notification provision was not required by the act but was included in the original Regulation C. The Board believes that such notification is largely ineffective and unnecessary. Moreover, the fact that disclosure data for all institutions in an SMSA will be available at a central repository and that this data availability will presumably be publicized makes annual notification even less necessary. Eliminating this requirement will reduce annual compliance costs slightly.

Section 205.3(d) requires lenders to forward two copies of their disclosure statement each year to their appropriate supervisory agency. This additional burden arises from the requirement in the act that an aggregation of HMDA data be prepared each year. The aggregate cost to all covered lenders of this additional reporting requirement is estimated to be about $65,000 annually.[16]

(4) Pursuant to the authority granted in 12 U.S.C. 2804(a), the Board hereby proposes to revise 12 CFR Part 203, to read as follows:

PART 203—HOME MORTGAGE DISCLOSURE

Regulations

Supplement

Authority: Home Mortgage Disclosure Act of 1975, as amended, Title III, Pub. L. 94–200, 89 Stat. 1125, et seq. (12 U.S.C. 2801–2811).

Regulations

§ 203.1 Authority, purpose and scope.

(a) *Authority.* This regulation is issued by the Board of Governors of the Federal Reserve System pursuant to the

[15] The 1970 PHC(1) Series reports containing the census tract maps were priced in the $.45 to $12.75 range in 1976. Street address coding guides are also available from the Bureau of the Census. These guides facilitate the intemization of loans by census tract. The 1980 guides are currently available from the Bureau of the Census. They range in price from $.78 to $70.27 for an SMSA with an average price of $6.54 per SMSA.

[16] This estimate is based on 8,138 reporting institutions incurring an average cost of $8.00 to copy and forward two copies of their disclosure statement to the appropriate supervisory agency.

Home Mortgage Disclosure Act of 1975, as amended (Title 12, Sections 2801 through 2811 of the United States Code).

(b) *Purpose.* The purpose of this regulation is to provide the public with loan data to determine whether depository institutions are serving the housing needs of the communities and neighborhoods in which they are located. The purpose is also to assist public officials in distributing public sector investments so as to attract private investment to neighborhoods where it is needed. This regulation is not intended to, nor shall it be construed to, encourage unsound lending practices or the allocation of credit.

(c) *Scope.* This regulation applies to depository institutions that make federally related mortgage loans. It requires a covered depository institution to disclose loan data at its offices located in standard metropolitan statistical areas and to report the data to its appropriate supervisory agency.

(d) *Central data repositories.* The act requires that the loan data be made available at central data repositories located within each standard metropolitan statistical area. It also requires that mortgage loan data, covering all institutions in each standard metropolitan statistical area and showing lending patterns by geographical location, age of housing stock, income level, and racial characteristics, be aggregated. A listing of central data repositories can be obtained from the Department of Housing and Urban Development, Washington, D.C. 20410, or from any of the agencies listed in Appendix B.

§ 203.2 Definitions.

For the purposes of this regulation, the following definitions apply:

Act means the Home Mortgage Disclosure Act of 1975 (Title III of Pub. L. 94–200), as amended in 1980 (Title III of Pub. L. 96–399), codified in Title 12, sections 2801 through 2811 of the United States Code.

Branch office means an office approved as a branch of the depository institution by its federal or state supervisory agency. It excludes free-standing automated teller machines and other electronic terminals.

Depository institution means a commercial bank, savings bank, savings and loan association, building and loan association, homestead association (including a cooperative bank,), or credit union, that makes federally related mortgage loans.[1] A majority-owned non-depository subsidiary is deemed to be part of its parent depository institution for the purposes of this regulation. A majority-owned depository subsidiary may, at the parent depository institution's option, be treated as part of its parent or as a distinct entity.

Federal Housing Authority (FHA), Farmers Home Administration (FmHA), or Veterans Administration (VA) loans means mortgage loans insured under Title II of the National Housing Act or under Title V of the Housing Act of 1949 or guaranteed under Chapter 37 of Title 38 of the United States Code.

Home improvement loan means any loan, including a refinancing, (a) whose proceeds, as stated by the borrower to the lender at the time of the loan application, are to be used for repairing, rehabilitating, or remodeling a residential dwelling located in a state; and (b) that is recorded on the depository institution's books as a home improvement loan.

Home purchase loan means any loan, including a refinancing, secured by and made for the purpose of purchasing residential real property located in a state (including single-family homes, dwellings for from 2-to-4 families, other multi-family dwellings, and individual units of condominiums or cooperatives). The term does not include temporary financing (such as a bridge loan or temporary construction loan) or the purchase of an interest in a pool of mortgage loans (such as mortgage participation certificates issued or guaranteed by the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or the Farmers Home Administration).

State means any state of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

[1] "Federally related mortgage loan" means any loan (other than temporary financing such as a construction loan) that

(i) Is secured by a first lien on residential real property (including individual units of condominiums and cooperatives) that is designed principally for the occupancy of from 1-to-4 families and is located in a state; and

(ii)(A) Is made in whole or in part by a depository institution the deposits or accounts of which are insured by an agency of the federal government, or by a depository institution that is regulated by an agency of the federal government; or

(B) Is made in whole or in part, or is insured, guaranteed, supplemented, or assisted in any way, by the Secretary of Housing and Urban Development or any other officer or agency of the federal government or under or in connection with a housing or urban developement program administered by any such officer or agency; or

(C) Is intended to be sold by the depository institution that originates the loan to the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or to a financial institution from which it is to be purchased by the Federal Home Loan Mortgage Corporation.

§ 203.3 Exemptions.

(a) *Asset size and location.* A depository institution is exempt from all requirements of this regulation

(1) If its total assets on December 31 are $10,000,000 or less; or

(2) If it has neither a home office nor a branch office in a standard metropolitan statistical area (SMSA) as defined by the U.S. Department of Commerce.

(b) *State law.* A state-chartered depository institution is exempt from the requirements of this regulation if it is subject to state laws that contain, as determined by the Board in accordance with § 203.30 (Supplement I) of this regulation: (1) requirements substantially similar to those imposed by this regulation, and (2) adequate provisions for enforcement. For purposes of data aggregation, however, an institution exempted under this paragraph shall submit the data required by the disclosure laws of its state to its state supervisory agency.

(c) *Loss of exemption.* A depository institution that loses its exemption shall compile loan data beginning with the calendar year following the year in which the exemption was lost.

§ 203.4 Compilation of loan data.

(a) *Data to be included.* A depository institution shall compile data on the number and total dollar amount[2] of home purchase and home improvement loans that it originates and purchases, for each calendar year beginning with calendar year 1981.

(b) *Format.* The loan data shall be compiled separately for originations and purchases, using the form set forth in Appendix A, and shall be itemized as follows:

(1) *Geographic itemization.* The loan data shall be itemized by standard metropolitan statistical area (SMSA). Within each SMSA, the data shall be further itemized by the census tract in which the property to be purchased or improved is located, except that

(i) If the property is located in a county with a population of 30,000 or less, or in an area that has not been assigned census tracts, itemization by county shall be used instead of itemization by census tract.

(ii) If the property is located outside the SMSAs in which the institution has a home or a branch office, no itemization

[2] "Total dollar amount" means (i) the original principal amount of loans originated by the depository institution (to the extent of its ownership interest, when the loan is made jointly or cooperatively) and (ii) the unpaid principal balance of loans purchased by the depository institution (to the extent of its ownership interest in such purchased loans). For purchased home improvement loans, the amount to be reported may include unpaid finance charges.

(by SMSA, county, or census tract) is required and the data for such loans shall instead be listed as an aggregate sum.

(2) *Type-of-loan itemization.* The loan data within each geographic category described in paragraph (b)(1) of this section shall be further itemized as follows:

(i) FHA, FmHA, and VA loans on 1-to-4 family dwellings;

(ii) Other home purchase (conventional) loans on 1-to-4 family dwellings;

(iii) Home improvement loans on 1-to-4 family dwellings;

(iv) Total home purchase and home improvement loans on dwellings for more than 4 families; and

(v) Total home purchase and home improvement loans on 1-to-4 family dwellings (from categories (i), (ii), and (iii) above) made to any borrower who did not, at the time of the loan application, intend to use the property as a principal dwelling.[3] This addendum item is not required for loans on property in the outside-SMSAs category described in paragraph (b)(1)(ii) of this section.

(c) *Excluded data.* A depository institution shall not disclose loan data for

(1) Loans originated and purchased by the depository institution acting as trustee or in some other fiduciary capacity;

(2) Loans on unimproved land; or

(3) Refinancings that the depository institution originates, if there is no increase in the outstanding principal on the existing loan and if the institution and the borrower are the same parties on the existing loan and the refinancing.

(d) *SMSAs and census tracts.* For purposes of geographic itemization

(1) A depository institution shall use the SMSA boundaries defined by the U.S. Department of Commerce, Washington, D.C. 20233, as of the first day of the calendar year for which the data are compiled.

(2) A depository institution shall use the census tract numbers and boundaries on the census tract maps in the "1980 Census of Population and Housing: CENSUS TRACTS, Final Report, PHC(1) Series" prepared by the Bureau of the Census, U.S. Department of Commerce, Washington, D.C. 20233.[4]

[3] A depository institution may assume, unless its records contain information to the contrary, that a loan that it purchases does not fall within this category.

[4] Until the complete 1980 series is available, institutions shall use the maps in the 1970 series.

A previously untracted area shall be reported by the most recent census tract update, if any, existing on January 1 of the year for which the data are compiled. Updates shall not be used for previously tracted areas.

If a census tract number is duplicated within an SMSA, then the census tract shall also be identified by county, city, or town name.

§ 203.5 Disclosure and reporting requirements.

(a) *Time requirements for disclosure statements.* A depository institution shall make its loan data disclosure statements available to the public by March 31 following the calendar year for which the data were compiled and shall continue to make them available for five years.

(b) *Offices at which disclosure statements are to be made available.* (1) A depository institution shall make a complete disclosure statement available at its home office.

(2) A depository institution shall also make a disclosure statement available in at least one branch office in each SMSA where it has offices, other than the SMSA in which the home office is located. The statement at a branch office may omit, at the option of the institution, all data other than the data relating to property located in the SMSA where that branch is located.

(3) Upon request, a depository institution shall promptly provide information regarding the office(s) of the institution where its disclosure statements are available.

(c) *Manner of making disclosure statements available.* A depository insitution shall make its loan data disclosure statements available to anyone requesting them for inspection or copying during the hours the office is normally open to the public for business. A depository institution that provides photocopying facilities may impose a reasonable charge for this service.

(d) *Reporting requirements.* For purposes of data aggregation, a depository institution shall send two copies of its complete disclosure statement to the regional office of its enforcement agency by March 31 following the calendar year for which the data were compiled.

§ 203.6 Administrative enforcement and sanctions for violations.

(a) *Administrative enforcement.* As set forth more fully in §§ 305(b) and 306(b) of the act, compliance with the act and this regulation is enforced by the Comptroller of the Currency, the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration.

(b) *Sanctions for violations.* (1) A violation of the act or this regulation is subject to administrative sanctions as provided in § 305(c) of the act.

(2) An error in compiling or disclosing required data is not considered a violation of the act or this regulation if the error was unintentional and resulted from a *bona fide* mistake despite the maintenance of procedures reasonably adapted to avoid such an error.

Supplement

§ 203.30 Procedures for an exemption application pursuant to § 203.3(b) of Regulation C (Supplement I).

(a) *Application.* Any state,[1] state-chartered depository institution, or association of such depository institutions may apply to the Board pursuant to this supplement and the Board's Rules of Procedure (12 CFR 262) for an exemption from Regulation C under § 203.3(b). Such an exemption requires a determination that a state-chartered depository institution is subject to state law requirements [2] substantially similar to those imposed by Regulation C (12 CFR 203), and that there is adequate provision for enforcement of those requirements.

(b) *Supporting documents.* The application, which may be made by letter, shall include

(1) A copy of the full text of the relevant state law, including provisions for enforcement;

(2) A statement of reasons why the state requirements are substantially similar to those imposed by the act and Regulation C, including an explanation why any differences are not significant; and

(3) An undertaking to inform the Board within 30 days of the occurrence of any change in the relevant state law.

(c) *Public notice of filing.* The Board will publish in the **Federal Register** notice of the filing of an application that complies with the above requirements. A copy of the application will be made available for examination during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which the applicant is situated. The Board will provide a period of time for interested persons to submit written comments. For multiple applications concerning the same state law, the Board may (1) consolidate the notice of receipt of all such applications in one **Federal Register** notice, and (2) dispense with publication of notice of applications subsequently received.

[1] "State" includes any subdivision of a state.

[2] "State law" includes any regulations which implement the law, any official interpretations of the law, and regulations of a state agency or department that has jurisdiction over a class(es) of depository institutions.

(d) *Grant of exemption.* If the Board determines that some or all state-chartered depository institutions are subject to requirements substantially similar to those imposed by Regulation C, and that there is adequate provision for enforcement, the Board will exempt such institution(s) from the requirements of Regulation C (except as specified in § 203.3(b)) by publishing notice of the exemption in the **Federal Register** and furnishing a copy of the notice to the applicant, to each state authority responsible for administrative enforcement of the state law, to the regulatory authorities specified in § 305(b) of the act, and to each participant in the proceeding.

(e) *Subsequent amendments; revocation of exemption.* (1) The Board will inform the appropriate state official of any subsequent amendments to Regulation C (including published interpretations of the Board) that might require amendment of the state law. The Board may in certain instances require reapplication for an exemption.

(2) The Board reserves the right to revoke an exemption if at any time it determines that state law does not in fact impose requirements substantially similar to those imposed by Regulation C, or that there is not in fact adequate provision for enforcement.

(3) The Board will publish notice of its intent to revoke an exemption in the **Federal Register** and will send the notice to the appropriate state official. A period of time will be allowed from the date of publication for interested persons to submit written comments.

(4) If an exemption is revoked, the Board will publish notice of the revocation in the **Federal Register** and will send a copy of the notice to the appropriate state official and to the regulatory authorities specified in § 305(b) of the act.

(5) The Board may dispense with the procedures set forth in this section in any case in which it finds such procedures unnecessary.

Appendix A—Instructions for Completion of FORM HMDA–1 (revised): "Loan Disclosure Statement"

General Instructions

1. Dollar amounts should be rounded to the nearest thousand ($500 and greater is to be rounded up), and shown in terms of thousands.

2. If more than one SMSA is involved, the relevant SMSA should be indicated next to the tract number or, preferably, separate pages should be used for each SMSA.

3. SMSA boundaries are those defined by the U.S. Department of Commerce as of January 1 of the calendar year to which the loan data relates.

4. Institutions should continue to use census tract numbers appearing on the maps in the Bureau of the Census 1970 PHC(1) Series until the 1980 Series is completely available. A previously untracted area is to be reported by the most recent census tract update, if any, existing on January 1 of the calendar year to which the disclosure statement relates. Updates are *not* to be used for *previously tracted* areas.

5. If the census tract number is duplicated within an SMSA, the county, city or town that uniquely identifies the number should be stated.

6. This statement must be retained and made available for five years from March 31 following the calendar year for which the data was compiled.

Specific Instructions

1. *Geographic Itemization (first column).*

(a) *Section 1.* Loan data are to be itemized by SMSA, and further itemized within each SMSA by:

(i) census tract in which the property is located, or

(ii) if property is located in a county with a population of 30,000 or less, or in an area that has not been assigned census tracts on the Bureau of Census 1970 PHC(1) Series maps, then itemization must be by county name (not census tract).

(b) *Section 2.* If the property is located outside the SMSAs in which the institution has a home or branch office, the data for such loans should be listed as an aggregate sum; no geographic itemization is necessary.

2. *Type-of-Loan Itemization* (remaining columns): Each geographic category is to be further itemized by loan type as follows:

(a) *FHA, FmHA, and VA loans* on 1-to-4 family dwellings (second column). This category includes only loans that are secured by and made for the purpose of purchasing residential real property. It does not include, for example, FHA Title I loans, which are to be classified in category (c).

(b) *Other home purchase loans* ("conventional" loans) on 1–to-4 family dwellings (third column).

(c) *Home improvement loans* on 1-to-4 family dwellings (fourth column). This category is limited to loans recorded on the institution's books as home improvement loans.

(d) *Total home purchase and home improvement loans* on dwellings for more than 4 families (fifth column).

(e) *Non-occupant loans* on 1-to-4 family dwellings (sixth column). This is an addendum column; it should include total home purchase and home improvement loans on 1-to-4 family dwellings (from columns 2, 3, and 4) made to any borrower who did not, at the time of the loan application, intend to use the property as a principal dwelling. A depository institution may assume, unless its records contain information to the contrary, that a loan it purchases does not fall within this category.

BILLING CODE 6210-01-M

FORM HMDA 1, revised
(Pursuant to Public Laws 94-200 and 96-399)

Loan Disclosure Statement

Name of Depository Institution:
SMSA:
Year:

Federal Enforcement Agency for this Institution
Name:
Address:

Part A - Originations

Section 1 - Data for Property Located Within SMSAs in Which Institution Has Home or Branch Offices

CENSUS TRACT (in numerical sequence) or COUNTY NAME	FHA, FmHA OR VA LOANS (on 1-to-4 family dwellings)		OTHER HOME PURCHASE LOANS ("conventional" loans) (on 1-to-4 family dwellings)		HOME IMPROVEMENT LOANS (on 1-to-4 family dwellings)		TOTAL HOME PURCHASE AND HOME IMPROVEMENT LOANS (on dwellings for more than 4 families)		Addendum Item: NON-OCCUPANT LOANS (on 1-to-4 family dwellings)	
	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)
Column Totals										

Section 2 - Data for All Property Located Outside SMSAs in Which Institution Has Home or Branch Offices

/ / / / / / /					/ / / / / / / / / / /	
/ / / / / / /					/ / / / / / / / / / /	

FORM HMDA 1, revised
(Pursuant to Public Laws 94-200 and 96-399)

Loan Disclosure Statement (cont.)

Part B - Purchases
Section 1 - Data for Property Located Within SMSAs in Which Institution Has Home or Branch Offices

CENSUS TRACT (in numerical sequence) or COUNTY NAME	FHA, FmHA OR VA LOANS (on 1-to-4 family dwellings)		OTHER HOME PURCHASE LOANS ("conventional" loans) (on 1-to-4 family dwellings)		HOME IMPROVEMENT LOANS (on 1-to-4 family dwellings)		TOTAL HOME PURCHASE AND HOME IMPROVEMENT LOANS (on dwellings for more than 4 families)		Addendum Item: NON-OCCUPANT LOANS (on 1-to-4 family dwellings)	
	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)	No. of loans	Principal amount (thousands)
Column Totals										

Section 2 - Data for All Property Located Outside SMSAs in Which Institution Has Home or Branch Offices

BILLING CODE 6210-01-C

Appendix B—Federal Enforcement Agencies

The following list indicates which federal agency enforces Regulation C for particular classes of institutions. Any questions concerning compliance by a particular institution should be directed to the appropriate enforcing agency.

National Banks

Comptroller of the Currency, Office of Customer and Community Programs, Washington, D.C. 20219.

State Member Banks

Federal Reserve Bank serving the district in which the state member bank is located.

Nonmember Insured Banks and Mutual Savings Banks

Federal Deposit Insurance Corporation Regional Director for the region in which the bank is located.

Savings Institutions Insured by the FSLIC and Members of the FHLB System (except for Savings Banks insured by FDIC)

The Federal Home Loan Bank Board Supervisory Agent in the district in which the institution is located.

Credit Unions

Division of Consumer Affairs, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

Other Depository Institutions

Federal Deposit Institution Corporation Regional Director for the region in which the institution is located.

(5) *FFIEC's proposed aggregation tables. General.* Section 310 of the Home Mortgage Disclosure Act (HMDA) as amended requires the Federal Financial Institutions Examination Council (FFIEC) to compile, for each standard metropolitan statistical area (SMSA), aggregate residential loan data by census tract for all depository institutions that are required to report under HMDA or similar state regulations. The FFIEC is also directed to produce tables for each SMSA that indicate aggregate residential lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and racial characteristics.

Under HMDA, depository institutions are required to disclose separately data about originations and purchases. The FFIEC proposes to aggregate only the data about loans *originated* by lenders (as reported in the Board's proposed loan disclosure statement, Part A—Originations, Section I—Data for Property Located Within SMSAs in Which Institution Has Home or Branch Offices; and equivalent data from exempt-state institutions). The FFIEC is proposing to aggregate only loan originations since originations reveal the amount of new funds loaned in a particular census tract or SMSA. Aggregated data on purchases could be misleading, since they could reflect loans originated in a particular area not only during the current year, but also during any preceding year. In addition, aggregation of purchases could give a false impression of activity since they often reflect another lender's originations and, when aggregated, result in some duplication. Significant cost savings can be achieved by aggregating only origination information. The data on purchases would, of course, be available from individual depository institutions and at the central repository.

The originated loan data reported by covered depository institutions would be aggregated for each of the 288 SMSAs in the country. The tables produced would be available for review by the public at the central data repositories to be established in each SMSA. Copies of the tables would be available from the FFIEC at cost.

The aggregate residential lending patterns reflected by the tables can be used to enhance comparisons of an individual depository institution's residential lending pattern to the aggregate. The aggregate residential lending patterns can also be used by public officials to aid in the determination of target areas for public investment.

Census information to be used initially in the aggregation of the loan disclosure statements (or equivalent exempt-state reports) will be from the 1970 Census of Population and Housing. The 1980 Census of Population and Housing material will be used when the entire series becomes available.

The FFIEC is publishing for comment a package of proposed tables that would be produced for each SMSA. The proposed tables are presented in five sections, each addressing a specific aggregation requirement of the act.

Proposed Tables. Section I presents a proposed format for the basic aggregation table to be produced for each SMSA. The table details for each census tract or county the aggregated HMDA disclosure information for all covered depository institutions in a particular SMSA. In addition, the racial, income, and age of housing stock characteristics of each census tract are included.

Section II presents a proposed format to satisfy the requirement that aggregate lending patterns be shown for various groups of census tracts in an SMSA, categorized by the income characteristics of their population. Three broad categories are proposed:

(a) Low income census tracts (those tracts with median family income less than 80 percent of the SMSA median family income),

(b) Middle income census tracts (those tracts with median family income between 80 and 120 percent of the SMSA median family income), and

(c) Upper income census tracts (those tracts with median family income greater than 120 percent of the SMSA median family income).

Section III presents a proposed format to satisfy the requirement that aggregate lending patterns be shown for various groups of census tracts in an SMSA, categorized by the racial characteristics of their population. The table proposes that the tracts be grouped within three broad categories:

(a) Census tracts with less than 15 percent minority population,

(b) Census tracts with between 15 and 75 percent minority population, and

(c) Census tracts with greater than 75 percent minority population.

Section IV presents a proposed format to satisfy the requirement that aggregate lending patterns be shown for various groups of census tracts in an SMSA, categorized according to their location. Two broad categories of data aggregation are proposed:

(a) Central city (those census tracts that comprise the core city of the SMSA), and

(b) SMSA less central city (those census tracts and small counties that fall outside the SMSA core city).

Section V presents a proposed format to satisfy the requirement that aggregate lending patterns be shown for various groups of census tracts in an SMSA, categorized by the age of the housing stock. Three categories are proposed:

(a) Census tracts whose median housing stock age is less than the SMSA median housing stock age,

(b) Census tracts whose median housing stock age is equal to the SMSA median housing stock age, and

(c) Census tracts whose median housing stock age is greater to the SMSA median housing stock age, and

Comments. The FFIEC is particularly requesting comments on the proposed tables grouping census tracts according to income characteristics (Section II) and racial characteristics (Section III) of their population. In the case of income characteristics, will the census tract groupings of low, middle, and upper income using the SMSA median family income as a base provide users with sufficient data to analyze aggregate lending patterns? In the case of racial characteristics, will the proposed census tract groupings provide users with sufficient data to analyze aggregate lending patterns? Specific comments relating to these two tables should include suggestions based on the information available from the 1970 Census of Population and Housing.

Proposed Aggregation Tables

Section I. Aggregate Data

Aggregation of HMDA data for all covered depository institutions in each SMSA disclosed by either census tract or county name in which an institution has offices. Tables also provide racial, income, and

housing unit age characteristics for each geographic area.

Section II. Income Categories

Each census tract in an SMSA is categorized by the relationship between its median family income and the median family income of the entire SMSA:

(a) Low income areas—census tracts with median family income less than 80 percent of SMSA median family income.

(b) Middle income areas—census tracts with median family income between 80 percent and 120 percent of SMSA median family income.

(c) Upper income areas—census tracts with median family income greater than 120 percent of SMSA median family income.

Section III. Race Categories

Each census tract in an SMSA is categorized by the racial characteristics of its population:

(a) Census tracts with less than 15 percent minority population.

(b) Census tracts with between 15 and 75 percent minority population.

(c) Census tracts with greater than 75 percent minority population.

Section IV. Location Categories

Each census tract in an SMSA is categorized by its general location; that is central SMSA city(s) or within the SMSA but outside the central city:

(a) Central SMSA city(s)—SMSA census tracts that fall in the core SMSA city(s).

(b) SMSA less central city(s)—all SMSA census tracts and counties not included in the core city.

Section V. Age of Housing Stock Categories

Each census tract in an SMSA is categorized by the median age of its housing stock relative to the SMSA median housing stock age:

(a) Census tracts whose median housing unit age is less than the SMSA median housing unit age.

(b) Census tracts whose median housing unit age is equal to the SMSA median housing unit age.

(c) Census tracts whose median housing unit age is greater than the SMSA median housing unit age.

BILLING CODE 6210-01-M

Section I

SMSA "NAME"
ORIGINATIONS

Census Tract Number, or County Name 1/	FHA, FmHA or VA Loans (1-4 family dwellings)		Other Residential Mortgage Loans ("Conventional") (1-4 family dwellings)		Total Home Improvement Loans (1-4 family dwellings)		Total Mortgage Loans on Multi-Family Dwellings		Non-Occupant Loans (1-4 family dwellings)		Percentage Minority Population	Median income as a percent of SMSA Median income	Median age of housing stock 2/
	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	Percentage	Percentage	Years
Census Tract 0001													
.													
.													
.													
9999													
County Name													
.													
.													
.													
SMSA Total													
Total													

SMSA percentage of minority population:
SMSA median income:
SMSA median age of housing stock:

1/ If a census tract number is duplicated within an SMSA, a county designation will be included.
2/ Because the census data on housing stock age is categorized in intervals of several years, the median housing stock age of a census tract is determined by calculating the midpoint of the interval in which the median unit falls.

Section II

SMSA "NAME"

ORIGINATIONS

Census Tract Income Category	FHA, FmHA or VA Loans (1-4 family dwellings)		Other Residential Mortgage Loans ("Conventional") (1-4 family dwellings)		Total Home Improvemedt Loans (1-4 family dwellings)		Total Mortgage Loans on Multi-Family Dwellings		Non-Occupant Loans (1-4 family dwellings)	
	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Pripcipal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount
Low Income Areas:										
Middle Income Areas:										
Upper Income Areas:										
Column Total										

Section III

SMSA "NAME"

ORIGINATIONS

Census Tract Racial Category	FHA, FmHA or VA Loans (1-4 family dwellings)		Other Residential Mortgage Loans ("Conventional") (1-4 family dwellings)		Total Home Improvement Loans (1-4 family dwellings)		Total Mortgage Loans on Multi-Family Dwellings		Non-Occupant Loans (1-4 family dwellings)	
	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount
Less than 15% minority tracts:										
15% to 75% minority tracts:										
greater than 75% minority tracts:										
Column Total										

Section IV

SMSA "NAME"
ORIGINATIONS

Location Category 1/	FHA, FmHA or VA Loans (1-4 family dwellings)		Other Residential Mortgage Loans ("Conventional") (1-4 family dwellings)		Total Home Improvement Loans (1-4 family dwellings)		Total Mortgage Loans on Multi-Family Dwellings		Non-Occupant Loans (1-4 family dwellings)	
	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount
Central City(s):										
SMSA Less Central City(s):										
Total										

1/ SMSA less central city includes all census tracts and nontracted counties outside the central city(s) but within the SMSA.

Section V

SMSA "NAME"
ORIGINATIONS

Housing Stock age:

Census Tract: Median housing age greater, less than, or equal to SMSA median housing unit age 1/	FHA, FmHA or VA Loans (1-4 family dwellings)		Other Residential Mortgage Loans ("Conventional") (1-4 family dwellings)		Total Home Improvement Loans (1-4 family dwellings)		Total Mortgage Loans on Multi-Family Dwellings		Non-Occupant Loans (1-4 family dwellings)	
	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount	No. of Loans	Principal Amount
Less than SMSA median:										
Equal to SMSA median:										
Greater than SMSA median:										

1/ Because the census data on housing stock age is categorized in intervals of several years, the median housing stock age of a census tract is determined by calculating the mid-point of the interval in which the median unit falls.

* * * * *

By order of the Board of Governors,
February 3, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-4559 Filed 2-9-81; 8:45 am]

BILLING CODE 6210-01-C

Reader Aids

Federal Register

Vol. 46, No. 27

Tuesday, February 10, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders and problems (GPO)	783-3238
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

10135-10450.....2
10451-10704.....3
10705-10894.....4
10895-11224.....5
11225-11500.....6
11501-11654.....9
11655-11800.....10

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:
Presidential Determinations:
No. 81-2 of January 16, 1981.....11225
Memorandums:
January 29, 1981.....11227
Executive Orders:
12092 (Revoked by EO 12288).....10135
12278 (correction).....10895
12279 (correction).....10897
12288.....10135

4 CFR

20.....10451

5 CFR

Ch. XIV.....11655
213.....11229

6 CFR

705.....11229
706.....11229
707.....11229

7 CFR

Ch. I.....11501
Ch. II.....11501
Ch. IX.....11501
Ch. XVIII.....11501
Ch. XXVIII.....11501
29.....10451
724.....11229
726.....11235
905.....10899, 11655, 11656
907.....10900
910.....11237
1421.....10137, 10900
Proposed Rules:
1701.....10498, 11287
1747.....10746
1941.....11552
1962.....11666
2851.....10498

8 CFR

211.....10901
214.....10901, 11501

9 CFR

Proposed Rules:
318.....10500
381.....10500

10 CFR

30.....11666
40.....11237, 11666
50.....11666
70.....11666
72.....11666
205.....11237
Proposed Rules:
Ch. I.....10747
50.....10501, 11288
211.....11291

12 CFR

203.....11780
206.....11237
217.....10452
544.....10705
545.....10705
546.....10705
552.....11502
571.....10705
Proposed Rules:
Ch. II.....10747

13 CFR

118.....10455
119.....10455
Proposed Rules:
124.....10501

14 CFR

39.....10140, 11503-11506
43.....10705, 10902, 10903
71.....10903, 10904, 11507-11508
91.....10705, 10902, 10903
97.....11509
121.....10705, 10902, 10903
123.....10705, 10902, 10903
125.....10705, 10902, 10903
135.....10705, 10902, 10903
145.....10705, 10902, 10903
207.....10435
208.....10457
212.....10457
214.....10457
Proposed Rules:
39.....10163, 11552
71.....10164, 11553-11555
207.....10164
208.....10164
212.....10164
214.....10164
298.....11555

15 CFR

19.....11657
938.....10141

16 CFR

1212.....10458
1500.....11511
Proposed Rules:
Ch. I.....10502
13.....10921
423.....10165
457.....10747
1306.....11188

17 CFR

200 10904
211 11513
241 11544

Proposed Rules:

1 11668

18 CFR

4 10458
271 ..... 10141, 10460
282 10148
292 11251

Proposed Rules:

2 10165
4 10165
5 10165
16 10165
131 10165

19 CFR

355 10905

20 CFR

655 11253
676 11253
677 11253
678 11253
679 11253

21 CFR

178 10461
510 ..... 10462, 10464
520 10463
522 10463
558 10464
1030 10465

Proposed Rules:

351 11292
610 11672

22 CFR

41 10906
901 11180
902 11181
903 11181
904 11182
905 11183
906 11184
907 11184
908 11184
909 11184

23 CFR

140 ..... 10706, 10906
450 ..... 10706, 10906
630 ..... 10706, 10906
655 ..... 10706, 10906
656 ..... 10706, 10906
765 ..... 10706, 10906

Proposed Rules:

635 10177
1221 10922

24 CFR

42 11550
201 11550
215 11550
241 11550
300 11550
510 11550
885 11550
3282 11550
3500 11550
3610 11550

Proposed Rules:

868 10922

25 CFR

52 10707
53 10707

26 CFR

1 11255
5 11255
7 11255
10 11255
15A 10708
26a 10907
31 10148
53 11254
55 11255
150 11284

Proposed Rules:

1 ..... 10510, 10749
48 10923
51 11292

27 CFR

Proposed Rules:

181 10512

29 CFR

1 ..... 10465, 11253
2 10465
4 11284
5 ..... 10466, 11253
6 11253
1613 11284
1903 11253
1910 11253
1952 11253
1955 11253
1990 ..... 11253, 11286
2520 ..... 10465, 11253
2550 ..... 10465, 11253
2560 11253
2608 10720
2615 10720
2652 11658

Proposed Rules:

Ch. XIV 10177
505 11672
2510 11292
2520 10512

30 CFR

71 10465
90 10465
211 10707
221 10707
231 10707
250 10707
270 10707
700 10707
716 10707
785 10707
948 10707
950 10707

Proposed Rules:

715 11672
816 11672
817 11672

31 CFR

51 10908

32 CFR

59 10908
826 10708
2200 11659

Proposed Rules:

504 11672

33 CFR

117 ..... 10706, 10906
157 ..... 10706, 10906
161 ..... 10706, 10906
162 ..... 10706, 10906
209 11659

Proposed Rules:

155 11556
207 10923

34 CFR

75 ..... 10153, 10721
76 10721
208 10153
220 10153
605 11661
606 11661
642 11661
643 11661
644 11661
645 11661
646 11661
668 11661
674 11661
675 11661
676 11661
682 11661
683 11661
690 11661
692 11661
776 10721
778 10721

Proposed Rules:

100 10516
605 11678
606 11678
642 11678
643 11678
644 11678
645 11678
646 11678
668 11678
674 11678
675 11678
676 11678
682 11678
683 11678
690 11678
692 11678

36 CFR

219 11501
223 ..... 10497, 11501

Proposed Rules:

7 11556

37 CFR

2 11548
307 10466

38 CFR

3 11661

39 CFR

111 ..... 10154, 10721, 11548

Proposed Rules:

10 11296
111 11301
776 10513

40 CFR

7 11662
51 10910
52 10910
56 10911
123 10487
264 10911
265 10911
401 10723
707 10912

Proposed Rules:

Ch. I 10177
52 ..... 10750, 11309-11321, 11678
60 ..... 10752, 11490, 11557
122 ..... 11126, 11680
180 ..... 11680, 11681
230 11323
260 ..... 11126, 11680
264 ..... 11126, 11680
410 11322
610 11322

41 CFR

Ch. 18 (Parts 3, 4, 5) 10489
Ch. 18 (Parts 3, 20, Appendix E) 10495
7-4 10912
7-7 10912
60-1 11253

Proposed Rules:

1-4 10924
29-15 11323

43 CFR

9 10707
2090 10707
2091 10707
2200 10707
2210 10707
2220 10707
2250 10707
2260 10707
2270 10707
2300 10707
2310 10707
2320 10707
2340 10707
2350 10707
2920 10707
4100 10497

Proposed Rules:

3100 11557
3500 11557

Public Land Orders:

5797 10707
5798 10707
5799 10707
5802 10707
5803 10155
5804 10707
5805 10707
5806 10707
5809 10707
5812 10707
5814 10707
5817 10707
5818 10707
5819 10707
5821 10707
5824 10707
5825 10707
5826 10707
5827 10707

5828.....10707
5830.....10707
5831.....10707
5832.....10707
5833.....10707
5834.....10707
5836.....10707
5837.....10707
5838.....10707
5839.....10707
5840.....10707
5841.....10707
5842.....10707
5844.....10707
5845.....10707
5846.....10707
5848.....10707
5849.....10707
5850.....10707
5851.....10707
5852.....10707
5853.....10707
5854.....10707
5855.....10707

44 CFR

Proposed Rules:
67.....10753–10763, 11682–11688

45 CFR

Proposed Rules:
1152.....11557

46 CFR

Proposed Rules:
12.....11565
13.....11565
30.....11565
31.....11565
35.....11565
70.....11565
90.....11565
98.....11565
105.....11565
151.....11565
153.....11565
157.....11565
381.....10515
524.....10177
549.....10767

47 CFR

17.....10915
73.....10724–10737, 10916, 11549
81.....10155
97.....10915

Proposed Rules:
Ch. I.....10924
2.....10768
22.....10768
73.....10772–10784, 10963–10968
94.....10768
73.....10177

48 CFR

Proposed Rules:
7.....11324

49 CFR

1.....10919
173.....10706, 10906
179.....10706, 10906
192.....10157, 10706, 10906
195.....10157, 10706, 10906
460.....10706, 10906
613.....10706, 10906
635.....10706, 10906
639.....10706, 10906
640.....10706, 10906
642.....10706, 10906
1033.....10497, 10740–10743
1048.....11286
1109.....10162
1201.....10919
1206.....10919
1207.....10919
1248.....10745
1254.....11662
1331.....10920

Proposed Rules:
512.....10969
571.....10179, 10428, 10969
575.....10429
1043.....11566
1044.....10180
1084.....11566
1109.....10181, 10182

50 CFR

17.....10707, 11665

Proposed Rules:
17.....11567
216.....10785
611.....10182
639.....10515
643.....10182
661.....10182

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

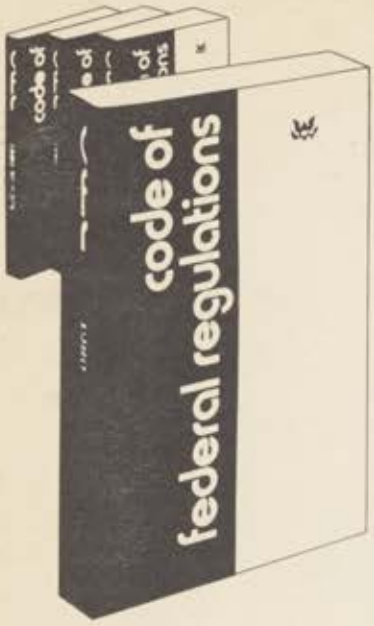
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 28, 1981



Just Released

Code of Federal Regulations

Revised as of July 1, 1980

Quantity	Volume	Price	Amount
_____	Title 28—Judicial Administration	$7.00	$_____
_____	Title 32—National Defense (Parts 100 to End)	6.50	_____
_____	Title 41—Public Contracts and Property Management (Chapters 3 to 6)	8.00	_____
		Total Order	$_____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____ Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		