AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

12-26-79
Vol. 44 No. 248
Pages 76263-76476

federal register

Wednesday
December 26, 1979

NOTE:
Due to a shortage of newsprint, today's **Federal Register** is printed on a higher quality paper. As supplies become available, the **Federal Register** will resume the use of newsprint.

Highlights

76406 **Adolescent Pregnancy Prevention and Services Projects** HEW/Secretary announces a two-day technical assistance workshop, 1–24 and 1–25–80

76412 **Approaches to Controlling Fraud and Abuse** Justice/LEAA announces a competitive research grant; apply be 3–1–80

76329 **Food Stamps** USDA/FNS advises the public of revisions in policy interpretation system to assist State agencies; comments by 2–25–80

76440 **Savings Bonds** Treasury/PDB issues rules governing Series EE and HH which will be placed on sale January 2, 1980; effective 1–1–80 (Part II of this issue)

76299 **Water Resources Project** USDA/SCS and Interior/FWS issues advance proposal of guidelines for use of channel modification as means of water management; comments by 2–25–80

76459 **Trade Agreement** ITC issues rules regarding procedures for conduct of investigations of whether injury to domestic industries result from imports sold at less than fair value or from subsidized exports to United States; effective 1–1–80 (Part III of this issue)

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 $5.00 per month or $50 per year, payable in advance. The charge for individual copies of 75 cents for each issue, or 75 cents 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**.

Area Code 202–523–5240

Highlights

76311 **Pesticides** EPA issues advance proposal on establishing a new system called "registration standards system"; comments by 2–25–80

76387 **Commission Action** CPSC issues general statement of policy priorities; policy now in effect

76295 **Foreign Fishing Vessels** Commerce/NOAA issues fee schedule for Calendar Year 1980; effective 1–1–80

76384 **Textile Products From Macau** CITA adjusts the levels of restraint for certain cotton and man-made fiber; effective 12–26–79

76383 **Textile Products From Mexico** CITA announces import restraint levels for certain cotton and man-made fibers; effective 1–1–80

76386 **Textile Products From The Republic of The Philippines** CITA announcing import levels for certain cotton, wool and man-made fiber; effective 1–1–80

76385 **Textile Products From Yugoslavia** CITA announcing import restraint levels for certain wool and man-made fiber; effective 1–1–80

76303, 76306 **Vinson-Trammel** Defense/Secretary proposes excess profits on contracts for naval vessels or military aircraft; comments and requests to present oral views by 3–25–80 (2 documents)

76416 **Sunshine Act Meetings**

Separate Parts of This Issue

76440 **Part II, Treasury/PDB**
76458 **Part III, ITC**

Contents

Federal Register
Vol. 44, No. 248
Wednesday, December 26, 1979

Agriculture Department
See Farmers Home Administration; Federal Crop Insurance Corporation; Food and Nutrition Service; Soil Conservation Service.

Army Department
See Engineers Corps.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
76380 American Airlines, Inc., New York-San Juan cargo service enforcement proceeding
76416 Meetings; Sunshine Act (2 documents)

Civil Rights Commission
NOTICES
76380 Domestic violence; information collection; hearing

Coast Guard
PROPOSED RULES
76327 Casualty reporting requirements; correction
NOTICES
Meetings:
76415 Boating Safety National Advisory Council

Commerce Department
See also Foreign-Trade Zones Board; Maritime Administration; National Oceanic and Atmospheric Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
76382 Economic Advisory Board

Community Services Administration
NOTICES
Organization and functions:
76381 Senior Executive Service Performance Review Board

Comptroller of Currency
RULES
Investment securities:
76263 Bank holdings, purchases, dealings, underwritings; limitations; removal of rulings from CFR

Consumer Product Safety Commission
NOTICES
76387 Priority projects for Commission action; policy statement

Customs Service
NOTICES
Trade name recordation applications:
76415 Xylogics, Inc.

Defense Department
See also Engineers Corps; Navy Department.
PROPOSED RULES
Procurement:
76306 Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammel Act); changes to IRS proposed regulations
76303 Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammel Act); contractors reporting form

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
76413 Mallinckrodt, Inc. (2 documents)

Economic Regulatory Administration
NOTICES
Consent orders:
76404 Warren Oil Co.
Natural gas; fuel oil displacement certification applications:
76389 A. P. Green Refractories Co.
Powerplant and industrial fuel use; exemption requests; etc.:
76390 Atlantic City Electric Co.
76390 Central Power & Light Co.
76391 Columbia Water & Light Dept.
76392 Gulf States Utilities Co.
76393 Jersey Central Power & Light Co.
76394 Long Island Lighting Co.
76394 Long Island Lighting Co. et al.
76395 Metropolitan Edison Co.
76396 Mt. Carmel Public Utility Co.
76399 Public Service Electric & Gas Co.
76400 Toledo Edison Co.
76401 Tucson Electric Power Co.
76402 Union Electric Co.
76403 University of Illinois
Remedial orders:
76398 James Bulloch, Inc., et al.

Education Office
NOTICES
Meetings:
76406 Developing Institutions Advisory Council

Energy Department
See Economic Regulatory Administration.

Engineers Corps
NOTICES
Meetings:
76388 National Waterways Study; technical workshops

Environmental Protection Agency
RULES
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
76281 Alaska et al.

PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
76307 California
76308, 76311 Illinois (2 documents)
Pesticide programs:
76311 Registration standards; advance notice
NOTICES
Meetings:
76405 Interagency Toxic Substances Data Committee; date change
Water quality standards; State plans:
76405 Nevada

Farmers Home Administration
RULES
76263 Community domestic water and waste disposal systems; rule and inquiry; special assistance to drought stricken areas; correction

Federal Aviation Administration
RULES
Airworthiness directives:
76267 Bendix
76264 British Aerospace/Societe Nationale Industrielle Aerospatiale
76265 Lockheed
76265, 76266 Piper (2 documents)
76270 IFR altitudes
76268, 76270 Transition areas (5 documents)

Federal Communications Commission
RULES
Organization and functions:
76294 Administrative Law Judge, Chief; hearing locations
NOTICES
76416 Meetings; Sunshine Act

Federal Crop Insurance Corporation
RULES
76263 Crop insurance, designated counties and crops for 1979 crop year; correction

Federal Election Commission
NOTICES
76416 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood elevation determinations:
76322 Arkansas et al.
PROPOSED RULES
Flood elevation determinations:
76282 Arkansas et al.

Federal Maritime Commission
NOTICES
76405 Agreements filed, etc. (2 documents)

Fiscal Service
RULES
Bonds, U.S. savings:
76440 Series EE and HH

Fish and Wildlife Service
PROPOSED RULES
Water resources:
76299 Channel modification guidelines; advance notice
NOTICES
76410, 76411 Endangered and threatened species permits; applications (5 documents)

Food and Nutrition Service
NOTICES
Food stamp program:
76329 Policy interpretation response system

Foreign-Trade Zones Board
NOTICES
Applications, etc.:
76381 Islip, N.Y.
76382 Tulsa-Rogers County, Okla.

Health, Education, and Welfare Department
See Education Office; National Institutes of Health; Public Health Service.

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
76411 Florida et al.

Interior Department
See also Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau.
NOTICES
Meetings:
76412 Outer Continental Shelf Advisory Board Policy Committee

Internal Revenue Service
PROPOSED RULES
Excise taxes:
76303 Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammel Act); cross-reference to Defense Department document

International Trade Commission
RULES
76458 Import investigation procedures
NOTICES
76417 Meetings; Sunshine Act

Interstate Commerce Commission
PROPOSED RULES
Motor carriers:
76327 General rate increase proceedings; protest and reply periods; new procedures
Practice rules:
76328 Subsidies; rail service continuation; fringe benefit costs for train and engine crews withdrawn; correction

Justice Department
See also Drug Enforcement Administration; Law Enforcement Assistance Administration.
PROPOSED RULES
Nondiscrimination:
76303 Handicapped in federally-assisted programs; extension of time

Land Management Bureau
NOTICES
Alaska native claims selections; applications, etc.:
76412 Igiugig Native Corp.; correction

Law Enforcement Assistance Administration
NOTICES
Grants solicitation, competitive research:
76412 Government benefit programs; approaches to controlling fraud and abuse

Maritime Administration
NOTICES
Applications, etc.:
76298 Gulf Oil Corp.; correction

National Credit Union Administration
NOTICES
76417 Meetings; Sunshine Act (2 documents)

National Highway Traffic Safety Administration
RULES
Organization, functions, and authority delegations:
76295 Executive Secretary; subpoena authority and investigatory actions

National Institutes of Health
NOTICES
Meetings:
76407 Aging National Advisory Council
76407 Allergy and Infectious Diseases, National Advisory Council
76408 Arthritis, Metabolism, and Digestive Diseases National Advisory Council
76408 Cancer Institute, National; advisory committee
76406 Cytology Automation Committee
76408 General Medical Sciences National Advisory Council
76409 Heart, Lung, and Blood National Advisory Council
76407 Large Bowel and Pancreatic Cancer Review Committee
76409 National Library of Medicine, Board of Regents
76409 Neurological Disorders Program-Project Review A Committee
76409 Neurological Disorders Program-Project Review B Committee

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
76295 Foreign fishing; fee schedule for 1980 calendar year

National Science Foundation
NOTICES
Meetings:
76414 Advisory Council (2 documents)
76413 Behavioral and Neural Sciences Advisory Committee
76413 Engineering and Applied Science Advisory Committee
76414 Environmental Biology Advisory Committee (2 documents)
76413 Policy Research and Analysis and Science Resources Studies Advisory Committee

Navy Department
RULES
Base entry regulations:
76299 Hawaii
NOTICES
Meetings:
76389 CNO Executive Panel Advisory Committee

Parole Commission
NOTICES
76417 Meetings; Sunshine Act

Public Health Service
NOTICES
Grants; availability:
76406 Adolescent pregnancy prevention and services; workshops for prospective applicants

Soil Conservation Service
PROPOSED RULES
Water resources:
76299 Channel modification guidelines; advance notice

Textile Agreements Implementation Committee
NOTICES
Cotton and man-made textiles:
76384 Macau
76383 Mexico
Cotton, wool, and man-made textiles:
76386 Philippines
76383 Export visas and certifications for exempt textile products from Colombia; authorization of officials
Wool and man-made textiles:
76385 Yugoslavia

Transportation Department
See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

Treasury Department
See Comptroller of Currency; Customs Service; Fiscal Service; Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

DEFENSE DEPARTMENT
Army Department—
76388 National Waterways Study, 1–30–80
Navy Department—
76389 Chief of Naval Operations Executive Panel Advisory Committee, 1–16 and 1–17–80

ENVIRONMENTAL PROTECTION AGENCY
76405 Interagency Toxic Substances Data Committee, 1–8–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Office of Education—
76406 Developing Institutions Advisory Committee, 1–10 and 1–11–80
National Institutes of Health—
76409 Board of Regents, Extramural Programs Subcommittee, 1–23–80
76408 Cancer Research Manpower Review Committee, Clinical Cancer Education Committee, various dates
76406 Cytology Automation Committee, 2–7 and 2–8–80
76407 Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Review Subcommittee, 1–17–80
76407 National Advisory Allergy and Infectious Diseases Council, 1–31 and 2–1–80
76408 National Advisory General Medical Sciences Council, 1–31 and 2–1–80
76408 National Arthritis, Metabolism, and Digestive Diseases Advisory Council, 1–23, 1–24, and 1–25
76409 National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee, 2–7, 2–8, and 2–9–80
76409 Neurological Disorders Program-Project Review A Committee, 2–23, 2–24, and 2–25–80
76409 Neurological Disorders Program-Project Review B Committee, 2–14, 2–15, and 2–16–80

INTERIOR DEPARTMENT
Office of the Secretary—
76412 Outer Continental Shelf Advisory Board Policy Committee, Pacific and Alaska Regions, 1–17–80

NATIONAL SCIENCE FOUNDATION
76413 Behavioral and Neural Sciences Advisory Committee, 1–21 and 1–22–80
76414 Ecological Sciences Subcommittee, 1–16, 1–17, and 1–18–80
76413 Engineering and Applied Science Advisory Committee, 1–24 and 1–25–80
76413 Policy Research and Analysis and Science Resources Studies Advisory Committee, 1–10 and 1–11–80
76414 Steering Committee of the NSF Advisory Council, 1–14–80
76414 Systematic Biology Subcommittee, 1–23, 1–24, and 1–25–80
76414 Task Group No. 12, 1–10–80

TRANSPORTATION DEPARTMENT
Coast Guard—
76415 National Boating Safety Advisory Council, 1–16 and 1–17–80

CHANGED MEETING

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
National Institutes of Health—
76407 National Advisory Council on Aging, 1–28, 1–29, and 1–30–80

HEARING

CIVIL RIGHTS COMMISSION
76380 Domestic Violence, 2–12–80

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.

7 CFR
401 76263
1888 76263
Proposed Rules:
Ch. VI 76299

12 CFR
1 76263

14 CFR
39 (5 documents) 76264–76267
71 (5 documents) 76268–76270
95 76270

19 CFR
201 76458
207 76458

26 CFR
Proposed Rules:
1 76303
16 76303
17 76303
160 76303

28 CFR
Proposed Rules:
42 76303

31 CFR
353 76440

32 CFR
770 76279
Proposed Rules:
Ch. I (2 documents) 76303, 76305

40 CFR
62 76281
Proposed Rules:
52 (3 documents) 76307, 76308, 76311
162 76311

44 CFR
67 76282
Proposed Rules:
67 76322

46 CFR
Proposed Rules:
4 76327
26 76327
35 76327
78 76327
97 76327
109 76327
167 76327
185 76327
196 76327

47 CFR
0 76294

49 CFR
501 76295
1125 76295
Proposed Rules:
1100 76327
1104 76327
1125 76328

50 CFR
611 76295
Proposed Rules:
Ch. I 76299

Rules and Regulations

Federal Register
Vol. 44, No. 248
Wednesday, December 26, 1979

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years—Amendment No. 101; Corrections

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule; corrections.

SUMMARY: The final rulemaking corrections published in the Federal Register on Tuesday, February 6, 1979 (44 FR 7107–7108) on the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, Amendment No. 101, contained two typographical errors. This notice is being published to correct those errors.

EFFECTIVE DATE: December 26, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to James D. Deal, Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The corrections are as follows:

Item 20 should be corrected to read:

"20. Under those Virginia counties designated for Tobacco Crop Insurance in the left column of 44 FR 759, insert "Prince George . . . . . 11a" . . .

Item 21 should be corrected to read:

21. Under those Wisconsin counties designated for Tobacco Crop Insurance in the left column of 44 FR 759, insert "Monroe . . . . . 55" . . . "

Issued in Washington, D.C., on December 18, 1979.

Dated: December 18, 1979.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

James D. Deal,

Manager.

[FR Doc. 79-39383 Filed 12-21-79; 8:45 am]

BILLING CODE 3410-08-M

Farmers Home Administration

7 CFR Part 1888

Special Assistance to Drought Stricken Areas; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration corrects a document which was published at 44 FR 27409 on May 10, 1979. This action is taken to correct a cross reference. Item 4 of the document under the heading "PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS" is corrected to read:

§ 1888.13 [Corrected]

4. In § 1888.13(e) change the reference from "Part 1942, Subpart A and Part 1823, Subpart P" to "Part 1942, Subparts A and H."

EFFECTIVE DATE: December 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph H. Linsley, Rm. 6346 South Agriculture Building, 14th and Independence SW, Washington, D.C. 20250. Phone: 202–447–4057.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: December 17, 1979.

James E. Thornton,

Associate Administrator, Farmers Home Administration.

[FR Doc. 79-39344 Filed 12-21-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

Investment Securities; Eligibility of Securities for Purchase, Dealing in and Underwriting; Limitations on Holding

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment deletes from 12 CFR Part 1 individual investment securities rulings issued by the Comptroller during the period 1962 through 1978. The rulings were issued to advise banks on the application of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in or underwrite. While the individual rulings no longer will be codified in the CFR, they will continue to be available from the Office of the Comptroller upon request.

EFFECTIVE DATE: The rulings became effective when originally issued in letter form. Their removal from 12 CFR Part 1 becomes effective upon the publication of this document.

FOR FURTHER INFORMATION CONTACT: Radcliffe Park, Assistant Director, LASD, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202–447–1880.

SUPPLEMENTARY INFORMATION: 12 CFR 1.9 provides that a bank may request the Comptroller to rule on the application of 12 CFR Part 1 or paragraph Seventh of 12 U.S.C. 24 to any security which it holds, or desires to deal in, underwrite, or purchase for its own account.

Since 1962 these rulings have been published in the Federal Register and codified as 12 CFR 1.105–1.480. This formidable number of rulings now deleted from the code and similar rulings issued in 1979 are being reviewed for the purpose of developing a general set of principles for the application of federal banking law and regulations to such securities. It is expected that the principles developed will be codified through the usual public procedures as a part of the Investment Securities Regulation (12 CFR Part 1).

This action is being taken in fulfillment of the Comptroller's pledge in response to Executive Order 12044 on improving government regulations. See

43 FR 22324, 43 FR 52121, 43 FR 762 (May 24, 1978, Nov. 8, 1978, Jan. 3, 1979).

Consideration is also being given to the publication of current rulings at suitable intervals as notices in the Federal Register.

Drafting Information

The principal drafter of this document was Mr. Radcliffe Park, Assistant Director, Legal Advisory Services Division.

Adoption of Amendment

§§ 1.105 through 1.480 [Deleted]

12 CFR Part 1 is amended by rescinding the subheading immediately preceding § 1.105 and by deleting §§ 1.105 through 1.480.

Dated: December 18, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-39350 Filed 12-21-79; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 19905; Amdt. 39-3644]

Airworthiness Directives; British Aerospace/Societe Nationale Industrielle Aerospatiale, Concorde Type I Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive (AD) which supersedes telegraphic AD T79EU11, which was previously made effective to all known United States operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes. The AD requires checking of the main landing gear tire pressure before each flight, and replacement of any tire and wheel assembly where the tire is found insufficiently inflated in accordance with specified criteria to prevent potential failure of the main landing gear tires or wheels.

DATE: This amendment becomes effective on December 26, 1979.

Compliance schedule—as prescribed in body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from:

Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France

or

British Aerospace, Inc., Brooklands Road, Weybridge, Surrey, England RT13 OSJ

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591, Telephone 202-426-8374.

SUPPLEMENTARY INFORMATION: An emergency airworthiness directive, T79EU6, was adopted on July 30, 1979 and superseded on September 10, 1979 by emergency airworthiness directive T79EU11. The ADs were made effective immediately upon receipt of telegrams to all known U.S. operators of Concorde Type I airplanes. AD action was necessary because of main landing gear tire blowouts resulting from underinflated tires. Such conditions require checking of the main landing gear tire pressure before each flight, and replacement of any tire and wheel assembly where the tire is found insufficiently inflated in accordance with specified criteria.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest, and good cause existed to make the ADs effective immediately as to all known U.S. operators of British Aerospace/Societe Nationale Industrielle Aerospatiale Model Concorde Type I airplanes by telegraphic means.

Subsequent to issuance of telegraphic AD T79EU11, the FAA was advised that the United Kingdom's Civil Aviation Authority (CAA) had developed and approved a procedure for dealing with the same tire problem for Concordes subject to CAA regulation. That procedure was similar to that taken by the FAA in the telegraphic AD. The FAA has determined that the CAA AD provides an equivalent means of compliance with the FAA AD. Therefore, telegraphic AD T79EU11 is being superseded by a new AD that permits the Chief, Aircraft Certification Branch, AEU-100, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, to approve an equivalent means of compliance which may include the CAA procedure or any other means of compliance found to provide an equivalent level of safety, in compliance with this AD. This amendment will afford operators of Concorde aircraft with added flexibility in complying with the AD. Since this change is relieving and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

British Aerospace/Societe Nationale Industrielle Aerospatiale: Applies to Concorde Type I airplanes. To prevent failure of the main landing gear tires or wheels or both resulting from underinflated tire conditions, accomplish the following, or an FAA-approved equivalent:

(a) Before each flight after the effective date of this AD check the tire pressure of each main landing gear tire in accordance with the instructions of Chapter 12.14.32 of the Maintenance Manual as follows:

(1) When the gate stop time is more than 4 hours, verify the tire pressure within 2 hours preceding start of engines.

(2) When the gate stop time is between 3 and 4 hours, verify the tire pressure within the hour preceding the start of engines.

(3) When the gate stop time is 2 to 3 hours verify the tire pressure within 30 minutes preceding the start of engines.

(4) When the gate stop time is less than 2 hours verify the tire pressure within 30 minutes preceding the start of engines and comply with paragraph (c) of this AD.

(b) If as a result of the tire pressure verifications required by paragraph (a)(1), (a)(2) or (a)(3) of this AD, the tire pressure was found to be—

(1) Between 14.6 bars/212 psi and 15 bars/218 psi, no further action required;

(2) From 14.2 bars/206 psi to 14.6 bars/212 psi, reinflate to 15 bars/218 psi;

(3) From 13.4 bars/195 psi to 14.2 bars/206 psi, reinflate to 15 bars/218 psi and record this action for future reference;

(4) From 12.6 bars/183 psi to 13.4 bars/195 psi, replace that wheel and tire and comply with paragraph (e) of this AD; or

(5) Below 12.6 bars/183 psi, replace that wheel and tire and also replace the adjoining wheel and tire and comply with paragraph (e) of this AD.

(c) If as a result of the tire pressure verification required by paragraph (a)(4) of this AD the pressure was found to be—

(1) Above 14.6 bars/212 psi—no further action is required;

(2) From 14.2 bars/206 psi to 14.6 bars/212 psi, reinflate the tire to 15 bars/218 psi;

(3) From 12.6 bars/183 psi to 14.2 bars/206 psi, replace that tire and wheel and comply with paragraph (e) of this AD; or

(4) Below 12.6 bars/183 psi, replace that wheel and tire and also replace the adjoining wheel and tire and comply with paragraph (e) of this AD.

(d) Prior to further flight, replace the wheel and tire, and accomplish the "push-in" fuse plug check in accordance with Aerospatiale Campaign Wire 32CW076, Issue 4, if—

(1) The cockpit brake temperature indicator records a temperature above 510C/950F;

(2) A rejected takeoff is executed from a speed over 100 knots, with a brake cooling fan inoperative and the corresponding brake was not deactivated; or

(3) A landing was accomplished with a brake cooling fan inoperative and the corresponding brake was not deactivated.

(e) Perform the non-destructive test, and the "push-in" fuse plug check on any wheel removed from the aircraft as required in paragraph (b), (c), or (d) of this AD, in accordance with Aerospatiale Campaign Wire 32CW076, Issue 4.

(f) Any discrepancies found on the wheels, tires, brakes or on the fuse plugs during the inspections defined above must be reported to the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-RO174.)

(g) An equivalent means of compliance with the requirements of this AD may be used if approved by the Chief, Aircraft Certification Staff, AEU-100, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

This supersedes telegraphic AD T79EU11, dated September 10, 1979.

This amendment becomes effective December 26, 1979.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on December 14, 1979.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 79-39137 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-SO-41; Amdt. 39-3641]

Airworthiness Directives; Lockheed Model 382 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Lockheed Model 382 series airplanes by providing for substantiation of an alternate compliance time for cable inspection. This amendment is needed to provide the operator an opportunity to substantiate a change of throttle cable inspection time.

DATES: Effective January 2, 1980.

Compliance schedule is as prescribed in body of AD.

FOR FURTHER INFORMATION CONTACT: W. J. Lawrence, Aerospace Engineer, ASO-214, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435,

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3427, 44 FR 12021, AD 79-05-05, which currently requires throttle cable inspection at F.S. 245 and at the engine horse collar every 1800 hours' time in service on Lockheed Model 382 series aircraft.

After issuing Amendment 39-3427, the FAA has determined that substantiation of an alternate compliance time should now be provided. Therefore, the FAA is further amending Amendment 39-3427 by providing the operator an opportunity to substantiate an alternate throttle cable inspection time on Lockheed Model 382 series airplanes.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3427, 44 FR 12021, AD 79-05-05 by revising paragraph (a)(3) to include the following: An alternate compliance time must be substantiated by the operator and recommended by the assigned FAA Principal Maintenance Inspector and approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

This amendment becomes effective January 2, 1980.

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

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in East Point, Georgia, on December 12, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-39138 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-SO-85; Amdt. No. 39-3642]

Airworthiness Directives; Piper Aircraft Corp., PA-32RT-300 and PA-32RT-300T

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires repetitive inspection of rudder skins and repair (if necessary) or modification to prevent development of cracks in the rudder skins of certain Piper Aircraft Corporation PA-32RT-300 and PA-32RT-300T series aircraft. The AD is prompted by 12 reports of small cracks in the rudder skins; growth of these cracks could result in a weakening of the structural integrity of the rudder.

DATES: Effective January 7, 1980.

Compliance as prescribed in body of AD.

ADDRESSES: Piper Service Letter No. 882 may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (A/C 707) 748-6711. Piper Kits, Part Number 763 936V and 763 940V may be obtained from Piper Aircraft Corporation, Vero Beach Division, Vero

Beach, Florida 32960, telephone (A/C 305) 567–4361.

A copy of the Service Letter is also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Steve Flanagan, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20635, Atlanta, Georgia 30320, telephone (404) 763–7407.

SUPPLEMENTARY INFORMATION: There have been 12 reports of small cracks developing in the skin beads at the trailing edge of the rudder on certain Piper PA–32RT–300 and PA–32RT–300T series aircraft. If allowed to go uncorrected, growth of these cracks could result in a weakening of the rudder structural integrity, with a possible degradation of airplane directional control.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following Model PA–32RT–300 and PA–32RT–300T series airplanes, certificated in all categories:

PA–32RT–300 Lance II

32R–7885001 to 32R–7885025 Inclusive
32R–7885027 to 32R–7885261 Inclusive
32R–7885263 to 32R–7885285 Inclusive
32R–7985001 to 32R–7985035 Inclusive
32R–7985037 to 32R–7985045 Inclusive
32R–7985047 to 32R–7985059 Inclusive
32R–7985062, 32R–7985064,
32R–7985066, 32R–7985067,
32R–7987069 to 32R–7985076 Inclusive
32R–7985078,
32R–7985083 to 32R–7985085 Inclusive
32R–7985088 to 32R–7985090 Inclusive
32R–7985092 to 32R–7985097 Inclusive
32R–7985101,
32R–7985103 to 32R–7985105

PA–32RT–300T Turbo Lance II

32R–7887001 to 32R–7887222 Inclusive
32R–7887224 to 32R–7887226 Inclusive
32R–7887228 to 32R–7887237 Inclusive
32R–7887239 to 32R–7887243 Inclusive
32R–7887245 to 32R–7887254 Inclusive
32R–7887256 to 32R–7887261 Inclusive
32R–7887263,
32R–7887265 to 32R–7887289 Inclusive
32R–7987001, 32R–7987002,
32R–7987004 to 32R–7987011 Inclusive
32R–7987013, 32R–7987014,
32R–7987016, 32R–7987017,
32R–7987019, 32R–7987020,
32R–7987024 to 32R–7987028 Inclusive
32R–7987029, 32R–7987030,
32R–7987032, 32R–7987034,
32R–7987035, 32R–7987038,
32R–7987039, 32R–7987041,
32R–7987042, 32R–7987044,
32R–7987046,
32R–7987049 to 32R–7987051 Inclusive
32R–7987054 to 32R–7987058 Inclusive
32R–7987060, 32R–7987066,
32R–7987068 to 32R–7987070 Inclusive
32R–7987072, 32R–7987073,
32R–7987075, 32R–7987076,
32R–7987078 to 32R–7987080 Inclusive
32R–7987082 to 32R–7987086 Inclusive
32R–7987088, 32R–7987089,
32R–7987091, 32R–7987094,
32R–7987096 to 32R–7987099 Inclusive
32R–7987101, 32R–7987102,
32R–7987104,
32R–7987107 to 32R–7987115 Inclusive
32R–7987117, 32R–7987119,
32R–7987122, 32R–7987124,
32R–7987125, 32R–7987126

Compliance as prescribed in the body of the AD.

To prevent initiation and/or growth of rudder skin cracks, with resulting possible weakening of rudder structural integrity, accomplish the following, unless already accomplished:

a. Within the next 25 hours time-in-service after the effective date of this AD, and at intervals not to exceed 25 hours time in service, visually check the area along the skin beads at the trailing edge of the rudder for cracks. This check may be accomplished by the pilot.

Note.—A maintenance record entry showing compliance with these repetitive visual checks is required.

b. If crack(s) are found, repair within the next 10 hours time in service in accordance with the instructions contained in Piper Kit Part Number 763 940V, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

c. If no crack(s) are found during the checks required by Paragraph a, modify the rudder within the next 100 hours time in service after the effective date of this AD in accordance with the instructions contained in Piper Kit Part Number 763 936V, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

d. Verify that the rudder balance, after repair or modification, is within the limits established in the Piper Lance II Service Manual.

e. Compliance with paragraphs b or c, and d, above terminates the repetitive checks required in paragraph a above.

f. Upon submission of substantiating data through an FAA Aviation Safety Inspector, the Chief, Engineering and Manufacturing Branch, FAA Southern Region, may adjust the repair or modification compliance time.

Piper Service Letter No. 882 also deals with this subject.

This amendment is effective January 7, 1980.

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

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in East Point, Georgia, on December 11, 1979.

George R. La Caille,

Acting Director, Southern Region.

[FR Doc. 79–39139 Filed 12–21–79; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 77–WE–39–AD; Amdt. 39–3643]

Airworthiness Directives; Piper (Ted Smith) Model 600 Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Piper Aerostar Model 600 Series airplanes which requires modification of the fuel quantity indicating system, revisions to the Airplane Flight Manual and other changes. The amendment is needed to permit extension of the compliance requirement date for modification of the fuel quantity indicating system from December 31, 1979 to June 1, 1980, to prevent grounding of aircraft due to unavailability of necessary modification kits at the date orginally established. While the safety considerations of the required installation remain significant the associated steps of AD, already accomplished, will provide a satisfactory safety level pending deferred accomplishment.

DATES: Effective December 27, 1979.

Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration,

Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536–6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39–3387, AD 79–01–05, which currently requires installation of a low fuel warning system, requires initial and periodic inspections of the wing and fuel filler caps for air leakage, reduces the total usable fuel quantity from 174.5 U.S. gallons to 165.5 U.S. gallons, requires modifications to the fuel gaging system in the cockpit, requires installation of wing fuel tank overpressure valves on aircraft that lack this feature, and requires revisions to the Airplane Flight Manual and placards, on Piper (Ted Smith) Model 600 Series airplanes.

Since issuing Amendment 39–3387 the FAA has confirmed that a part delivery problem exists will regard to modification parts required to improve the readability and significance of the fuel quantity indicating system as required by Paragraph (d)(1) of Amendment 39–3387.

The modification parts delivery schedule presently available indicates that an extension of compliance time from the presently specified date or December 31, 1979 to a date of June 1, 1980 will preclude grounding of airplanes and is consistent with a minimum exposure period.

The FAA has evaluated the safety implications of this exposure period and has concluded that, given the associated safety elements of the AD which are already accomplished, a satisfactory safety level can be maintained for the additional time period specified.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending amendment 39–3387, (44 FR 1082), AD 79–01–05, Paragraph (d) to read as follows:

* * * * *

(d) By June 1, 1980, accomplish the following modification * * *

* * * * *

This amendment becomes effective December 27, 1979.

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

Issued in Los Angeles, California on December 12, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-39140 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 79-GL-19-AD, Amdt. 39-3636]

Airworthiness Directives; Bendix Energy Controls Division, Fuel Injector System, RSA-5AD1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of the regulator section of the referenced Bendix fuel injector system. The results of the inspection determine the modifications necessary to assure the proper engagement of the regulator stem lock nut. This AD was prompted by instances in the field where the lock nut became loose and caused a cutoff in the fuel supply resulting in a loss of engine power.

DATES: Effective date is December 26, 1979.

ADDRESSES: The applicable service bulletin may be obtained from Bendix Energy Controls Division, South Bend, Indiana 46620, telephone (219) 237–2758. Copies of the service information referenced in this AD are contained in the Rules Docket Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Biemond, Service Difficulty Section, AGL–217, Engineering and Manufacturing Branch, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–4500, extension 359.

SUPPLEMENTARY INFORMATION: There have been two instances of engine power loss due to improper engagement of the regulator stem nut on the RSA series fuel injector units. The units affected by this AD are Model No. RSA–5AD1, Parts List Nos. 2524145–8 and 2524145–9. These units are installed on, but not limited to, Lycoming Engine Model Nos. I0–320–B1A, –B1C, and –B2A. This AD requires an inspection to determine if the regulator stem lock nut is properly engaged and to provide additional locking means by crimping.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and contrary to the public interest, and good cause exists for making the AD effective immediately to all known operators of aircraft with the referenced Bendix fuel injector.

This Ad is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39, Federal Aviation Regulations, to make it effective as to all persons.

Adoption of the Amendment

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

Bendix Energy Controls Division: Applies to all Model No. RSA–5AD1, P/N's 2524145–8 and 2524145–9 fuel injector units. Compliance required as indicated unless previously accomplished. Compliance/rework is indicated by the letter "N" stamped on the head of the brass plug. Prior to the next twenty-five (25) hours of aircraft time in service, or within the next thirty (30) calendar days from the date of this AD, whichever occurs first, inspect the regulator stem and lock nut on Bendix fuel injector units, Model Nos. RSA–5AD1, P/N's 2524145–8 and 2524145–9. Based upon the number of threads extending beyond the lock nut, accomplish the instructions as outlined in Bendix Service Bulletin RS–68 dated August 20, 1979 or FAA approved equivalent. (Amendment 2 dated September 6, 1979 picks up these two RSA–5AD1 units which were not included in the basic bulletin.)

This amendment becomes effective December 26, 1979.

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

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Cornelius Biemond, Engineering and Manufacturing Branch, AGL–217, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Ill., on December 3, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-39294 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-51]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Worthington, Minnesota to accommodate a new Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Runway 29 instrument approach procedure into the Worthington Municipal Airport, Minnesota, established on the basis of a request from Airport officials to provide that airport with an additional instrument approach procedure to serve a newly constructed Runaway 11/29.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregaton of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace within the transition area will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one-half mile beyond that now depicted. The control zone airspace will not be altered. The development of the proposed procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace at times when the control zone is not effective. In addition, aeronautical maps and charts will reflect the area of the instrument procedures which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 60752 of the **Federal Register** dated October 22, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Worthington, Minnesota.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 20, 1980, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Worthington, Minnesota

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Worthington Municipal Airport (Lat. 43°39'17"N, Long. 95°35'01"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Adminstration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-51, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on December 7, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-39287 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-52]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Houghton Lake, Michigan to accommodate new Very High Frequency Omnidirectional Range (VOR) Runway 9 and Runway 27 instrument approach procedures into the Roscommon County Airport, Houghton Lake, Michigan, established on the basis of a request from the County Airport officials to provide that airport with additional instrument approach procedures.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual weather conditions. The floor of the controlled airspace will be lowered from 1,200 feet above the surface to 700 feet for a distance of approximately three miles beyond that now depicted. The development of the proposed procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 60749 of the **Federal Register** dated October 22, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Houghton Lake, Michigan.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 20, 1980, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Houghton Lake, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5 statute mile radius of the Roscommon County Airport, Houghton Lake, Michigan (Lat. 44°21'N; Long. 84°40'W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-52, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on December 7, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-39288 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-53]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Glenwood, Minnesota to accommodate a new instrument approach into Glenwood Municipal Airport, Glenwood, Minnesota established on the basis of a request from the Glenwood Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 60748 of the **Federal Register** dated October 22, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Glenwood, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 20, 1980, as follows:

In § 71.181 (44 FR 442) the following addition should be made:

Glenwood, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Glenwood Municipal Airport, Glenwood, Minnesota (Lat. 45°38'41"N; Long. 95°19'14"W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-53, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on December 7, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-39292 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-54]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Hutchinson, Minnesota to accommodate a new instrument approach into Hutchinson Municipal Airport, Hutchinson, Minnesota established on the basis of a request from the local airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 60749 of the **Federal Register** dated October 22, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hutchinson, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 20, 1980, as follows:

In § 71.181 (44 FR 442) the following addition should be made:

Hutchinson, Minnesota

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Hutchinson Municipal Airport, Hutchinson, MN. (Lat. 44°52'N; Long. 94°23'W), excluding that portion which overlaps the Litchfield, Minnesota transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-54, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on December 7, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-39293 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-GL-50]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Shell Lake, Wisconsin to accommodate a new Non-Directional Radio Beacon (NDB) Runway 31 instrument approach into Shell Lake Municipal Airport, Shell Lake, Wisconsin established on the basis of a request from the Municipal Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: March 20, 1980.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 60751 of the **Federal Register** dated October 22, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Shell Lake, Wisconsin. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of this Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 20, 1980, as follows:

In § 71.181 (44 FR 442) the following addition should be made:

Shell Lake, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6.5 statute mile radius of the Shell Lake Municipal Airport, Shell Lake, Wisconsin, (Lat. 45°45'N; Long. 91°55'W) and 3.0 miles each side of the 325° true bearing to the Shell Lake (SSQ) NDB (Lat. 45°43'55"N; Long. 91°55'05"W) extending from the 6.5 mile radius area out to 8.5 miles.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-50, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Ill., on December 7, 1979.

Wm. S. Dalton,

Acting Director, Great Lakes Region.

[FR Doc. 79-39286 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 95

[Docket No. 19907; Amdt. No. 95-289]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Gary W. Wirt, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C., on December 17, 1979.

James M. Vines,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Versi INT, W Va	Libbr INT, W Va	3000
Libbr INT, W Va	Clarksburg, W Va VOR	3100
Pueblo, Colo LOM	Pynon INT, Colo (Via COS 169 RAD) COP 17 NM PU	7600
Pynon INT, Colo	Colorado Springs, Colo VOR	9400

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Pueblo, Colo LOM	Pinon INT, Colo (Via COS 169 RAD) COP 17 NM PU	7600
Pinon INT, Colo	Colorado Springs, Colo VOR	9400

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Duluth, Minn. VOR	Traverse City, Mich VOR	24000

§95.5000 HIGH ALTITUDE RNAV ROUTES

J888R is amended to read in part:

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Amott, Alas. W/P	107	75 Amott	245/065 to COP	18000	45000
Malos, Alas W P			244/064 to Malos		

J996R is amended to read in part:

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Carbu, Alas. W/P	114	11 Carbu	047/227 to COP	18000	45000
Amott, Alas W/P			048/228 to Amott		

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

FROM	TO	MEA
*Potes INT, Ind *4000—MRA	Boiler, Ind VOR	2500

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Bryce Canyon, Utah VOR Via N alter *10000—MRA **13300—MOCA	*Greel INT, Utah Via N alter	**16000
Greel INT, Utah Via N alter *14000—MCA Sakes INT, W-bound **13300—MOCA	*Sakes INT, Utah Via N alter	**16000

§95.6009 VOR FEDERAL AIRWAY 9
is amended to read in part:

FROM	TO	MEA
McComb, Miss. VOR Via E alter *3400 — MRA	*Brandon INT, Miss Via E alter	2000
Brandon INT, Miss Via E alter	Jackson, Miss VOR Via E alter	2000

§95.6010 VOR FEDERAL AIRWAY 10
is amended to read in part:

FROM	TO	MEA
Plano INT, Ill *2100 — MOCA	Vains INT, Ill	*4000

§95.6012 VOR FEDERAL AIRWAY 12
is amended to read in part:

FROM	TO	MEA
Zuni, N M VOR *10000 — MCA McCarty INT, W-bound	*McCarty INT, N M	11000
Acoma INT, N M Via S alter *8400 — MOCA	Albuquerque, N M VOR Via S alter	*9000
Otto, N M VOR *9400 — MOCA	Anton Chico, N M VOR	*10000
Anton Chico, N M VOR	Tucumcari, N M VOR	7700
Tucumcari, N M VOR *6500 — MRA **5500 — MOCA	*Vegge INT, N M	**6000
Vegge INT, N M	Amarillo, Tex VOR	6000
Amarillo, Tex VOR	Gage, Okla VOR	5000
Brisc INT, Tex Via S alter	Gage Okla VOR Via S alter	4800
Borger, Tex VOR Via N alter	Gage, Okla VOR Via N Alter	4800

§95.6013 VOR FEDERAL AIRWAY 13
is amended by adding:

FROM	TO	MEA
Palacios, Tex VOR Via W alter *1700 — MOCA	Humble, Tex VOR Via W alter	*2500

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Harlingen, Tex VOR	Raymo INT, Tex	1600
Raymo INT, Tex.	Ascot INT, Tex	*4000
*1300 – MOCA		
Pogoe INT, Tex	Corpus Christi, Tex VOR	1600
Corpus Christi, Tex VOR	Worry INT, Tex	1700
Austs INT, Tex	Palacios, Tex VOR	1700
Humble, Tex VOR	Daisetta, Tex VOR	
Via E alter	Via E alter	2000
Daisetta, Tex VOR	Lufkin, Tex VOR	
Via E alter	Via E alter	2000
Texarkana, Ark VOR	*Pandy INT, Ark	2300
*5000 – MRA		
Pandy INT, Ark	Deens INT, Ark	2300

§95.6014 VOR FEDERAL AIRWAY 14
is amended to read in part:

FROM	TO	MEA
Childress, Tex VOR	Hobart, Okla VOR	3700
Hobart, Okla VOR	*Waste INT, Okla	3500
*3500 – MRA		
Minco INT, Okla	Oklahoma City, Okla VOR	3000
Oklahoma City, Okla VOR	Sapulpa INT, Okla	
Via S alter	Via S alter	4000
Tulsa, Okla VOR	Adair INT, Okla	2500
Adair INT, Okla	Neosho, Mo VOR	2900
Tulsa, Okla VOR	Vinto INT, Okla	
Via N alter	Via N alter	2600
Vinto INT, Okla	Neosho, Mo VOR	
Via N alter	Via N alter	2900
*Pryor INT Okla	Neosho, Mo VOR	
Via S alter	Via S alter	2900
*2900 – MRA		

§95.6015 VOR FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Sealy INT, Tex	Prari INT, Tex	
Via W alter	Via W alter	*3500
*1700 – MOCA		
Prari INT, Tex	Couth INT, Tex	
Via W alter	Via W alter	2000
Couth INT, Tex	College Station, Tex VOR	
Via W alter	Via W alter	1900
College Station, Tex VOR	Satty INT, Tex	2200
Satty INT, Tex	Waco, Tex VOR	2000
Scurry, Tex VOR	Blue Ridge, Tex VOR	2400
Blue Ridge, Tex VOR	Ardmore, Okla VOR	2600
Ardmore, Okla VOR	Pharo INT, Okla	3000
Pharo INT, Okla	Okmulgee, Okla VOR	2500
Ardmore, Okla VOR	Okmulgee, Okla VOR	
Via E alter	Via E alter	3000
*Pryor INT, Okla	Neosho, Mo VOR	2900
*2900 – MRA		

§95.6016 VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Salt Flat, Tex VOR	Dilli INT, Tex	8000
Midland, Tex VOR	Big Spring, Tex VOR	
Via S alter	Via S alter	4400
Big Spring, Tex VOR	Weepe INT, Tex	4200
Weepe INT, Tex	*Loran INT, Tex	4500
*6500 – MRA		
Loran INT, Tex.	Merke INT, Tex	4500
Abilene, Tex VOR	Truss INT, Tex	3100
Truss INT, Tex	Millsap, Tex VOR	*3700
*3100 – MOCA		
Quitman, Tex VOR	Texarkana, Ark VOR	2300
Seal Beach, Calif. VOR	*Jogit INT, Calif	
Via S alter	Via S alter	**4000
*6000 – MCA Jogit INT, E-bound		
**2000 – MOCA		
Jogit INT, Calif	*Kayoh INT, Calif	
Via S alter	Via S alter	6000
*7400 – MCA Kayoh INT, E-bound		
Kayoh INT, Calif	March, Calif. VOR	
Via S alter	Via S alter	8000

§95.6017 VOR FEDERAL AIRWAY 17
is amended to read in part:

FROM	TO	MEA
Laredo, Tex VOR	*Kahan INT, Tex	2300
*5000 – MRA		
San Antonio, Tex. VOR	*Winks INT, Tex	3000
*3200 – MRA		
Winks INT, Tex.	*Budat INT, Tex	3000
*3500 – MRA		
Austin, Tex. VOR	*Grown INT, Tex	2500
*4000 – MRA		
Grown INT, Tex.	Belton INT, Tex	2500
Waco, Tex. VOR	*Willi INT, Tex	2000
*4000 – MRA		
Willi INT, Tex.	Acton, Tex VOR	2500
Bridgeport, Tex VOR	Icona INT, Tex	2900
Icona INT, Tex	Duncan, Tex VOR	2800
Duncan, Tex. VOR	Alexx INT, Tex	3000
Alexx INT, Tex.	Oklahoma City, Okla VOR	2800
Oklahoma City, Okla. VOR	*Curri INT, Okla	
Via W alter	Via W alter	3500
*4300 – MRA		
Rolls INT, Okla	Gage, Okla VOR	
Via W alter	Via W alter	4000

§95.6018 VOR FEDERAL AIRWAY 18
is amended to read in part:

FROM	TO	MEA
Shreveport, La VOR	*Cotta INT, La	
Via N alter	Via N alter	2000
*3000 – MRA		
Cotta INT, La.	Monroe, La VOR	
Via N alter	Via N alter	2000
Monroe, La VOR	*Pecks INT, Miss	
Via N alter	Via N alter	2300
*2800 – MRA		

§95.6020 VOR FEDERAL AIRWAY 20
is amended to read in part:

FROM	TO	MEA
Pogoe INT, Tex	Corpus Christi, Tex VOR	1600
Corpus Christi, Tex. VOR	Copan INT, Tex	1600
Copan INT, Tex	Boint INT, Tex	1700
Hobby, Tex. VOR	Beaumont, Tex VOR	1800

§95.6025 VOR FEDERAL AIRWAY 25
is amended to read in part:

FROM	TO	MEA
Red Bluff, Calif VOR	Baudr INT, Calif	4000
Baudr INT, Calif	*Itmor INT, Calif	5000
*7000 – MCA Itmor INT, N-bound		

§95.6035 VOR FEDERAL AIRWAY 35
is amended to read in part:

FROM	TO	MEA
Glade Spring, Va. VOR	Stacy INT, Va.	*6000
*5200 – MOCA		
Charleston, W.Va. VOR	Benzo INT, W. Va	4000

§95.6036 VOR FEDERAL AIRWAY 36
is amended to read in part:

FROM	TO	MEA
Sault Ste Marie, Mich VOR	U. S. Canadian Border	*3000
*2100 – MOCA		

§95.6054 VOR FEDERAL AIRWAY 54
is amended to read in part:

FROM	TO	MEA
Quitman, Tex VOR	Texarkana, Ark VOR	2300
Lonns INT, Ark	Little Rock, Ark VOR	
Via N alter	Via N alter	2000

§95.6062 VOR FEDERAL AIRWAY 62
is amended to read in part:

FROM	TO	MEA
Texico, N.M. VOR	Spade INT, Tex	5700

§95.6063 VOR FEDERAL AIRWAY 63
is amended to read in part:

FROM	TO	MEA
Davenport, Iowa VOR	Rockford, Ill VOR	2700
Rockford, Ill. VOR	Janesville, Ill VOR	2700
Razorback, Ark VOR	Gamps INT, Mo	3000

§95.6066 VOR FEDERAL AIRWAY 66
is amended to read in part:

FROM	TO	MEA
El Paso, Tex VOR	Hudspeth, Tex VOR	7400
Bridgeport, Tex VOR	Blue Ridge, Tex VOR	2800
Blue Ridge, Tex	Sulphur Springs, Tex VOR	2300
Sulphur Springs, Tex VOR	Texarkana, Ark VOR	
Via S Alter	Via S Alter	2300

§95.6068 VOR FEDERAL AIRWAY 68
is amended to read in part:

FROM	TO	MEA
Hobbs, N.M. VOR	Aneel INT, Tex	5200
Aneel INT, Tex	Midland, Tex VOR	5000
Hobbs, N.M. VOR	Gomit INT, Tex	
Via S Alter	Via S Alter	5200
Gomit INT, Tex.	Midland, Tex VOR	
Via S alter	Via S alter	5000
Steep INT, Tex.	Tankr INT, Tex	4400
Tankr INT, Tex.	San Angelo, Tex. VOR	3700
Midland, Tex VOR	Deric INT, Tex	
Via S alter	Via S alter	4400
Deric INT, Tex	San Angelo, Tex VOR	
Via S alter	Via S alter	*5000
*4100 – MOCA		
San Angelo, Tex VOR	Junction, Tex VOR	4000
San Angelo, Tex VOR	Junction, Tex VOR	
Via S alter	Via S alter	4000
Dossy INT, Tex	*Comfy INT, Tex	4000
*4000 – MRA		
Comfy INT, Tex	*Tatar INT, Tex	3500
*4300 – MRA		
Tatar INT, Tex	San Antonio, Tex. VOR	3500

§95.6069 VOR FEDERAL AIRWAY 69
is amended to read in part:

FROM	TO	MEA
Shreveport, La VOR	*Cotta INT, La	2000
*3000 – MRA		
Cotta INT, La.	El Dorado, Ark VOR	2000
Shreveport, La. VOR	*Cotta INT, La	
Via W alter	Via W alter	2000
*3000 – MRA		
Cotta INT, La.	*Foste INT, La.	
Via W alter	Via W alter	2000
*3500 – MRA		
Foste INT, La	El Dorado, Ark VOR	
Via W alter	Via W alter	2000
El Dorado, Ark VOR	Pine Bluff, Ark VOR	2000

§95.6070 VOR FEDERAL AIRWAY 70
is amended to read in part:

FROM	TO	MEA
Corpus Christi, Tex. VOR	Copan INT, Tex	1600
Copan INT, Tex.	Boint INT, Tex.	1700
Palacios, Tex VOR	Delve INT, Tex.	1800
Ticks INT, La	Picayune, Miss VOR	1900

§95.6071 VOR FEDERAL AIRWAY 71
is amended to read in part:

FROM	TO	MEA
Baton Rouge, La VOR	*Wrock INT, La	2000
*3000 – MRA		
Razorback, Ark VOR	Gamps INT, Mo	
Via W alter	Via W alter	3000

§95.6074 VOR FEDERAL AIRWAY 74
is amended to read in part:

FROM	TO	MEA
Pioneer, Okla VOR	Manon INT, Okla.	2700
Swall INT, Okla	Shorn INT, Okla	
Via N. alter	Via N alter	3300
Brano INT, Ark	*Scran INT, Ark	
Via N alter	Via N alter	2500
*3300 – MRA		
Bibbs INT, Ark.	Little Rock, Ark VOR	
Via N alter	Via N alter	3500
Little Rock, Ark VOR	Pine Bluff, Ark VOR	
Via N alter	Via N alter	2000

§95.6076 VOR FEDERAL AIRWAY 76
is amended to read in part:

FROM	TO	MEA
Patts INT, Tex	Big Spring, Tex VOR	4500
Big Spring, Tex. VOR	Hyman, Tex. VOR	4000
Hyman, Tex VOR	*Wator INT, Tex	4400
*7000 – MRA		
Wator INT, Tex.	San Angelo, Tex VOR	4400
Evile INT, Tex.	Bredy INT, Tex	3800
Bredy INT, Tex	Lland, Tex VOR	3500
Austin, Tex VOR	*Butler INT, Tex	2400
*3000 – MRA		
Industry, Tex VOR	Eagle Lake, Tex VOR	
Via S alter	Via S alter	2000

§95.6077 VOR FEDERAL AIRWAY 77
is amended to read in part:

FROM	TO	MEA
Abilene, Tex. VOR	*Woven INT, Tex	3500
*6000 – MRA		

Abilene, Tex VOR	*Worth INT, Tex	
Via E alter	Via E alter	**3800
*4000 – MRA		
**3100 – MOCA		
Worth INT, Tex	*Arche INT, Tex	
Via E alter	Via E alter	3800
*4000 – MRA		
Arche INT, Tex.	Wichita Falls, Tex VOR	
Via E alter	Via E alter	3000
*Wichita Falls, Tex VOR	Foyer INT, Okla	2900
*3000 – MCA Wichita Falls VOR, SW-bound		
Tells INT, Okla	Duncan, Okla VOR	
Via E alter	Via E alter	2600
Duncan, Okla VOR	Alexx INT, Okla	
Via E alter	Via E alter	3000
Oklahoma City, Okla VOR	Pioneer, Okla VOR	2900
Alexx INT, Okla	Oklahoma City, Okla VOR	
Via E alter	Via E. alter	2800

§95.6081 VOR FEDERAL AIRWAY 81
is amended to read in part:

FROM	TO	MEA
Merge INT, Tex	Patts INT, Tex	4500
Lubbock, Tex VOR	Plainview, Tex VOR	5000
Plainview, Tex VOR	*Yocan INT, Tex	5000
*7000 – MRA		
Yocan INT, Tex	Amarillo, Tex VOR	5000
Plainview, Tex VOR	*Forkk INT, Tex	
Via E alter	Via E alter	5000
*7500 – MRA		
Forkk INT, Tex	Amarillo, Tex VOR	
Via E alter	Via E alter	5000
Lantt INT, Tex	Dalhart, Tex VOR	5700

§95.6088 VOR FEDERAL AIRWAY 88
is amended to read in part:

FROM	TO	MEA
Tulsa, Okla VOR	Vinta INT, Okla	2600

§95.6094 VOR FEDERAL AIRWAY 94
is amended to read in part:

FROM	TO	MEA
Deming, N.M. VOR	Hubey INT, N M	
Via S. alter	Via S alter	*9000
*7600 – MOCA		
Hubey INT, N M	Newman, N M VOR	
Via S alter	Via S alter	9200
Newman, Tex VOR	Salt Flat, Tex. VOR	8800
Salt Flat, Tex VOR	Dilli INT, Tex.	8000
Hyman, Tex. VOR	Tuscola, Tex VOR	4000
Canton INT, Tex.	Gregg Co Tex VOR	2000
Gregg Co Tex VOR	Elm Grove, La VOR	2000

§95.6102 VOR FEDERAL AIRWAY 102
is amended to read in part:

FROM	TO	MEA
Salt Flat, Tex VOR	Carlsbad, N M VOR	
Via S alter	Via S alter	8000

§95.6110 VOR FEDERAL AIRWAY 110
is amended to read in part:

Deming, N M VOR	Truth or Consequences, N M VOR	8000

§95.6112 VOR FEDERAL AIRWAY 112
is amended to read in part:

FROM	TO	MEA
Pasco, Wash. VOR	Watsy INT, Wash	
Via W. alter	Via W alter	3500
Watsy INT, Wash.	*Graph INT, Wash	
Via W. alter	Via W. alter	5000
*6000 – MRA		

§95.6114 VOR FEDERAL AIRWAY 114
is amended to read in part:

FROM	TO	MEA
Childress, Tex. VOR	Vasty INT, Tex	3700
Vasty INT, Tex.	Wichita Falls, Tex VOR	3000
Kiowa INT, Tex.	Blue Ridge, Tex VOR	2500
Blue Ridge, Tex VOR	Quitman, Tex. VOR	2300
Childress, Tex. VOR	*Sneed INT, Tex	
Via S. alter	Via S. alter	4000
*4000 – MRA		
*Nuboy INT, La.	Boyce INT, La.	
	E-bound	2000
*6000-MRA	W-bound	4500
*Nuboy INT, La.	Boyce INT, La.	
Via N. alter	Via N. alter	
	E-bound	2000
*6000-MRA	W-bound	4500

§95.6124 VOR FEDERAL AIRWAY 124
is amended to read in part:

FROM	TO	MEA
Lonns INT, Ark	Little Rock, Ark. VOR	2000

§95.6127 VOR FEDERAL AIRWAY 127
is amended to read in part:

FROM	TO	MEA
Polo, Ill. VOR	Rockford, Ill. VOR	2700

§95.6131 VOR FEDERAL AIRWAY 131
is amended to read in part:

FROM	TO	MEA
McAlester, Okla. VOR	*Hoffe INT, Okla.	2700
*4700 – MRA		
Hoffe INT, Okla.	Okmulgee, Okla. VOR	2700

§95.6136 VOR FEDERAL AIRWAY 136
is amended to read in part:

FROM	TO	MEA
So. Boston, Va. VOR	Durham INT, N.C.	2600

§95.6140 VOR FEDERAL AIRWAY 140
is amended to read in part:

FROM	TO	MEA
Amarillo, Tex. VOR	Gooni INT, Tex	5000
Brisc INT, Tex.	Sayre, Okla. VOR	
Via N. alter	Via N. alter	4800
Walnut Ridge, Ark. VOR	Helms INT, Mo	2400

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

FROM	TO	MEA
Bridgeport, Tex. VOR	Ardmore, Okla. VOR	3000
Tulsa, Okla. VOR	Novel INT, Okla	2500

§95.6163 VOR FEDERAL AIRWAY 163
is amended to read in part:

FROM	TO	MEA
Brownsville, Tex. VOR	Manny INT, Tex	1500
Manny INT, Tex.	Ascor INT, Tex.	*4000
*1300 – MOCA		

Pogoe INT, Tex.	Corpus Christi, Tex. VOR	1600
Madre INT, Tex.	Raymo INT, Tex.	
Via W. alter	Via W. alter	1600
Raymo INT, Tex.	Jetty INT, Tex.	
Via W. alter	Via W. alter	*4000
*1300 – MOCA		
Corpus Christi, Tex. VOR	Sinto INT, Tex.	1700
Sinto INT, Tex.	Three Rivers, Tex. VOR	1900
Corpus Christi, Tex. VOR	Athis INT, Tex.	
Via W. alter	Via W. alter	1700
Athis INT, Tex.	Three Rivers, Tex. VOR	
Via W. alter	Via W. alter	1800
Three Rivers, Tex. VOR	*Yenns INT, Tex.	2000
*3000 – MRA		
San Antonio, Tex. VOR	*Guadu INT, Tex.	
Via W. alter	Via W. alter	4000
*4300 – MRA		
Llano, Tex. VOR	*Built INT, Tex.	
Via W. alter	Via W. alter	**4500
*5000 – MRA		
**2800 – MOCA		
Built INT, Tex.	Acton, Tex. VOR	
Via W. alter	Via W. alter	3000
Bridgeport, Tex. VOR	Ardmore, Okla. VOR	3000
Ardmore, Okla. VOR	Musks INT, Okla.	3000
Musks INT, Okla.	*Waney INT, Okla.	2800
*4000 – MRA		
Waney INT, Okla.	Oklahoma City, Okla. VOR	2800
Ardmore, Okla. VOR	Alexx INT, Okla.	
Via W. alter	Via W. alter	3000
Alexx INT, Okla.	Oklahoma City, Okla. VOR	
Via W. alter	Via W. alter	2800

§95.6181 VOR FEDERAL AIRWAY 181
is amended to read in part:

FROM	TO	MEA
Watertown, S.D. VOR	Fargo, N.D. VOR	
Via E. alter	Via E. alter	*3800
*3300 – MOCA		

§95.6187 VOR FEDERAL AIRWAY 187
is amended to read in part:

FROM	TO	MEA
*Missy INT, N.M.	Farmington, N.M. VOR	8700
*9000 – MRA		

§95.6190 VOR FEDERAL AIRWAY 190
is amended to read in part:

FROM	TO	MEA
*Acoma INT, N.M.	**Albuquerque, N.M. VOR	9000
*11500 – MCA Acoma INT, SW-bound		
**11500 – MCA Albuquerque VOR, NE-bound		
Albuquerque, N.M. VOR	Renco INT, N.M.	13000

§95.6198 VOR FEDERAL AIRWAY 198
is amended to read in part:

FROM	TO	MEA
Eagle Lake, Tex. VOR	Scholes, Tex. VOR	
Via S. alter	Via S. alter	2500
Scholes, Tex. VOR	Sabine Pass, Tex. VOR	
Via S. alter	Via S. alter	1700

§95.6198 VOR FEDERAL AIR 198

FROM	TO	MEA
San Simon, Ariz. VOR	Columbus, N.M. VOR	8700
El Paso, Tex. VOR	Hudspeth, Tex. VOR	7400
Dowes INT, Tex.	Ft. Stockton, Tex. VOR	5000
Dossy INT, Tex.	*Comfy INT, Tex.	4000
*4000 – MRA		
Comfy INT, Tex.	*Tatar INT, Tex.	3500
*4300 – MRA		
Tatar INT, Tex.	San Antonio, Tex. VOR	3500
San Antonio, Tex. VOR	Churn INT, Tex.	2700
Hobby, Tex. VOR	Smith INT, Tex.	1800

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part:

FROM	TO	MEA
Curri INT, Okla.	Oklahoma City, Okla. VOR	3500

§95.6212 VOR FEDERAL AIRWAY 212
is amended to read in part:

FROM	TO	MEA
Wemar INT, Tex.	Industry, Tex. VOR	2000
Industry, Tex. VOR	Navasota, Tex. VOR	2000
Navasota, Tex. VOR	Lufkin, Tex. VOR	2000
Alexandria, La. VOR	Johon INT, La.	2000

§95.6269 VOR FEDERAL AIRWAY 269
is amended to read in part:

FROM	TO	MEA
Salmon, Ida. VOR	McCall, Ida. VOR	12000
McCall, Ida. VOR	Hovel INT, Ore.	12000

§95.6272 VOR FEDERAL AIRWAY 272
is amended to read in part:

FROM	TO	MEA
Dalhart, Tex. VOR	Borger, Tex. VOR	5700
Borger, Tex. VOR	Sayre, Okla. VOR	4800
Sayre, Okla. VOR	Bessi INT, Okla.	3900
Bessi INT, Okla.	Unity INT, Okla.	3500
Unity INT, Okla.	Oklahoma City, Okla. VOR	2900
Waxey INT, Okla.	Oklahoma City, Okla. VOR	
Via N. alter	Via N. alter	3500

§95.6278 VOR FEDERAL AIRWAY 278
is amended to read in part:

FROM	TO	MEA
Texico, N.M. VOR	Plainview, Tex. VOR	5800
Bridgeport, Tex. VOR	Blue Ridge, Tex. VOR	2800

§95.6280 VOR FEDERAL AIRWAY 280

FROM	TO	MEA
Pinon, N.M. VOR	*Hopet INT, N.M.	8800
*7400 – MCA Hopet INT, SW-bound		
Amarillo, Tex. VOR	Gage, Okla. VOR	5000

§95.6283 VOR FEDERAL AIRWAY 283

FROM	TO	MEA
Seal Beach, Calif. VOR	*Jogit INT, Calif.	**4000
*6000 – MCA Jogit, INT, E-bound		
**2000 – MOCA		
Jogit INT, Calif.	*Kayoh INT, Calif.	6000
*7400 – MCA Kayoh INT, E-bound		
Kayoh INT, Calif.	March, Calif. VOR	8000

§95.6289 VOR FEDERAL AIRWAY 289

FROM	TO	MEA
Beaumont, Tex. VOR	Honey INT, Tex.	2000
Beaumont, Tex. VOR	Silbe INT, Tex.	
Via E. alter	Via E. alter	2000
Lufkin, Tex. VOR	Pipes INT, Tex.	2400
Pipes INT, Tex.	Gregg Co., Tex. VOR	2000

§95.6300 VOR FEDERAL AIRWAY 300

FROM	TO	MEA
Sault Ste Marie, Mich. VOR	U.S. Canadian Border	3000
U.S. Canadian Border	Naash INT, Mich.	3000
Naash INT, Mich	U.S. Canadian Border	*6000
*2100 - MOCA		

§95.6306 VOR FEDERAL AIRWAY 306

is amended to read in part:

FROM	TO	MEA
Couth INT, Tex.	Navasota, Tex VOR	2000
Austin, Tex. VOR	*Butler INT, Tex.	
Via S. alter	Via S. alter	2400
*3000 - MRA		
Navasota, Tex. VOR	Gomer INT, Tex.	2000
Gomer INT, Tex.	Cleep INT, Tex.	*5000
*1800 - MOCA		
Cleep INT, Tex	Daisetta, Tex. VOR	*1900
*1400 - MOCA		
Humble, Tex. VOR	Daisetta, Tex VOR	
Via S. alter	Via S. alter	2000
Daisetta, Tex VOR	Silbe INT, Tex.	2000

§95.6360 VOR FEDERAL AIRWAY 360

FROM	TO	MEA
Sault Ste Marie, Mich VOR	U.S Canadian Border	*3000
*2100 - MOCA		

§95.6367 VOR FEDERAL AIRWAY 367

is amended to read in part:

FROM	TO	MEA
International Falls, Minn. VOR	U.S. Canadian Border	3000

§95.6369 VOR FEDERAL AIRWAY 369

is added to read:

FROM	TO	MEA
Navasota, Tex. VOR	Dallas-Fort Worth, Tex. VOR	*6000
*3400 - MOCA		

§95.6407 HAWAII VOR FEDERAL AIRWAY 7

is amended by adding:

FROM	TO	MEA
Kona, Hawaii VOR	Reefs INT, Hawaii	5000
*Reefs INT, Hawaii	Moana INT, Hawaii	2000
*3600 - MCA Reefs INT, SE-bound		
Moana INT, Hawaii	Lanai, Hawaii VOR	*4000
*2800 - MOCA		

§95.6437 VOR FEDERAL AIRWAY 437

is amended to read in part:

FROM	TO	MEA
Savannah, Ga. VOR	Charleston, S.C VOR	*2000
*1400 - MOCA		

§95.6477 VOR FEDERAL AIRWAY 477

is amended to read in part:

FROM	TO	MEA
Humble, Tex. VOR	Gomer INT, Tex	1700
Gomer INT, Tex.	Dacus INT, Tex	1900

§95.6484 VOR FEDERAL AIRWAY 484

is amended to read in part:

FROM	TO	MEA
Woden INT, Ida.	*Dryad INT, Utah	**12000
*13000 - MCA Dryad INT, S-bound		
**10100 - MOCA		
Dryad INT, Utah	Switz INT, Utah	*#16000
*11900 - MOCA		

#MEA is established with a gap in navigation signal coverage

§95.7010 JET ROUTE NO. 10 is amended by adding:

FROM	TO	MEA	MAA
Wolbach, Neb. VORTAC	Des Moines, Iowa VORTAC	18000	45000

§95.7018 JET ROUTE NO. 18 is amended to delete:

FROM	TO	MEA	MAA
Salina, Kans VORTAC	Kirksville, Mo VORTAC	18000	45000
Kirksville, Mo.	Bradford, Ill VORTAC	18000	45000

§95.7018 JET ROUTE NO. 18 is amended by adding:

FROM	TO	MEA	MAA
Salina, Kans. VORTAC	St Josephs, Mo. VORTAC	18000	45000
St. Josephs, Mo VORTAC	Bradford, Ill. VORTAC	18000	45000

§95.7073 JET ROUTE NO. 73 is amended to read in part:

FROM	TO	MEA	MAA
LaBelle, Fla. VORTAC	Lakeland, Fla VORTAC	18000	45000
Lakeland, Fla. VORTAC	Tallahassee, Fla. VORTAC	18000	45000

§95.7524 JET ROUTE NO. 524 is amended to read:

FROM	TO	MEA	MAA
Bugsy INT, N.Y	U.S. Canadian Border	18000	45000

By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-12 is amended to read in part:			
Dayton, Ohio VOR	Appleton, Ohio VOR	41	Dayton
V-16 is amended by adding:			
Seal Beach, Calif VOR Via S. alter	March, Calif VOR Via S alter	24	Seal Beach
V-283 is amended by adding:			
Seal Beach, Calif. VOR	March, Calif VOR	24	Seal Beach

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
J-18 is amended by adding:			
St Josephs, Mo. VORTAC	Bradford, Ill VORTAC	135	St. Josephs

[FR Doc. 79-39295 Filed 12-21-79; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 770

Base Entry Regulations for Naval Installations in the State of Hawaii

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Navy is adding Subpart C to 32 CFR Part 770 in order to set forth regulations governing entry upon naval installations in the State of Hawaii. These regulations limit entry to authorized persons because naval installations in Hawaii serve military functions vital to national defense. It is essential that military operations and training at naval installations in Hawaii be continued without undue or unnecessary interruption. Additionally, there are several industrial areas within these naval installations where construction activities and the operation of heavy machinery pose grave danger for unauthorized visitors. Further, various types of inherently dangerous materials of a flammable or incendiary nature are stored at naval installations in the State of Hawaii. Proper safeguarding of these materials mandates strict control of visitors in the interest of public safety. It is intended that these regulations apprise members of the general public of the rules governing access to naval installations in the State of Hawaii.

EFFECTIVE DATE: December 26, 1979.

FOR FURTHER INFORMATION CONTACT: Commander G. B. Powell, JAGC, U.S. Navy, Staff Judge Advocate, Headquarters, Commander Naval Base, Pearl Harbor, Hawaii 96860, Telephone No. (808) 471–9713 or (808) 471–9849.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred by 50 U.S.C. 797, as implemented by Department of Defense Directive 5200.8 of August 20, 1954, together with the authority conferred under 5 U.S.C. 301 and 10 U.S.C. 6011, as delegated in 32 CFR 700.701 and 32 CFR 700.714, the Commander, Naval Base, Pearl Harbor, Hawaii, as area coordinator, has adopted entry regulations entitled, "Entry Regulations for Naval Installations in the State of Hawaii." Naval installations in Hawaii serve military functions vital to national defense. In this regard, it is essential that the use of such naval installations be continued without undue interruption. Additionally, due to the nature of industrial activities at several installations, there exist conditions inherently dangerous to the public. Accordingly, these regulations limit entry upon naval installations in the State of Hawaii to authorized personnel and those persons who have obtained advance consent pursuant to these regulations. It has been determined, in accordance with 32 CFR Part 296 and 32 CFR 701.57 that publication of these regulations for public comment prior to adoption is impractical, unnecessary, and contrary to the public interest, since the nature and national importance of the operations conducted at installations covered by this subpart, as well as the inherently dangerous conditions frequently existing at such installations, mandate the immediate and uninterrupted effectiveness of these regulations.

Accordingly, 32 CFR Part 770 is hereby amended by adding a new Subpart C as follows:

Subpart C—Base Entry Regulations for Naval Installations in the State of Hawaii

Sec.

770.25 Purpose.
770.26 Definitions.
770.27 Background.
770.28 Entry restrictions.
770.29 Entry procedures.
770.30 Violations.
770.31 List of major naval installations in the State of Hawaii and cognizant commanders authorized to grant access under these regulations.

Authority: 50 U.S.C. 797; DoD Dir. 5200.8 of August 20, 1954; 5 U.S.C. 301; 10 U.S.C. 6011; 32 CFR 700.702; 32 CFR 770.714.

Subpart C—Base Entry Regulations for Naval Installations in the State of Hawaii

§ 770.25 Purpose.

The purpose of this Subpart is to promulgate regulations governing entry to naval installations in the State of Hawaii.

§ 770.26 Definitions.

For the purpose of this subpart the following definitions apply:

(a) *Naval installations.* A naval installation is a shore activity and is any area of land, whether or not fenced or covered by water, that is administered by the Department of the Navy or by any subordinate naval command. The term "naval installation" applies to all such areas regardless of whether the areas are being used for purely military purposes, for housing, for support purposes, or for any other purpose by a naval command. Section 770.31 contains a list of the major naval installations in Hawaii. This list is not considered to be all inclusive and is included only as a representative guide. For the purposes of this Subpart the area of water within Pearl Harbor is considered to be within a naval installation.

(b) *Outleased areas.* Certain portions of naval installations in Hawaii which are not for the time needed for public use or for which a dual use is feasible have been outleased to private interests. Examples of such outleased areas are the Moanalua Shopping Center and lands such as Waipio Peninsula, which has been outleased for agricultural purposes. For the purpose of this Subpart, outleased areas which are not within fenced portions of naval installations are not considered to be a part of naval installations. Rules for entry onto the outleased areas are made by the lessees, except in the case of Waipio Peninsula where the lessee (Oahu Sugar Company) is not authorized to allow anyone to enter Waipio Peninsula for any purpose not connected with sugar cane production.

§ 770.27 Background.

(a) Naval installations in Hawaii constitute a significant element of the national defense establishment. It is vital to the national defense that the use of such areas be at all times under the positive control of the Department of the Navy. Strict control must be exercised over access to naval installations in order to preclude damage accidental and intentional to Government property, injury to military personnel, and interference in the orderly accomplishment of the mission of command.

(b) There are several industrial areas within naval installations in Hawaii wherein construction activities and the use of heavy machinery pose grave risk of danger to visitors.

(c) Various types of flammable or incendiary materials and ordnance are stored at a number of locations within naval installations in Hawaii.

(d) Classified documents and equipment requiring protection from unauthorized disclosure by Executive order 12065 for reasons of national security are located at various locations within naval installations in Hawaii.

(e) In order to effect the positive control of the Navy over its installations in Hawaii, it is essential that entry onto those installations be restricted to authorized persons only.

(f) These entry regulations are being promulgated under the authority of Commander, Naval Base, Pearl Harbor, who has been assigned as immediate area coordinator for all naval installations in the State of Hawaii by Commander-in-Chief, U.S. Pacific Fleet.

§ 770.28 Entry restrictions.

Each commander is responsible for the security of his/her command. Therefore, entry onto a command or into part of a command may be controlled by the commander through the imposition of such restrictions as may be required by attendant circumstances. Within the State of Hawaii, entry into a naval installation is not permitted without the permission of the responsible commander.

§ 770.29 Entry procedures.

(a) Operational, security, and safety considerations take priority over requests by individuals to visit a naval installation. Consistent with such considerations, visits by members of the general public may be authorized at the discretion of the commander. The commitment of resources which would be required to safeguard the persons and property of visitors as well as military property and personnel must of necessity preclude or severely restrict such visiting. The purpose and duration of the visit and the size of the party and areas to be visited are other considerations which may affect the commander's decision whether to permit visiting by members of the public.

(b) Any person or group desiring to enter a particular naval installation or portion thereof, shall submit a written request to the commander of the installation well enough in advance to allow a reasonable time for reply by mail. Mailing addresses fo commanders of major installations covered by this Subpart are listed in § 770.31. Full compliance with a naval installation's local visitor registration and entry control procedures shall be deemed the equivalent of obtaining the advance consent of the commander for entrance upon the installation for the purpose of this subpart. Authorization to enter one naval installation or a portion of one installation does not necessarily include the authorization to enter any other naval installation or all portions of an installation.

§ 770.30 Violations.

(a) Any person entering or remaining on a naval installation in the State of Hawaii, without consent of the commander or his authorized representative, shall be subject to the penalties of a fine of not more than $500 or imprisonment for not more than six months, or both. See 18 U.S.C. 1382.

(b) Moreover, any person who willfully violates this regulation is subject to a fine not to exceed $5,000 or imprisonment for one year, or both. See 50 U.S.C. 797.

§ 770.31 List of major naval installations in the State of Hawaii and cognizant commander authorized to grant access under these regulations.

(a) *On Oahu.* (1) Naval Base, Pearl Harbor (including the Naval Station, Naval Submarine Base, Naval Shipyard, Naval Supply Center, Naval Public Works Center, Marine Barracks, Ford Island, Bishop Point Dock Area, Commander-in-Chief Pacific Fleet and Commander Naval Logistics Command Headquarters Areas, Johnson Circle Navy Exchange/Commissary Store Area, Navy-Marine Golf Course, miscellaneous other commands, and areas within the Naval Base, Pearl Harbor complex, and the waters of Pearl Harbor). Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(2) Naval Western Oceanography Center, Pearl Harbor. Contact:

Commanding Officer, Naval Western Oceanography Center, Box 113, Pearl Harbor, Hawaii 96860.

(3) Naval Air Station, Barbers Point. Contact:

Commanding Officer, Naval Air Station, Barbers Point, Hawaii 96862.

(4) Naval Communication Area Master Station, Eastern Pacific, Wahiawa. Contact:

Commanding Officer, Naval Communication Area Master Station, Eastern Pacific, Wahiawa, Hawaii 96786.

(5) Naval Magazine (Lualualei, Waikele, and West Loch). Contact:

Commanding Officer, Naval Magazine, Lualualei, Hawaii 96792.

(6) Naval Radio Transmitting Facility, Lualualei. Contact:

Commanding Officer, Naval Base, Pearl Harbor, Hawaii 96860.

(7) Naval and Marine Corps Reserve Training Center, Honolulu. Contact:

Commanding Officer, Naval and Marine Corps Reserve Training Center, Honolulu, 530 Peltier Avenue, Honolulu, Hawaii 96818.

(8) Military Sealift Command Office. Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(9) Mauna Kapu (Pacific Missile Range Facility). Contact:

Commanding Officer, Pacific Missile Range Facility, Hawaiian Area, Barking Sands, Kekaha, Kauai, Hawaii 96752.

(10) Kunia Facility; FORACS III Sites; Degaussing Station, Waipio Peninsula; Damon Tract (Remanant) Opana Communciations Site. Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(11) Outlying areas of the Naval Supply Center, Pearl Harbor (including the Ewa Junction Storage Area, Ewa Drum Storage Area, Manana Supply Area, Pearl City Supply Area, and the Red Hill Fuel Storage Area). Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(12) Pump Stations (Halawa, Waiawa, Red Hill, and Barbers Point). Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(13) Halawa Water Storage Area; Barbers Point, Independent Water Supply Reservoir Site; Sewage Treatment Plant; Fort Kam (tri-service); Utility Corridors, Lynch Park (Ohana Nui). Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(14) Navy housing areas (including Moanalua Terrace, Radford Terrace, Makalapa, Maloelap, Halsey Terrace, Catlin Park, Hale Moku, Pearl Harbor, Naval Shipyard, McGrew Point, Halawa, Hokulani, Manana, Pearl City Peninsula, Red Hill, Iroquois Point, Puuloa, and Camp Stover). Contact:

Commander, Naval Base, Pearl Harbor, Hawaii 96860.

(b) *On Kauai.*

(1) Pacific Missile Range Facility, Barking Sands, Kekaha.

Contact: Commanding Officer, Pacific Missile Range Facility, Hawaiian Area, Barking Sands, Kekaha, Hawaii 96752.

(c) *Other areas.*

(1) Kahoolawe Island. Contact:

Commander, Third Fleet, Pearl Harbor, Hawaii 96860. Also see 32 CFR 763.

(2) Kaula. Contact:

Commander, Third Fleet, Pearl Harbor, Hawaii 96860.

Dated: December 17, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 39342 Filed 12-21-79; 8:45 am]

BILLING CODE 3810-71-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL 1376-4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Clean Air Act requires states to submit plans to control emissions of designated pollutants (e.g. sulfuric acid mist, fluoride and total reduced sulfur compounds) from designated facilities. However, a state is not required to submit a plan if it certifies that no applicable sources are located within the state. Therefore, EPA is today approving certifications submitted by the Alaska Department of Environmental Conservation, the Oregon State Department of Environmental Quality and the Washington State Department of Ecology for negative declarations for certain source categories.

DATE: December 26, 1979.

ADDRESS: The certifications may be examined during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch M/S 629, 1200 Sixth Avenue, Seattle, Washington 98101

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Chief, Technical Support and Special Projects Section, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1125, FTS No. 399-1125

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, requires EPA to establish procedures under which states submit plans to control certain existing sources of certain pollutants. On November 17, 1975 (40 FR 53340), EPA began to implement Section 111(d) by promulgating Subpart B of 40 CFR Part 60, establishing procedures and requirements for adoption and submittal of state plans for control of "designated pollutants" from "designated facilities." Designated pollutants are those not already listed under Section 108(a) of the Act (National Ambient Air Quality Standards) or Section 112(b)(1)(A) (Hazardous Air Pollutants), but for which standards of performance for new source have been established under Section 111(b) (Standards of Performance for New Stationary Sources).

If a state does not have a designated facility within its borders, a state may submit a certification of negative declaration in lieu of a control plan. The States of Alaska, Oregon and Washington have submitted such certifications for various designated pollutants.

EPA is therefore today approving the three (3) certifications of negative declaration.

Part 62 of Chapter I, Title 40, Code of Federal Regulations is amended by adding subparts C, MM and WW as follows:

Subpart C—Alaska

Fluoride Emissions From Phosphate Fertilizer Plants

Sec.
62.350 Identification of plan.

Acid Mist From Sulfuric Acid Plants

62.351 Identification of plan.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

62.352 Identification of plan.

Fluoride Emissions From Primary Aluminum Reduction Plants

62.353 Identification of plan.

* * * * *

Subpart MM—Oregon

Fluoride Emissions From Phosphate Fertilizer Plants

62.9350 Identification of plan.

Acid Mist From Sulfuric Acid Plants

62.9351 Identification of plan.

* * * * *

Subpart WW—Washington

62.11850 Identification of plan.

Authority: Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7411 and 7601).

Subpart C—Alaska

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.350 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Acid Mist From Sulfuric Acid Plants

§ 62.351 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing sulfuric acid plants in the State subject to Part 60, Subpart B of this Chapter.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.352 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing kraft pulp mills in the State subject to Part 60, Subpart B of this Chapter.

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.353 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing primary aluminum reduction plants in the State subject to Part 60, Subpart B of this Chapter.

Subpart MM—Oregon

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.9350 Identification of plan—negative declaration.

The Oregon State Department of Environmental Quality submitted on June 1, 1977, certification that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Acid Mist From Sulfuric Acid Plants

§ 62.9351 Identification of plan—negative declaration.

The Oregon State Department of Environmental Quality submitted on January 27, 1978, certification that there are no existing sulfuric acid plants in the State subject to Part 60, Subpart B of this Chapter.

Subpart WW—Washington

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.11850 Identification of plan—negative declaration.

The Washington State Department of Ecology submitted on August 29, 1979, certification that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

(Sections 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7411 and 7601)).

Date: December 17, 1979

Douglas M. Costle,

Administrator.

[FR Doc. 79-39377 Filed 12-21-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection 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 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a) of the Code of Federal Regulations)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60 (formerly 24 CFR Part 1910).

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

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Fordyce, Dallas County (Docket No. FI 5683).	Jug Creek	Approximately 120 feet upstream of corporate limits	*218
			Approximately 100 feet upstream of US Highway 79B	*240
	Maps available at Director of Administration's Office, City Hall, Fordyce, Arkansas 71742.			
Colorado	Eaton (Town), Weld County (Docket No. FI-5665).	Eaton Draw	Downstream Corporate Limits 100 feet upstream from crossing	*4,789
			County Road 74 150 feet downstream from centerline	*4,802
			County Road 74 at centerline	*4,808
	Maps available at Town Hall, 2231 First Street, Eaton, Colorado 80615.			
Colorado	Frisco (Town), Summit County (Docket No. FI-5673).	Tenmile Creek	Most downstream corporate limit	*9,026
			4th Avenue (Creekside Drive) at centerline	*9,048
			Madison Avenue 50 feet upstream from centerline	*9,069
			Creekside Drive second crossing 20 feet upstream from centerline	*9,082
			U.S. Highway 6 20 feet upstream from centerline	*9,106
			Most upstream corporate limit	*9,108
			80 feet south along Madison Avenue from its intersection with Creekside Drive.	#2
		Meadow Creek	Meadow Creek Drive 40 feet downstream from centerline	*9,030
			Meadow Creek Drive 20 feet upstream from centerline	*9,035
			Ten Mile Drive 30 feet downstream from centerline	*9,045
			Ten Mile Drive 30 feet upstream from centerline	*9,051
			Dirt Road second crossing 60 feet upstream from centerline	*9,056
			Most upstream corporate limit	*9,069
	Maps available at the Town Hall, 300 Main Street, Frisco, Colorado.			
Connecticut	Groton, City, New London County (Docket No. FI-5665).	Long Island Sound	Coastline	*11
			Thames River	*11
			Birch Plain Creek	*11
	Maps available at the Office of the Building and Zoning Officials, Municipal Building.			
Georgia	DeKalb County, Unincorporated Areas (Docket No. FI-5570).	South River	Downstream County Limits (200 feet) upstream from centerline	*663
			Klondike Road (upstream side)	*681
			Flatbridge Road (2,000 feet) upstream from centerline	*695
			Snapfinger Road (upstream side)	*707
			Confluence with Snapfinger Creek	*728
			Flakes Mill Road at centerline	*739
			Waldrop Road at centerline	*757
			Panthervile Road at centerline	*761
			Interstate 285 (200 feet) upstream from centerline	*776
			West Side Place (upstream side)	782
			Moreland Avenue at centerline	*786
		Crooked Creek (Tributary to South River).	Browns Mill Road (downstream side)	*683
			Browns Mill Road (upstream side)	*690
			Berline Drive at centerline	*699
			South Goddard Road (upstream side)	*715
		Tributary "A" Crooked (Tributary to South River).	Confluence with Crooked Creek (Tributary to South River)	*705
			South Goddard Road at centerline	*749
		Pole Bridge Creek	Confluence with Stephenson Creek	*690
			Browns Mill Road at centerline	*690
		Stephenson Creek	Browns Mill Road (downstream side)	*690
			Browns Mill Road (upstream side)	*707

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			South Goddard Road at centerline	*707
			North Goddard Road (40 feet) upstream from centerline	*745
		Clarks Creek	Hearn Road upstream from centerline	*725
			Lombard Road (25 feet) upstream from centerline	*731
			Amsler Road (50 feet) upstream from centerline	*776
		Corn Creek	Confluence with Clark's Creek	*738
			Flakes Mill Road at centerline	*752
		Snapfinger Creek	Dogwood Farm Road (25 feet) upstream from centerline	*732
		Panther Branch	Snapfinger Road (downstream side)	*762
			Snapfinger Road (upstream side)	*767
			Rock Springs Road (125 feet) upstream from centerline	*787
			Thompson Mill Road at centerline	*801
			Minola Road at centerline	*837
		South River Tributary "A"	LeHigh Boulevard (downstream side)	*775
			LeHigh Boulevard (upstream side)	*816
			Flat Shoals Road (upstream side)	*828
			Wesley Chapel Road (40 feet) upstream from centerline	*884
		Conley Creek	River Road at centerline	*748
			Ellingwood Road (300 feet) downstream from centerline	*770
			Boulder Crest Road (250 feet) upstream from centerline	*775
			Conley Road at centerline	*806
			Southern Railroad at centerline	*811
			Moreland Drive (downstream side)	*822
		Cobbs Creek	Flat Shoal Road at centerline	*757
			Rainbow Drive at centerline	*793
			Interstate 20 (upstream side)	*798
			Interstate 285 (40 feet) upstream from centerline	*804
			Snapfinger Road at centerline	*853
			Glenwood Road (30 feet) downstream from centerline	*872
			Brookfield Lane at centerline	*883
			Alverada Way (100 feet) downstream from centerline	*907
			Midway Road at centerline	*924
			Beach Drive (30 feet) upstream from centerline	*931
			Memorial Drive (30 feet) upstream from centerline	*944
		Shoal Creek	Interstate 285 at centerline	*762
			Rainbow Drive at centerline	*798
			Interstate 20 (50 feet) upstream from centerline	*816
			Tony Drive (70 feet) upstream from centerline	*823
			McAfee Road (upstream side)	*860
			Glenwood Road (40 feet) downstream from centerline	*879
			White Oak Drive (80 feet) upstream from centerline	*885
			Memorial Drive (40 feet) downstream from centerline	*901
			Midway Road (upstream side)	*928
		Creek A, Shoal Creek	Tony Drive (50 feet) downstream from centerline	*860
		East Fork Middle Branch Shoal Creek.	Midway Road (100 feet) upstream from centerline	*938
			Columbia Drive (upstream side)	*952
		Fowler Branch	Snapfinger Road (upstream side)	*822
			Glenwood Road (30 feet) upstream from centerline	*873
		Cobbs Creek Tributary "A"	Brookfield Lane (40 feet) upstream from centerline	*884
			Sherry Dale Lane (30 feet) upstream from centerline	*898
			Cornwall Road (50 feet) downstream from centerline	*939
		Blue Creek	Oakvale Road at centerline	*760
			Panthersville Road at centerline	*760
			River Road (60 feet) downstream from centerline	*769
			River Road (50 feet) upstream from centerline	*774
			Bouldercrest Road (upstream side)	*836
			Sautee Terrace (50 feet) upstream from centerline	*873
		Dolittle Creek	Clifton Springs Road (200 feet) upstream from centerline	*765
			Flat Shoals Road (50 feet) upstream from centerline	*799
			Tilson Circle (30 feet) upstream from centerline	*874
			Pinewood Drive at centerline	*883
			McAfee Road (upstream side)	*917
			Barberrie Lane (40 feet) downstream from centerline	*926
			Atlanta City Limits	*936
		Doless Creek	Clifton Springs Road (upstream side)	*763
			Interstate 285 (50 feet) upstream from centerline	*779
			Flat Shoals Road (upstream side)	*816
			Interstate 20 (40 feet) upstream from centerline	*849
		Dolittle Creek, East Branch "B"	Pinewood Drive (90 feet) upstream from centerline	*882
			McAfee Road at centerline	*920
		West Branch Dolittle Creek	Confluence with Dolittle Creek	*789
			Upstream Limit of Detailed Study	*812
		Sugar Creek	Interstate 285 at centerline	*769
			Mary Lou Lane (200 feet) upstream from centerline	*797
			Brannen Road (60 feet) upstream from centerline	*862
			Interstate 20 (upstream side)	*879
			Fayetteville Road (100 feet) upstream from centerline	*893
			Glenwood Avenue at centerline	*915
		East Branch "A" Sugar Creek	Confluence with Sugar Creek	*891
			Upstream Limit of Detailed Study	*907
		East Branch "B" Sugar Creek	Glenwood Avenue (downstream side)	*915
			Upstream Limit of Detailed Study	*926
		Intrenchment Creek	Constitution Road (600 feet) upstream from centerline	*785
			Key Road (90 feet) upstream from centerline	*797
			East Custer Avenue (50 feet) upstream from centerline	*856
			Moreland Avenue (200 feet) downstream from centerline	*861

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		North Branch Intrenchment Creek	Eastland Road (50 feet) upstream from centerline	*860
			Skyhaven Drive (downstream side)	*891
		Swift Creek	Confluence with Yellow River	*723
			Rock Chapel Road at centerline	*758
			Rodgers Lake Road at centerline	*810
			Upstream Limit of Detailed Study	*861
		Tributary "A" Swift Creek	Confluence with Swift Creek	*758
			Georgia Railroad (downstream side)	*803
			Rodgers Lake Road (upstream side)	*872
		Tributary "A" Swift Creek	Georgia Railroad (upstream side)	*810
		Tributary "A"	Maddox Road (downstream side)	*843
		Stone Mountain Creek	Rock Chapel Road (upstream side)	*748
			Rock Bridge Road (200 feet) upstream from centerline	*761
			North Deshon Road (downstream side)	*772
			Steward Mill Road (upstream side)	*790
			Stonewall Jackson Drive/Dam (upstream side)	*843
			Hugh Howell Road at centerline	*843
			Lilburn Stone Mountain Road (150 feet) upstream from centerline	*844
			Silverhill Road upstream from centerline	*855
			McCurdy Road at centerline	*925
		Crooked Creek	South Deshon Road at centerline	*769
			Stephenson Road (300 feet) upstream from centerline	*783
			Alford Road (50 feet) upstream from centerline	*798
			Oakleaf Drive (downstream side)	*889
		Crooked Creek Tributary "A"	Mystery Valley Golf Course Drive (50 feet) upstream from centerline	*839
			Shadow Rock Drive (downstream side)	*917
		Tributary A, Stone Mountain Creek.	Confluence with Stone Mountain	*770
			North Deshon Road (upstream side)	*822
			Upstream Limit of Detailed Study	*846
		Little Stone Mountain Creek	Stone Mountain Parkway at centerline	*843
			Old Stone Mountain Road (75 feet) upstream from centerline	*888
			Lilburn Stone Mountain Road (upstream side)	*937
			Gunstock Drive (30 feet) upstream from centerline	*961
		Parkwood Park Tributary	Coventry Road (downstream side)	*931
			Coventry Road (upstream side)	*942
			Scott Boulevard (downstream side)	*952
		Burnt Fork Creek	Most downstream crossing of Seaboard Coast Line Railroad (downstream side).	*891
			North Druid Hills Road (upstream side)	*915
			Pangborn Road (downstream side)	*957
			Riderwood Drive (downstream side)	*964
			Frazier Road (50 feet) upstream from centerline	*980
			Hudson Road at centerline	*988
			Montreal Circle (500 feet) upstream from centerline	*995
			Interstate 285 at centerline	*1,012
		North Fork Peachtree Creek	Buford Highway at centerline	*827
			Corporate Boulevard at centerline	*839
			Days Inn Road at centerline	*852
			Century Boulevard at centerline	*855
			Shallowford Road (downstream side)	*875
			Flowers Road (South) at centerline	*882
		North Fork Peachtree Creek	Frontage Road (upstream side)	*895
			Perimeter Road-Interstate 285 (downstream side)	*898
			Northcrest Road (upstream side)	*907
			Pleasantdale Road (downstream side)	*912
		Henderson Mill Creek	Confluence with Peachtree Branch	*894
			Henderson Creek Road (upstream side)	*907
			Henderson Mill Road (downstream side)	*921
		South Fork Peachtree Creek	Briarcliff Road (50 feet) downstream from centerline	*836
			Houston Mill Road (upstream side)	*872
			Candle Lake Bridge and Dam (30 feet) upstream from centerline	*878
			Seaboard Coast Line Railroad (120 feet) upstream from centerline	*884
			Willivee Drive at centerline	*901
			Lawrenceville Highway 29 (upstream side)	*915
			Valley Brook Road (upstream side)	*924
			McLendon Drive (upstream side)	*932
			Casa Drive (100 feet) upstream from centerline	*942
			Montreal Road (120 feet) upstream from centerline	*954
			Brockett Road (100 feet) upstream from centerline	*975
			Idlewood Road (upstream side)	*996
			Greer Circle at centerline	*1,021
		Peavine Creek	Old Briarcliff Road (300 feet) upstream from centerline	*838
			Oxford Road (downstream side)	*861
			North Decatur Road at centerline	*866
			Clifton-Oxford Road (upstream side)	*882
			Vickers Drive (130 feet) upstream from centerline	*890
			Durant Falls Drive (downstream side)	*922
			Decatur City Limits	*930
		South Fork Peavine Creek	Confluence with Lullwater Creek	*867
			Clifton Road (upstream side)	*893
			Ponce De Leon Avenue at centerline	*904
		Lullwater Creek	Confluence with South Fork Peavine Creek	*867
			Lullwater Road (downstream side)	*889
			Decatur City Limits	*890

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Peachtree Branch	Confluence with Henderson Mill Creek	*894
			Henderson Mill Road at centerline	*907
		Nancy Creek	Evergreen Drive (upstream side)	*853
			Johnson Ferry Road (upstream side)	*860
			Ashford-Dunwoody Road (downstream side)	*870
			North Shallowford Road (130 feet) upstream from centerline	*929
			North Peachtree Road (upstream side)	*934
			Interstate 285 at centerline	*936
			Tilly Mill Road (downstream side)	*952
	Maps available at DeKalb County Courthouse, 556 North McDonough, Decatur, Georgia 30030.			
Georgia	City of Lawrenceville, Gwinnett Co. (FI-5673).	Pew Creek	Just upstream of Johnson Rd.	*931
			Just upstream of King Arthur Drive	*976
		Pew Creek Tributary 1	Just upstream of Stone Mountain Road	*981
			Just upstream of Georgia Highway 124	*988
		Redland Creek	Just upstream of Georgia Highway 124	*987
			Just upstream of Maltbie St.	*1010
		Shoal Creek	Just upstream of Paper Mill Road	*931
			Just upstream of Ezzard Street	*977
		Yellow River	Approximately 150 feet upstream of Norcross-Lawrenceville Road	*898
			Just downstream of Georgia Highway 316	*901
	Maps available at City Clerk's Office, City Hall, Lawrenceville, Georgia 30248.			
Georgia	City of Statesboro, Bulloch County (FI-5683).	Little Lotts Creek	Just upstream of South Corporate Limits	*187
			Approximately 300 feet downstream of Gentilly Road	*198
			Just upstream of Georgia Highway 67	*205
			Just upstream of South Main Street	*207
			Jones Avenue	*217
			West Grady Street	*217
			Just downstream of West Main Street	*222
			Just upstream of Alkin Street	*226
			Just upstream of Roundtree Street	*232
		Little Lotts Creek Tributary A	Just upstream of Windsor Way	*191
			Approximately 50 feet downstream of Laurel Lane	*199
			Approximately 50 feet downstream of Gentilly Road	*210
		Little Lotts Creek Tributary B	Just downstream of Old Savannah and Statesboro Railroad Fill	*193
			Just upstream of Brannen Street	*204
		Little Lotts Creek Tributary C	Approximately 100 feet upstream of confluence with Little Lotts Creek	*200
			Just upstream of Donehoo Street	*213
		Little Lotts Creek Tributary D	Just upstream of Georgia Highway 67	*208
			Just upstream of Highway 301 (South Main Street)	*211
		Little Lotts Creek Tributary E	Just upstream of Stillwell Street	*212
			Just downstream of East Grady Street	*226
		Little Lotts Creek Tributary F	Just downstream of Cromartie Drive	*217
		Little Lotts Creek Tributary G	Just upstream of Cromartie Drive	*217
			Just upstream of Harden Road	*219
			Just upstream of Johnson Street	*221
		Little Lotts Creek Tributary H	Just downstream of Bulloch Street	*218
			Approximately 130 feet downstream of Johnson Street	*222
		Little Lotts Creek Tributary J	Just upstream of Proctor Street	*222
			Approximately 150 feet downstream of Williams Street	*229
		Mill Creek Tributary	Approximately 340 feet upstream of Packing House Road	*185
		Mill Creek Tributary	Just upstream of US Highway 80, Georgia Highway 26	*201
			Just downstream of Zetterower Avenue	*203
		Mill Creek Tributary Branch 1	Approximately 200 feet upstream of Packinghouse Road	*188
			Just upstream of East Main Street	*222
			Just upstream of US Highway 80	*224
		Mill Creek Tributary Branch 2	Just upstream of Parrish Street (US Highway 301)	*193
			Approximately 40 feet upstream of Whiteville Road	*195
			Approximately 30 feet upstream of Mathews Road	*204
			Poplar Street	*210
		Mill Creek Tributary Branch 3	Just upstream of Zetterower Avenue	*203
		Mill Creek Tributary Branch 4	Approximately 60 feet downstream of Woodrow Circle	*203
			Approximately 75 feet upstream of Woodrow Avenue	*210
	Maps available at City Engineer's Office, City Hall, 26 South Main Street, Statesboro, Georgia 30458.			
Idaho	Clearwater County, Unincorporated Areas (Docket No. FI-5673).	Clearwater River	100 feet upstream confluence with North Fork Clearwater River	*981
			State Highway 7 100 feet upstream of centerline	*1,013
		Orofino Creek	Private Bridge 50 feet upstream of centerline	*1,038
			Konkolville Bridge 50 feet upstream of centerline	*1,188
			1st crossing County Bridge 100 feet upstream of centerline	*1,239
			2nd crossing County Bridge 10 feet upstream of centerline	*1,329
		Whiskey Creek	Whiskey Creek Road (1st crossing) at centerline	*1,217
			Camas Prairie Railroad Bridge 60 feet upstream of centerline	*1,229
			1st crossing Private Bridge 40 feet upstream of centerline	*1,267
			2nd crossing Private Bridge 20 feet upstream of centerline	*1,368
		Jim Ford Creek	Camas Prairie Railroad Bridge 40 feet upstream of centerline	*1,042
			County Bridge 60 feet upstream of centerline	*1,058
			Confluence with Grasshopper Creek 80 feet upstream of centerline	*2,985
		Grasshopper Creek	Confluence with Jim Ford Creek 80 feet upstream of centerline	*2,985
		Elk Creek	Elk River Dam 50 feet upstream of centerline	*2,823
			Elk Creek Bridge 20 feet upstream of centerline	*2,825

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available at Clearwater County Courthouse, Orofino, Idaho.				
Idaho	Garden City (City), Ada County (Docket No. FI-5329).	Boise River	Road 50 feet upsteam from centerline	*2,607
			Glenwood Street Bridge 50 feet upstream from centerline	*,612
			Truman Canal 100 feet upstream from centerline	*2,665
			Main Street Bridge 50 feet upstream from centerline	*2,669
			Fairview Avenue 50 feet upstream from centerline	*2,670
			Union Pacific Railroad Bridge 50 feet upstream from centerline	*2,671
			Americana Boulevard Bridge 50 feet upstream from centerline	*2,672
Maps are available at City Hall, 201 East 50th, Garden City, Idaho.				
Illinois	(V) South Roxana, Madison County (Docket No. FI-5678).	Local runoff and ponding	Northwest corner of the village, covering Daniel Boone Train from State Highway 111 to Smith Avenue, and Velma Avenue near the Highway.	*428
			Southwest corner of the village, covering the corporate limits east of State Highway 111 to the intersection of Sinclair Avenue and Wilson Street.	*428
Maps available at the Office of the Mayor's Assistant, Village Hall, Box 107, 211 Sinclair Avenue, South Roxana, Illinois 62087.				
Kentucky	City of Paintsville, Johnson Co. (FI-5673).	Levisa Fork	Just upstream of Rt. 40 Bridge	*613
		Paint Creek	Just upstream of Rt. 1428 Bridge	*613
			Just upstream of College Street Bridge	*613
			Hoss Mill Branch Road Extended	*613
Maps available at Flood Plain Administrator's Office, City Hall, Paintsville, Kentucky 41210.				
Louisiana	City of Donaldsonville, Ascension Parish (FI-5682).	Mississippi River	Just upstream of corporate limits	*34
		Bayou McCall	Community Lane (extended)	*19
		Ponding Area No. 1	Approximately 200 feet southwest along Mulberry Street from the intersection of Mulberry Street and West Tenth Avenue.	*19
		Ponding Area No. 2	Intersection of Catalpa Street and West Ninth Street	*20
Maps available at City hall, Donaldsonville, Louisiana 70346.				
Maine	Sebec (Town), Piscataquis County (Docket No. FI-5051).	Meadow Brook	Sebec Station Road 25 feet upstream from centerline	*302
			Ladd Road (downstream crossing) 100 feet downstream from centerline.	*349
			Ladd Road (downstream crossing) 100 feet upstream from centerline..	*365
			Ladd Road (upstream crossing) at centerline	*410
			State Route 16 100 feet upstream from centerline	*468
Maps available at Town Office, RFD 2, Box 118, Sebec, Maine 04426.				
Maryland	Snow Hill, Town, Worcester County (Docket No. FI-5673).	Pocomoke River	Downstream Corporate Limits	*6
			State Route #12	*6
			Upstream Corporate Limits	*6
Maps available at the Municipal Building.				
Massachusetts	Avon (Town), Norfolk County (Docket No. FI-4751).	Beaver Brook	Pond Street 50 feet upstream from centerline	*210
			Harrison Boulevard 50 feet upstream from centerline	*211
			State Highway 24 50 feet upstream from centerline	*213
			Old Railroad Grade 50 feet downstream from centerline	*214
			Old Railroad Grade 50 feet upstream from centerline	*226
		Trout Brook	Connelly Road 50 feet upstream from centerline	*116
			Ladge Drive 150 feet downstream from centerline	*123
Maps available at Buckley Center, Avon, Massachusetts 02322.				
Massachusetts	Town of Buckland, Franklin County (Docket No. FI-5550).	Clesson Brook	Confluence with Deerfield River	*485
			Just downstream of Ashfield Road (near Depot Road)	*486
			Just downstream of Ashfield Road (north of confluence of Maynard Brook).	*543
			Just upstream of Upper Road	*636
		Deerfield River	Just above New England Power Company Dam No. 3	*411
			Just upstream of Bridge of Flowers	*415
			Just upstream of U.S. Route 2	*423
			Just above New England Power Company Dam No. 4	*480
			Approximately 3,500 feet upstream of confluence of Clesson Brook	*490
			Upstream corporate limit	*518
Maps available at Town Office, 17 State Street, Buckland, Massachusetts 01370.				
Massachusetts	Peabody, City, Essex County (Docket No. FI-5678).	Ipswich River	Downstream Corporate Limits	*49
			Upstream Corporate Limits	*53
		North River	Downstream Corporate Limits	*11
			Confluence of Proctor Brook	*28
		Proctor Brook	Confluence with North River	*28
			Endicott Street	*40
			Garden Road (Upstream)	*49
			Trask Road Culvert	*56
			Peabody Road (Upstream)	*66
		Strongwater Brook	Confluence with North River	*14
			Main Street Culvert (Upstream)	*19
			Pierpont Street (Downstream)	*24

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Goldthwaite Brook	Confluence with Proctor Brook	*28
			Boston and Maine RR near Tapley Brook (Downstream)	*39
			Boston and Maine RR near Tapley Brook (Upstream)	*45
			Summit Street (Upstream)	*60
			Dam at Corvin Street (Upstream)	*82
			First Avenue (Upstream)	*98
		Tapley Brook	Confluence with Goldthwaite Brook	*45
			Sidneys Pond	*48
		Beverly Harbor	Waters River	*11
Maps available at the Public Services Office, Berry Street, Peabody, Massachusetts.				
Massachusetts	Westborough (Town), Worcester County (Docket No. FI-5057).	Lower Assabet River	Maynard Street at centerline	*280
			George Nichols Dam at centerline	*312
		Upper Assabet River	Old Nourse Street 70 feet upstream from centerline	*332
			Nourse Street at centerline	*335
		Rutters Brook	East Main Street 25 feet upstream from centerline	*285
			Robin Road 35 feet upstream from centerline	*291
		Denny Brook Branch	South Street 20 feet upstream from centerline	*286
			High School Road at centerline	*306
		Jackstraw Brook	Hopkinton Road 100 feet upstream from centerline	*285
			Morse Street 100 feet upstream from centerline	*296
			Warren Street 20 feet upstream from centerline	*332
		Picadilly Brook	Hopkinton Road 10 feet downstream of centerline	*298
			Hopkinton Road 30 feet upstream from centerline	*306
			Belknap Street 20 feet downstream of centerline	*357
			Belknap Street 100 feet upstream from centerline	*363
			Upton Road at centerline	*424
Maps available at Town Hall, West Main Street, Westborough, Massachusetts 01581.				
Michigan	Birmingham (City), Oakland County (Docket No. FI-5665).	Main River Rouge	Maple Street 25 feet upstream from centerline	*725
			Hunter Boulevard 100 feet downstream from centerline	*748
			16 Mile Road at centerline	*750
		Quarton Lake Branch	Quarton Lake Dam 10 feet downstream from centerline	*727
			Quarton Lake Dam 10 feet upstream from centerline	*736
			Redding Street 10 feet upstream from centerline	*748
Maps available at the Office of the City Engineer, City Hall, 151 Martin Street, Birmingham, Michigan.				
Michigan	(TWP) South Haven, Van Buren County (Docket No. FEMA-5702).	Lake Michigan	Entire reach with Township of South Haven	*584
		Black River	Downstream corporate limits	*584
			Just upstream of Interstate 196	*585
			Just upstream of 71½ Street	*586
			Upstream corporate limits	*587
		South Branch Black River	At confluence with Black River	*585
			Upstream corporate limits	*585
		North Branch Black River		
Maps available at Township Hall, M140 and Blue Star Highway, South Haven, Michigan 49090.				
Minnesota	(C) East Bethel, Anoka County (Docket No. FI-5678).	Cedar Creek	Downstream western corporate limits	*883
			500 feet upstream of Sims Road	*892
			Just upstream of 221st Avenue	*896
			Just upstream of State Highway 65	*899
			Just downstream of Gopher Drive	*903
Maps available at City Hall, 2751 Viking Boulevard, N.E., Wyoming, Minnesota 55092.				
Minnesota	(C) LeRoy, Mower County (Docket No. FI-5678).	Upper Iowa River	Eastern corporate limit	*1,261
			Upstream side of County Highway 12	*1,268
			Upstream side of Chicago and North Western Railroad	*1,271
			Upstream side of County Highway 14	*1,272
			Western corporate limit approximately 4,600 feet upstream of Chicago and North Western Railroad.	*1,273
Maps available at LeRoy Municipal Building, P.O. Box V, LeRoy, Minnesota 55951.				
Nebraska	(C) Ralston, Douglas County (Docket No. FI-5688).	Ralston Creek	100 feet upstream of 72nd Street	*1,009
			100 feet downstream of Burlington Northern Railroad	*1,012
			Upstream side of Burlington Northern Railroad	*1,019
			Downstream side of 78th Street	*1,026
			Upstream side of 78th Street	*1,033
			Upstream corporate limit 1,600 feet upstream of 78th Street	*1,044
			500 feet upstream of southwest corporate limit	*1,048
		Big Papillion Creek	Upstream side of 72nd Street	*1,011
			Downstream side of L Street	*1,012
Maps available at City Hall, 77th and State Streets, Ralston, Nebraska 68127.				
New Jersey	Chatham (Township), Morris County (Docket No. 5519).	Passaic River	Mount Vernon Avenue at centerline	*205
			Central Avenue (Fairmont Avenue (50 feet)) upstream from centerline.	*212
			Snyder Avenue at centerline	*214
Maps available at Municipal Building, Southern Boulevard, Chatham, New Jersey 07928.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Flemington, Borough, Hunterdon County (Docket No. FI-5636).	Walnut Brook	Downstream Corporate Limits	*168
			Private Bridge (Upstream)	*172
			Corporate Limits	*174
			State Route 12 (Upstream)	*178
			Limit of Detailed Study	*181
	Maps available at the Clerk's Office, Borough Hall, Flemington, New Jersey.			
New York	Green Island (Village), Albany County (Docket No. FI-5673).	Hudson River	Green Island Bridge remnants 100 feet upstream from centerline	*27
			Confluence with Fifth Branch Mohawk River	*31
		Fifth Branch Mohawk River	Delaware and Hudson Railroad 50 feet upstream from centerline	*31
		State Basin	Albany Avenue 50 feet upstream from centerline	*27
	Maps available at the Village Hall, 20 Clinton Street, Green Island, New York.			
New York	Riverside, Village, Steuben County (Docket No. FI-5639).	Chemung River	Downstream Corporate Limits	*931
			Upstream Corporate Limits	*934
	Maps available at the Village Hall, Painted Post, New York.			
New York	Sand Lake (Town), Rensselaer County (Docket No. FI-5665).	Wynants Kill	Stop 13 Road 50 feet downstream from centerline	*458
			Stop 13 Road 50 feet upstream from centerline	*463
			Brookside Park Road 75 feet upstream from centerline	*499
			State Highway 43 (at station 5,550) 150 feet upstream from centerline	*528
			Thais Road 125 feet upstream from centerline	*582
			Garner Road 150 feet downstream from centerline	*607
			Garner Road at centerline	*614
			Eastern Union Turnpike 50 feet upstream from centerline	*769
			Glass Lake Road 50 feet downstream from centerline	*817
	Maps available at Town Clerk's Office, Town Hall, Routes 43 and 66, Sand Lake, New York.			
North Carolina	Carteret County Unincorporated Areas (Docket No. FI-5673).	Bogue Sound Transition Zone	Jones Street—200 feet northwest from its southernmost point	*9
		Pamlico Sound and Neuse River, Adams Creek, South River.	Piney Island	*11
			Intersection of Turnpike Road and County Highway 1316	*11
		North River	U.S. Highway 70 Bridge—at centerline	*6
			Simons Island	*6
		Bogue Sound, Newport River	Intersection of New Bern Road and County Highway 1161	*7
			Phillips Island	*7
		Adams Creek Canal and Harlowe Creek.	County Highway 1160—100 feet south from intersection with New Bern Road.	*8
		Atlantic Ocean	Wreck Point	*10
			Cape Point	*10
		Core Sound, Pamlico Sound, Atlantic Ocean.	Morgan Island	*8
			Gunning Hammock Island	*8
			Bells Island	*8
			Fortin Island	*8
			Brown Island	*8
			Cricket Island	*8
			Dump Island	*8
			Wainwright Island	*8
			Whalebone Island	*8
			Intersection of Straits Road and Gloucester Road	*8
			Intersection of Nassau Road and Interstate Highway 70	*8
			Intersection of Intersection Highway 70 and County Highway 1371	*8
			Evergreen Island	*8
			Drum Pond Point	*9
			Beach Island	*10
	Maps available at County Courthouse, Beaufort, North Carolina.			
North Carolina	Gibsonville (Town), Alamance and Guilford Counites (Docket No. FI-5665).	Tributary to Travis Creek	Ossipee Street 200 feet upstream from centerline	*612
			Alamance and Guilford County limits	*629
		Back Creek Tributary	U.S. Highway 70 200 feet upstream face of bridge	*599
			Sanitary Landfill Road 100 feet upstream from centerline	*625
	Maps available at Town Hall, 129 West Main Street, Gibsonville, North Carolina.			
North Carolina	Hillsborough (Town); Orange County (Docket No. FI-5665).	Eno River	State Route 1197 at centerline	*509
			State Route 1134 150 feet upstream from centerline	*521
			U.S. Highway 70 (upstream crossing) at centerline	*535
		Cates Creek	U.S. Highway 70 (Business Route) 200 feet upstream from centerline	*522
			Interstate Highway 85 200 feet downstream from centerline	*551
			Interstate Highway 85 200 feet upstream from centerline	*558
			State Route 1009 10 feet downstream from centerline	*592
	Maps available at Town Hall, 101 E. Orange Street, Hillsborough, North Carolina.			
North Carolina	Unincorporated Areas of Tredell County (FI-5683).	Third Creek	Just upstream of I-77	*762
			Just upstream of U.S. Highway 21	*787
			Just upstream of U.S. Highways 64 and 70	*817
		Fourth Creek	Just upstream of Bell Road	*753
			Just downstream of Greenbriar Road	*765
		Morrison Creek	Just upstream of N.C. Highway 115	*825
			Just upstream of North Drive	*836
		West Branch Rocky River	Just upstream of a Farm Bridge	*719

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Branch Rocky River Tributary.	Just upstream of the confluence with West Branch Rocky River	*716
		Dye Creek	Just upstream of SR 1142	*710
			Just upstream of White Oaks Road	*770
		Dye Creek Tributary	Approximately 1500 feet upstream of confluence with Dye Creek	*745
		Rocky River	Just upsteam of SR 1142	*708
			Just downstream of SR 1146	*755
		Back Creek	Just downstream of NC Highway 80	*814
		Reeds Creek	Just downstream of US Highway 21	*761
			Just downstream of NC Highway 150	*796
Maps available at Irdell County Manager's Office, County Office, Annex Building, Center Street, Statesville, North Carolina 28677.				
North Carolina	Salisbury (City), Rowan County (Docket No. FI-5665).	Henderson Branch	Confederate Avenue—40 feet downstream from centerline	*661
			Confederate Avenue—20 feet upstream from centerline	*665
			Annandale Avenue—120 feet downstream from centerline	*666
			Annandale Avenue—40 feet upstream from centerline	*669
			Jackson Street—120 feet downstream from centerline	*687
			Jackson Street—20 feet upstream from centerline	*690
			Church Street—10 feet downstream from centerline	*695
			Church Street—20 feet upstream from centerline	*698
		Henderson Branch Tributary	Henderson Street—at centerline	*695
			Lafayette Street—40 feet downstream from centerline	*708
			Lafayette Street—40 feet upstream from centerline	*709
		Mahaley Branch	Catawba Street—150 feet downstream from centerline	*658
			Catawba Street—50 feet upstream from centerline	*662
			Grove Street—125 feet downstream from centerline	*673
			Grove Street—50 feet upstream from centerline	*682
			Southern Railway—50 feet upstream from centerline	*694
			West Street—75 feet downstream from centerline	*720
			West Street—50 feet upstream from centerline	*724
		Mahaley Branch Tributary	Bank Street—40 feet downstream from centerline	*719
			Bank Street—10 feet upstream from centerline	*721
			West Street—45 feet downstream from centerline	*728
			West Street—10 feet upstream from centerline	*731
		Maple Avenue Branch	Milford Hills Road—100 feet downstream from centerline	*685
			Milford Hills Road—20 feet upstream from centerline	*688
			Eaman Street—80 feet downstream from centerline	*697
			Eaman Street—20 feet upstream from centerline	*700
			Victory Street—50 feet downstream from centerline	*704
			Victory Street—20 feet upstream from centerline	*708
			Wilson Road—50 feet upstream from centerline	*713
		Wiley Avenue Branch	Stanley Street—60 feet downstream from centerline	*698
			Stanley Street—20 feet upstream from centerline	*702
			Jordan Street—60 feet downstream from centerline	*708
			Jordan Street—20 feet upstream from centerline	*709
			Fries Street—100 feet upstream from centerline	*720
			Crosby Street—120 feet downstream from centerline	*735
			Crosby Street—20 feet upstream from centerline	*745
		Park Avenue Branch	Cedar Street—40 feet downstream from centerline	*695
			Cedar Street—140 feet upstream from centerline	*700
		Innis Street Creek	Green Street—100 feet downstream from centerline	*701
			Green Street—200 feet upstream from centerline	*706
			Clay Street—10 feet downstream from centerline	*714
			Clay Street—50 feet upstream from centerline	*719
			Liberty and Shaver Streets—150 feet downstream from centerline	*720
			Liberty and Shaver Streets—50 feet upstream from centerline	*724
		Thomas Street Creek	Boundary Street—10 feet upstream from centerline	*707
			Clay Street—10 feet downstream from centerline	*709
			Clay Street—10 feet upstream from centerline	*712
			Southern Railway—70 feet upstream from centerline	*721
		Main Street Tributary	Military Avenue centerline	*730
		Hopkins Street	Hopkins Street—100 feet downstream from centerline	*710
			Hopkins Street—20 feet upstream from centerline	*714
		Vance Avenue	Hopkins Street—100 feet downstream from centerline	*710
			Hopkins Street—20 feet upstream from centerline	*714
			Carolina and Northwestern Railroad—40 feet downstream from centerline.	*722
		Concord Road Creek	Dolly Madison Industries Entrance Road—70 feet downstream from centerline.	*715
			Dolly Madison Entrance Road—20 feet upstream from centerline	*718
			Service Road—10 feet downstream from centerline	*723
			Service Road—20 feet upstream from centerline	*728
			Interstate 85—10 feet downstream from centerline	*730
			Interstate 85—50 feet upstream from centerline	*731
		Tar Branch	Faith Road—100 feet downstream from centerline	*717
			Faith Road—80 feet upstream from centerline	*722
			Rowan Circle—20 feet upstream from centerline	729
			Rose Avenue—120 feet downstream from centerline	*742
			Rose Avenue—80 feet upstream from centerline	*747
			Carolina Boulevard—40 feet upstream from centerline	*762
		Tar Branch Tributary	Rose Avenue—20 feet upstream from centerline	*745
			Carolina Boulevard—20 feet upstream from centerline	*761
		Town Creek	Bringle Ferry Road at centerline	*689
			Innis Street—300 feet upstream from centerline	*698
			Vance Avenue—150 feet upstream from centerline	*710
			Klumac Street at centerline	*715

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Crane Creek	Stokes Ferry Road—100 feet upstream from centerline	*700
			U.S. Highway 52—100 feet downstream from centerline	*701
			Southern Railway at centerline	*705
		Grants Creek	Old Mocksville Road—20 feet upstream from centerline	*648
			U.S. Highway 601—40 feet upstream from centerline	*655
			U.S. Highway 70—100 feet upstream from centerline	*681
			Southern Railway 100 feet upstream from centerline	*667
			Old Wilkesboro Road 100 feet upstream from centerline	*669
			Annexed area south of Cedar Springs Road downstream corporate limit.	*691
			Annexed area south of Cedar Springs Road upstream corporate limits	*693
		Woodleaf Branch	Lincolnton Road 120 feet downstream from centerline	*679
	Maps available at City Clerk's Office, 132 North Main, Salisbury, North Carolina.			
North Dakota	Napoleon (City), Logan County (Docket No. FI-5673).	McKenna Coulee River	Downstream corporate limits 350 feet upstream from centerline	*1,947
			Third Street West 200 feet downstream from centerline	*1,952
			Soo Line Railroad 200 feet downstream from centerline	*1,957
	Maps available at City Hall, 105 West Third, Napoleon, North Dakota 58561.			
Oklahoma	City of Edmond, Oklahoma County (FI-5683).	Deep Fork	Just upstream of Choctaw Road	*932
			Just upstream of Edmond Road (U.S. Highway 66)	*969
			Just upstream of Midwest Boulevard	*995
		Tinker Creek	Just downstream of 150th Street	*1,006
		Deep Fork Tributary 4	Just upstream of I-35	*1,058
		Coffee Creek	Just upstream of Douglas Boulevard	*978
			Just upstream of Air Depot Boulevard	*1,021
		Coffee Creek Tributary 1	Just upstream of Covell Road	*1,026
		Coffee Creek Tributary 2	Just upstream of Covell Road	*1,088
		Coffee Creek Tributary 3	Just upstream of Coffee Creek Road	*1,083
		Cowbell Creek	Just upstream of Coffee Creek Road	*1,023
			Just downstream of Sorghum Mill Road	*1,037
		Cowbell Creek Tributary 1	Just upstream of Coffee Creek Road	*1,030
			Just upstream of Sooner Road	*1,084
		Peavine Creek	Just upstream of Sorghum Mill Road	*1,051
		Spring Creek	Approximately 150 feet downstream of Midwest Boulevard	*993
			Just downstream of Interstate 35	*1,031
			Just upstream of Pine Oak Street	*1,100
		Spring Creek Tributary 1	Approximately 120 feet downstream of Edmond Road	*1,065
		Spring Creek Tributary 2	Approximately 100 feet downstream of South 15th Street	*1,063
			Just downstream of Coltrane Road	*1,088
		Spring Creek Tributary 3	Just downstream of Bryant Avenue	*1,092
		Chisholm Creek	Just downstream of Coffee Creek Road	*1,030
			Just downstream of Covell Road	*1,040
		Chisholm Creek Tributary 1	Just upstream of Coffee Creek Road	*1,050
			Just downstream of North Kelly Avenue	*1,089
		Chisholm Creek Tributary 2	Approximately 200 feet downstream of Covell Road	*1,043
			Just upstream of Sante Fe Road	*1,085
		Chisholm Creek Tributary 3	Approximately 350 feet above confluence with Chisholm Creek	*1,041
		Chisholm Creek Tributary 4	Just upstream of Edmond Road	*1,082
			Just downstream of South 15th Street	*1,108
	Maps available at Engineering Department, City Hall, 23 East First Street, Edmond, Oklahoma 73034.			
Oregon	Union County (Unincorporated Areas) (Docket No. FI-55220).	Phillips Creek	Lumber Yard Access Bridge—20 feet upstream from centerline	*2,730
			Residence Access Bridge	*2,754
			Limit of Detailed Study at centerline	*2,778
		Little Creek	Godlet Road Bridge—100 feet upstream centerline	*2,753
			Corporate Limits (upstream from Godley Road Bridge) 20 feet upstream from centerline.	*2,762
			Most Upstream Corporate Limits from Godley Road Bridge at centerline.	*2,817
			Limit of Detailed Study at Bridge—20 feet upstream from centerline	*2,857
		North Powder River	Limit of Detailed Study at centerline	*3,222
			Corporate Limit (upstream from Limit of Detailed Study) at centerline	*3,234
			Thief Valley Road—20 feet upstream from centerline	*3,244
			U.S. Route 30—20 feet upstream from centerline	*3,257
		Grande Ronde at Island City	Most Downstream Limit of Detailed Study at centerline	*2,709
			Union Pacific Railroad Bridge at centerline	*2,726
			Most Upstream Limit of Detailed Study at centerline	*2,734
		Grande Ronde at Elgin	Most Downstream Limit of Detailed Study at centerline	*2,634
			Corporate Limits (upstream from most downstream Limit of Detailed Study) at centerline.	*2,646
			State Highway 82 Bridge (Wallowa Lake Highway)—20 feet upstream from centerline.	*2,649
			New Cedar Street Bridge—20 feet upstream from centerline	*2,654
			Corporate Limits (upstream from New Cedar Street Bridge) at centerline.	*2,658
			State Highway 82 Bridge (upstream from New Cedar Street Bridge) (Wallowa Lake Highway)—20 feet upstream from centerline.	*2,661
			Limit of Detailed Study at State Highway 82 Bridge (Wallowa Lake Highway at centerline.	*2,674
	Maps available at Union County Courthouse, LaGrande, Oregon 97850.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Township of Braintrim Wyoming County (Docket No. FI-5678).	Susquehanna River	Downstream corporate limits	*651
			Downstream Laceyville corporate limits	*656
			Upstream corporate limits	*665
		Tuscarora Creek	Confluence with Susquehanna River	*655
			Upstream of U.S. Route 6 Bridge	*658
			Upstream corporate limits	*682
	Maps available at the residence of Mr. Heller, 14 Maple Street, Laceyville, Pennsylvania.			
Pennsylvania	Laceyville, Borough, Wyoming County (Docket No. FI-5678).	Susquehanna River	At Laceyville Bridge (LR65041)	*657
		Little Tuscarora Creek	At Conrail Bridge	*657
			At Main Street (Old U.S. 6)	*669
			At Culvert outlet	*678
			At Culvert inlet	*681
			Upstream Corporate Limits	*702
	Maps available at the Laceyville Public Library.			
Pennsylvania	Borough of Mount Wolf, York County (Docket No. FI-5673).	Hartman Run	Downstream Corporate Limits	*351
			Chestnut Street (Downstream)	*359
			Chestnut Street (Upstream)	*365
			Downstream Conrail (Upstream)	*369
			Upstream Conrail (Upstream)	*374
			Maple Street, State Route 921 (Downstream)	*376
			Maple Street, State Route 921 (Upstream)	*381
			Walnut Street (Upstream)	*389
			Conrail 500 feet upstream of Walnut Street (Upstream)	*394
			Conrail 80 feet downstream of upstream Corporate Limits (Downstream).	*395
			Conrail 80 feet downstream of upstream Corporate Limits (Upstream).	*401
		Tributary No. 2 to Hartman Run	Conrail 100 feet upstream of confluence with Hartman Run (Upstream).	*383
			South Main Street (Upstream)	*385
			Walnut Street (Upstream)	*394
			Upstream Corporate Limits	*417
	Maps available at the Borough Building, Mount Wolf, Pennsylvania.			
Pennsylvania	Township of Woodbury, Blair County (Docket No. FI-5678).	Frankstown Branch Juniata River	Downstream corporate limits	*800
			Corporate limits at the Borough of Williamsburg (downstream)	*852
			Corporate limits at the Borough of Williamsburg (upstream)	*858
			Upstream Corporate limits	*877
		Clover Creek	Confluence with Frankstown Branch Juniata River	*824
			Township Route 435 (upstream)	*896
			Township Route 397 (upstream)	*993
			Upstream Corporate limits	*1,073
		Piney Creek	Confluence with Frankstown Branch Juniata River	*867
			Fourth crossing of abandoned railroad (upstream)	*954
			First crossing of Legislative Route 07061 (upstream)	*1,003
			Upstream Corporate limits	*1,083
	Maps available at the Woodbury Township Building, Williamsburg, Pennsylvania.			
South Carolina	Town of Clover, York County (FI-5678).	Allison Creek	Just upstream of Western Corporate limits	*722
		Calabash Branch	Just downstream of Flat Rock Street	*738
			Approximately 200 feet upstream of McConnell Street	*746
	Maps available at Town Hall, P.O. Box 181, Clover, South Carolina 29710.			
South Carolina	Town of Pendleton, Anderson County (FI-5678).	Eighteen Mile Creek	Just upstream Blue Ridge Railroad	*700
			Just downstream of US HWY 76	*702
		Shanklin Creek	Just upstream of Harrison Street	*768
			Just downstream of Queen Street	*777
		Town Creek Tributary	Just upstream of Southern Corporate limits	*757
	Maps available at Town Hall, 108 South Depot Street, Pendleton, South Carolina 29670.			
South Dakota	Blunt (City), Hughes County (Docket No. FI-5673).	West Fork Medicine Knoll Creek	Downstream corporate limits 150 feet upstream from centerline	*1,619
			U.S. Highway 14 (Pierre Street) 100 feet upstream from centerline	*1,622
			Adams Street 100 feet downstream from centerline	*1,624
		Medicine Knoll Creek	Most downstream limit of flooding affecting the City of Blunt	*1,614
			Most upstream limit of flooding affecting the City of Blunt	*1,615
	Maps available at City Hall, Blunt, South Dakota.			
South Dakota	Box Elder (City), Pennington County (Docket No. FI-5665).	Box Elder Creek	Spruce Drive at centerline	*3,020
			Corporate limits 450 feet southwest of intersection of Westside Drive and U.S. Highways 14 and 16.	*3,061
		Box Elder Creek, East Tributary	Interstate Highway 90 at centerline	*3,034
		Box Elder Creek, West Tributary	Hillview Drive (downstream crossing) at centerline	*3,031
			U.S. Government Railroad 90 feet downstream from centerline	*3,043
			U.S. Government Railroad 70 feet upstream from centerline	*3,049
			South Gate Drive 20 feet upstream from centerline	*3,057
		Box Elder Creek	Intersection of Douglas Road and Morningside Road	#2
	Maps available at City Hall, Box Elder, South Dakota.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Dakota	New Underwood (Town), Pennington County (Docket No. FI-5665).	Box Elder Creek	Most downstream corporate limits	*2,840
			Most upstream corporate limits	*2,844
		Unnamed Tributary to Box Elder Creek.	Elm Street 20 feet upstream from centerline	*2,841
			South Ash Creek 20 feet upstream from centerline	*2,846
			Box Elder Street 40 feet upstream from centerline	*2,851
			Most upstream corporate limits	*2,861
	Maps available at Town Hall, Pine Street, New Underwood, South Dakota.			
Tennessee	Unincorporated Areas of Marion County (FI-5688).	Tennessee River	Confluence of Battle Creek	*614
			Just downstream of Nickajack Dam	*616
			Just upstream of Nickajack Dam	*635
		Sequatchie River	Just upstream of U.S. Highways 41, 64 and 72	*620
			Just upstream of Tennessee Highway 27	*648
		Little Sequatchie River	Just upstream of Nickeltown Road	*624
			Approximately 100 feet upstream of Tennessee Highway 27	*634
		Battle Creek	Confluence of Sweden Creek	*618
			Just upstream of U.S. Highways 41 and 64 (Northwest of Battle Creek Institute).	*631
			Just upstream of U.S. Highways 41 and 64 (North of Gaines Road)	*636
		Sweden Creek	Just upstream of Sweden Cove Road (North of Gilliams Cove Road)	*623
			Just downstream of Sweden Cove Road (South of Beene Cemetery)	*634
		Big Fiery Gizzard Creek	Juat upstream of Fiery Gizzard Road (upstream crossing east of Anderson Cove).	*662
			Just downstream of Fiery Gizzard Road (north of Pine Set School)	*798
	Maps available at Clerk Master's Office, Marion County Courthouse, Jasper, Tennessee 37347.			
Tennessee	Town of Oliver Springs, Morgan County (FI-5683).	Indian Creek	50 feet downstream of Green Street	*840
			Just upstream of Windrock Road	*796
			Just upstream of Tennessee Highway 62	*785
			Just upstream of Kingston Avenue	*782
		Little Cow Creek	Just downstream of Eastern Corporate Limits	*799
		Mineral Springs Branch	Just upstream of Kingston Avenue	*788
		Middle Creek	100 feet downstream of Corporate Limits	*786
			Just upstream of New Valley Road	*784
		Poplar Creek	Just downstream of Louisville and Nashville Railroad	*785
			1,500 feet upstream of Strutt Street	*780
	Maps available at City Hall, Oliver Springs, Tennessee 37840.			
Texas	City of Denison, Grayson County (FI-5683).	Iron Ore Creek	Approximately 100 feet upstream of US Highway 75 (Southbound)	*620
		Loy Creek	Just upstream of Loy Lake Road	*657
		Waterloo Creek	Just upstream of Flowers Drive	*620
			Just upstream of the Missouri-Kansas-Texas Railroad	*646
	Maps available at Drafting Department, City Hall, Denison, Texas 78087.			
Vermont	Rockingham (Town), Windham County (Docket No. FI-4416).	Connecticut River	Upstream Bellows Falls Corporate limits	*296
			Confluence with Williams River	*297
		Saxtons River	Barbers Park Road 10 feet upstream from centerline	*396
			Hall Bridge Road 175 feet upstream from centerline	*410
			Hartly Hill Road 20 feet upstream from centerline	*467
			Private Road at centerline	*547
			Upstream corporate limits	*587
		Weaver Brook	State Route 121 50 feet upstream from centerline	*589
			Mill Dam 10 feet upstream from centerline	*594
		William River	U.S. Route 5 50 feet downstream from centerline	*297
			U.S. Route 5 150 feet upstream from centerline	*302
			Brockways Mills Road 10 feet downstream from centerline	*443
			Brockways Mills Road 90 feet upstream from centerline	*452
			Fourth Crossing Mountain Railroad 75 feet upstream from centerline	*469
			Upstream corporate limits	*512
	Maps available at Municipal Building, Village Square, Bellows Falls, Vermont 05101.			
Virginia	Blacksburg, Town, Montgomery County (Docket No. FI-5628).	Toms Creek	Downstream Corporate Limits	*1,883
			S.R. 655 (Upstream)	*1,900
			S.R. 651 (Upstream)	*1,923
			Limit of Detailed Study	*1,956
		Cedar Run	Downstream Limit of Detailed Study	*1,975
			Access Road (Upstream)	*1,979
			Upstream Limit of Detailed Study	*2,024
		Stroubles Creek	Downstream Corporate Limits	*1,984
			Limit of Detailed Study from U.S. Route 460 Bypass	*1,994
			Limit of Detailed Study Upstream from U.S. Route 460 Bypass	*2,013
			Confluence of East Branch Stroubles Creek	*2,024
			Greenhouse Road	*2,031
		East Branch Stroubles Creek	Confluence with Stroubles Creek	*2,024
			Limit of Detailed Study	*2,031
		Slate Branch	Downstream Corporate Limits	*2,032
			Limit of Detailed Study	*2,046
	Maps available at the Blacksburg Planning Department, Blacksburg, Virginia.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
West Virginia	Moundsville, City, Marshall County (Docket No. FI-5663).	Ohio River	Upstream Corporate Limits	*653
			Downstream Corporate Limits	*652
Maps available at the City Building, 800 6th Street, Moundsville, West Virginia.				
West Virginia	New Cumberland, City, Hancock County (Docket No. FI-5673).	Ohio River	Downstream Corporate Limits	*677
			Confluence of Hardin Run	*678
			Upstream Corporate Limits	*679
Maps available at the City Building, Jefferson Street, New Cumberland, West Virginia.				
Washington	Des Moines (City), King County (Docket No. FI-5678).	Puget Sound	Unprotected area north of Des Moines Marina and area outside the breakwater.	*16
			Protected area within the breakwater and area shadowed by the breakwater.	*9
			Unprotected area south of Des Moines Marina	*9
		Des Moines Creek	Cliff Avenue south—20 feet upstream from centerline	*11
			Private Drive Bridge—70 feet upstream from centerline	*14
			Footbridge east of S. 218th Street—10 feet upstream from centerline	*21
Maps available at City Hall, 21630 11th Avenue South, Des Moines, Washington.				
Washington	Kitsap County (Unincorporated) Areas (Docket No. FI-5562).	Blackjack Creek (Upper Reach)	Dogwood Road 100 feet upstream from centerline	*179
			Lider Road 100 feet upstream from centerline	*187
			Sidney Road at centerline	*201
		South Fork Blackjack Creek	Confluence with Blackjack Creek (Upper Reach)	*188
			Sidney Road 30 feet upstream from centerline	*201
		Gorst Creek	State Route 3 50 feet upstream from centerline	*10
			Old Navy Yard Way (Old Belfair Valley Road) at centerline	*35
		No Name Creek No. 4	State Route 3 60 feet upstream from centerline	*46
		Parish Creek	Old Navy Yard Way (Old Belfair Valley Road) 30 feet	*67
			State Route 3 100 feet downstream from centerline	*112
		Ross Creek	State Route 160 10 feet upstream from centerline	*14
			State Route 16 50 feet downstream from centerline	*111
		Chico Creek	State Route 3 125 feet downstream from centerline	*16
			State Route 3 150 feet upstream from centerline	*25
			Erlands Point Road 50 feet downstream from centerline	*33
			Erlands Point Road 75 feet upstream from centerline	*39
			North Lake Way 75 feet downstream from centerline	*83
			North Lake Way 100 feet upstream from centerline	*89
			Taylor Road 25 feet downstream from centerline	*94
			Taylor Road 25 feet upstream from centerline	*103
		Kitsap Creek	Confluence with Chico Creek	*77
			West Kitsap Lake Road 10 feet downstream from centerline	*153
		Dickerson Creek	Taylor Road 25 feet downstream from centerline	*91
			Taylor Road 25 feet upstream from centerline	*96
			David Road 25 feet upstream from centerline	*114
			Burlington Northern Railroad 50 feet downstream from centerline	*147
		Curley Creek	Hinkley Road Extended 600 feet southeast of intersection of Locker and Hinkley Roads.	*48
			Sedgewich Road 50 feet upstream from centerline	*109
			Olalla Road (Long Lake Road) centerline	*120
		Beaver Creek	Beach Drive 25 feet downstream from centerline	*31
			Beach Drive 20 feet upstream from centerline	*37
			Beaver Creek Road 30 feet upstream from centerline	*43
		No Name Creek No. 6	State Route No. 3 (Kitsap Way) 80 feet downstream from centerline	*22
			State Route No. 3 (Kitsap Way) 60 feet upstream from centerline	*30
			Silverdale Loop Road at centerline	*56
			Ballard Lane at centerline	*121
		Tributary to Noname Creek No. 6	New State Route 3 50 feet downstream from centerline	*93
		Barker Creek	Barker Creek Road Culvert 140 feet downstream from centerline	*13
			Barker Creek Road Culvert 50 feet upstream from centerline	*23
			Nels Nelson Road 100 feet downstream from centerline	*46
			Nels Nelson Road 100 feet upstream from centerline	*54
		Clear Creek	County Bridge (Myhre Road) 10 feet upstream from centerline	*24
			New State Route 3 100 feet upstream from centerline	*41
		No Name Creek No. 7	Schold Road at centerline	*41
			Clear Creek Road 50 feet downstream from centerline	*69
		Dogfish Creek	State Highway 305 50 feet downstream from centerline	*16
			State Highway 305 70 feet upstream from centerline	*29
			Little Valley Road 25 feet downstream from centerline	*34
			Little Valley Road 25 feet upstream from centerline	*40
		East Fork Dogfish Creek	Little Valley Road 15 feet upstream from centerline	*36
		Union River	Private Bridge (4.55 miles above mouth) 10 feet upstream from centerline.	*135
			Old Navy Yard Way 50 feet upstream from centerline	*173
		East Fork Union River	Confluence with Union River	*146
			Old Navy Yard Way Extended 50 feet upstream from centerline	*222
		No Name Creek No. 3	Confluence with Union River	*175
			Wilkinson Road 40 feet downstream from centerline	*195
			Wilkinson Road 10 feet upstream from centerline	*202
		Hazel Creek	Minard Road 15 feet upstream from centerline	*216
		Tahuya Lake	600 feet south of intersection of Gold Creek Road and Kings Way	*593
		Wye Lake	300 feet west of intersection of Wye Lake Boulevard and Sylvan Street.	*305
		Wildcat Lake	1500 feet north of intersection of Wildcat Lake Road and Thayer Road.	*380

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Long Lake	1200 feet northeast of intersection of Dorman Drive and Mullenix Road.	*120
		Island Lake	300 feet east of intersection of Carey Street and Island Lake Road	*219
		Panther Lake	County Limits between Kitsap and Mason Counties	*500
		Hood Canal	Western Coastal areas of Kitsap County	*10
		Puget Sound	Northern and eastern coastal areas of Kitsap County	*10
	Maps available at the County Courthouse, 614 Division Street, Port Orchard, Washington 98366.			
Washington	Richland (City), Benton County FI-5673.	Yakima River	Union Pacific Railroad Bridge at centerline	*352
			Van Giesen Street at centerline	*374
			Upstream corporate limits	*376
	Maps available at City Hall, 505 Swift Boulevard, Richland, Washington.			
Wisconsin	(C) Cedarburg, Ozaukee County (Docket No. FI-5678).	Cedar Creek	At downstream of corporate limits near sewage treatment plant	*710
			At corporate limits 1,600 feet downstream of Portland Avenue	*711
			Just downstream of Columbia Mill Dam	*767
			Just upstream of North Highland Drive	*772
			Just downstream of Ruck Dam	*780
			Just upstream of Ruck Dam	*787
			Just downstream of Woolen Mill Dam	*797
			Just upstream of Woolen Mill Dam	*800
			Upstream corporate limits	*804
	Maps available at the Office of the City Clerk, P.O. Box 41, Cedarburg, Wisconsin 53012.			
Wisconsin	(V) Grafton, Ozaukee County (Docket No. FI-5678).	Milwaukee River	Approximately 0.3 mile downstream of Lime Kiln Dam	*701
			Just downstream of Lime Kiln Dam	*704
			Just upstream of Lime Kiln Dam	*712
			Just downstream of Chair Factory Dam	*715
			Just upstream of Chair Factory Dam	*727
			Just downstream of Bridge Street	*729
			Just upstream of Grafton Dam	*740
			Approximately 0.6 mile upstream of Washington Street (north of intersection of Holly Lane and Nancy-Lynn Drive).	*742
	Maps available at the Office of the City Clerk, 1102 Bridge Street, Grafton, Wisconsin 53024.			

(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 44 FR 20963).

Issued: December 10, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-39212 Filed 12-21-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-830]

Amendment of Section 0.351 Concerning Authority of the Chief Administrative Law Judge

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC authorizes administrative law judges to move hearing from a field location to the District of Columbia if all hearing sessions will be held in the District of Columbia and if all parties agree. The Chief Administrative Law Judge has heretofore acted on requests to move a hearing from a field location, to assure that travel and other expenses were kept within budgetary limits, but budgetary considerations are not present if the move is to the District of Columbia.

EFFECTIVE DATE: December 28, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Upton Guthery, Office of General Counsel, 202–632–6990.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of Section 0.351, Authority of the Chief Administrative Law Judge.

Order

Adopted: December 10, 1979.

Released: December 17, 1979.

By the Commission:

1. The purpose of this order is to amend our rules to allow a presiding administrative law judge to move a hearing to Washington, D.C. if all parties to the proceeding concur. Under our present rules, if a field location for a hearing is specified initially, the presiding administrative law judge may move the hearing only if all appropriate proceedings at that location have been completed; otherwise, under § 0.351(d), only the Chief Administrative Law judge may change the place of the hearing. The Chief Judge is involved to assure that travel and other expenses are kept within budgetary limits. However, when a field location is specified initially and all of the parties concur in holding the hearing, instead, in the District of Columbia, budgetary considerations are not present and it is unnecessary to involve the Chief Judge. Accordingly, we are amending section 0.351(d) to limit the Chief Judge's authority in this

respect, the result being that requests supported by all parties that the hearing be held in the District of Columbia will be acted on by the presiding judge.

2. The amendment is set out in the attached Appendix. Because it is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable. Authority for the amendment is set out in Sections 4(i) and 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 155(d).

3. Accordingly, It is ordered, effective December 28, 1979, that Section 0.351(d) of the Rules and regulations is amended as set out in the Appendix hereto.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

1. In Part O of Chapter I of Title 47 of the Code of Federal Regulations, a sentence is added at the end of § 0.351(d), to read as follows:

§ 0.351 Authority delegated.

* * * * *

(d) * * *However, if all parties to a proceeding concur in holding all hearing sessions in the District of Columbia rather than at any field location, the presiding administrative law judge may act on the request.

[FR Doc. 79-39266 Filed 12-21-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule improves the processing of investigatory actions and furthers consistency of NHTSA regulations regarding delegations of authority. This is accomplished by delegating from the Administrator to the Executive Secretary the authority to issue subpoenas pursuant to Title IV of the Motor Vehicle Information and Cost Savings Act.

EFFECTIVE DATE: December 26, 1979.

FOR FURTHER INFORMATION CONTACT: Kathy DeMeter, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1834.

SUPPLEMENTARY INFORMATION: This notice amends the delegation at 49 CFR 501.8 with respect to the exercise of authority to issue subpoenas under sections 414 and 505 of the Motor Vehicle Information and Cost Savings Act, Pub. L. 92-513, as amended by Pub. L. 94-364 and Pub. L. 94-163 (15 U.S.C. 1990(d), 2005)). This amendment delegates from the Administrator to the Executive Secretary the authority to issue subpoenas pursuant to the Cost Savings Act, thereby placing all subpoena authority under the Acts administered by the agency in the hands of the Executive Secretary. This amendment will expedite the processing of investigatory actions.

This amendment relates to matters of agency organization and procedure and may therefore be issued without opportunity for notice and comment. In consideration of the foregoing, paragraph (c) of § 501.8 in Title 49, Code of Federal Regulations is amended to reads as follows:

§ 501.8 Delegations.

* * * * *

(c) *Executive Secretary.* The Executive Secretary is delegated authority to issue subpoenas, at the request of the Assistant Chief Counsel for Litigation and after notice to the Administrator, for the attendance of witnesses and production of documents pursuant to the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act.

(Sec. 414, Pub. L. 94-364, 90 Stat. 985 (15 U.S.C. 1990(d)); Sec. 505, Pub. L. 94-163, 89 Stat. 908, (15 U.S.C. 2005); delegations at 49 CFR 1.50)

Issued on: December 12, 1979.

Joan Claybrook,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 79-39147 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Vessels; Fee Schedule for Calendar Year 1980; Final Regulations

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

ACTION: Final Regulations.

SUMMARY: This amendment revises and updates the foreign fishing regulations (50 CFR Part 611). The amendment (1) revises the fee schedule for fishing by foreign vessels in fisheries under the exclusive fishery management authority of the United States; (2) requires that vessel permit fees be paid in advance when permit applications are made; (3) imposes a time limit for claiming poundage fee refunds; and (4) requires the submission of an effort plan by foreign countries.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7432.

SUPPLEMENTARY INFORMATION: Section 201(d) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (the Act), provides that foreign fishermen may be allowed to fish for "* * * that portion of the optimum yield of a fishery which will not be harvested by vessels of the United States * * *." Section 204(b)(10) of the Act further provides that reasonable fees shall be paid by the owner or operator of any foreign fishing vessel for which a permit is issued. Fishing vessels are defined by section 3(11) of the Act to include several types of vessels in addition to those actually engaged in harvesting fish. These include any vessel "* * * aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing." Section 204(b)(10) of the Act further provides, in part: "In determining the level of such fees, the Secretary may take into account the cost of carrying out the provisions of this Act with respect to foreign fishing, including, but not limited to, the cost of fishery conservation and management, fisheries research, administration, and enforcement." The schedule of fees was codified as 50 CFR 611.22 on May 4, 1978 (43 FR 19232). These regulations amend, among other things, the 1979 fee schedule which was published as final rulemaking in the **Federal Register** on December 19, 1978 (43 FR 59292).

The 1977-1979 fee schedules included fee charges for foreign fishing permits and for the poundage of each allocated species. The 1980 fee schedule does not change the methodology for determining poundage fees although the poundage fee system is under review and NOAA may propose changes in the foreign fee

system for 1981. Exvessel values on which the 1980 poundage fees are based have been updated to reflect the most current data available to NMFS. Exvessel values used in prior years often were derived from data which were 18 months old when those schedules became effective.

The change in vessel permit procedures was proposed because under the previous system, where applications could be filed and processed without cost to the applicant, the number of applications was nearly double the number of permits actually paid for and issued.

This practice is wasteful of administrative costs and Council time. Consequently, permit applications received after January 15, 1980, will not be accepted unless accompanied by the appropriate permit fees. NOAA expects that this requirement of advance payment of permit fees will lead foreign nations to be more judicious in the number of permit applications submitted. Permit fees for applications received after January 15, 1980 will be refunded only if the applications subsequently are not approved. Applications received before January 15, 1980, may be withdrawn on or before that date, and the advance payment of permit fees made for the applications withdrawn before that date will be refunded.

The normal procedure followed by foreign countries in making vessel applications is to submit them directly to the Department of State. Handling the fee payments would have created administrative problems for the Department. Section 611.22 has been revised to accommodate that problem. At the time applications are filed with the Department of State, the applicant will pay the appropriate fee to the National Marine Fisheries Service (NMFS), and will provide NMFS with a list of the vessels for which the payments are made.

Comments Received

Proposed regulations were published in the **Federal Register** on October 15, 1979 (44 FR 59257). Comments were received from the Western Pacific Fishery Management Council, the North Pacific Fishery Management Council, two other Federal agencies, and several foreign governments.

Several comments addressed the poundage fees by reviewing the average exvessel values of various species of fish. Specifically, the listed values for tanner crab, snails, Pacific squid, Atka mackerel, sablefish, Alaska pollock, and Pacific herring were disputed.

a. *Tanner crab.* The proposed exvessel price was $882/m.t. The Government of Japan (GOJ) requested a price of $740/m.t. The 1979 price in Kodiak, Alaska, was $882 (in April-June), and $661 (in July). The proposed price of $882 will be adopted, using the Kodiak in-season price as the standard.

b. *Snails.* The proposed exvessel price was $1,657/m.t. The GOJ said that it was too high and had been set too high in 1977, 1978, and 1979. It recommended an exvessel price of $632/m.t. The average price in Japan, according to the U.S. Tokyo fisheries attache (TFA) was $658 during January through June 1979. Because there is no U.S. exvessel price for snails, the Tokyo reported exvessel price of $658/m.t. is being adopted.

c. *Pacific squid.* The proposed exvessel price was $1,614/m.t. It was based on a Hawaii landing. The North Pacific Fishery Management Council (NPFMC), the Union of Soviet Socialist Republics (USSR), Republic of Korea (ROK), and GOJ said this price was too high. The NPFMC did not recommend a price; USSR recommended $201.90, ROK recommended $458, and the GOJ recommended $313. The TFA reports that the average exvessel price in Japan during January through June 1979 was $324. Therefore, the Tokyo reported average exvessel price of $324/m.t. is being adopted.

d. *Atka mackerel.* The proposed exvessel price was $394/m.t. The USSR and the ROK requested that the 1979 price of $223 be continued in 1980, and the GOJ requested that the price be reduced to $152. The TFA reports an average price of $132 from January-June 1979, but the exvessel fee price of $223/m.t. is being adopted because two foreign nations agree that last year's price is appropriate.

e. *Sablefish.* The only comment on sablefish was made by the NPFMC, which said the proposed exvessel prices for both longline and trawl-caught sablefish ($1,543/m.t. and $576/m.t. respectively) based on September 1979 landings in Alaska were too low. Prices per metric ton for longline-caught sablefish in southeast Alaska in 1979 were: $1,279 (May), $1,587 (June–August), and $1,543 (September). The midseason Alaska price is being adopted and increases the 1980 fee schedule longline price from $1,543 to $1,587. Prices for trawl-caught sablefish landed in southeast Alaska in 1979 were: $661 (April though July) and $576 in September. Again, the mid-season Alaska price is being adopted and increases the base 1980 exvessel price for trawl-caught sablefish from $576 to $661/m.t.

f. *Pacific herring (with roe).* The proposed exvessel price was $1,750/m.t. The ROK requested a price of $991, the same as the 1979 price. The 1979 price in Kodiak, Alaska was $1,543 (May) and $1,433 (June). The 1979 base exvessel price adopted will be $1,488, the average Kodiak price.

g. *Pollock.* One comment on the proposed exvessel pollock price was received. The NPFMC said the proposed price of $176/m.t. was too low and suggested a price of $220. The TFA reports the following average prices per metric ton in Japan from January through June 1979:

pollock with roe, $339; and
pollock without roe, $134.

Round and dressed pollock prices in southeast Alaska ranged from $154 to $165 in April through June; however, since the U.S. harvest was about one-one hundreth of the pollock optimum yield, the Alaska prices do not reflect the true market value of pollock in the U.S. zone.

The relative proportions of roe and roeless pollock caught by Japan in the U.S. FCZ are not known. Japan contends that Soviet pollock contains a greater roe component. It is worth noting in this context that the exvessel price from Japan for pollock caught in the USSR zone is reported to be $667.00/m.t. Adopting a higher pollock exvessel price would be consistent with anticipated increased enforcement costs which may result from serious under-reporting in the Alaska fisheries. Therefore, the price of $220/m.t. advanced by the NPFMC will be adopted in 1979.

h. *Other species.* Attention was directed to the omission of exvessel prices for turbot and idiot rockfish. TALFFs for these species are anticipated in 1980.

Final exvessel prices are being adopted for these species based on Alaska landings in 1979. This action is not a major change from the proposed fee schedule in that the exvessel price for idiot rockfish is equal to the proposed price for rockfish, and the adopted price for turbot is based on the same source as the price for rockfish, the 1979 Alaska season price.

The following table summarizes the changes made in the proposed prices.

Species	Proposed 1980 exvessel price (m.t.)	Adopted exvessel price (m.t.)
Tanner crab	$882	$882
Snails	1657	658
Pacific squid	1614	324
Atka mackerel	394	223
Sablefish (longline caught)	1543	1587
Sablefish (trawl caught)	576	661
Alaska pollock	176	220
Pacific herring (with roe)	1750	1488
Turbot (including arrow tooth flounder and Greenland turbot)	.....	265
Rockfish, idiot	.....	397

The Western Pacific Fishery Management Council proposed that charges and fees pertaining to the approximately 200–300 foreign vessels landing their catch in American Samoa be waived or reduced. The reason behind this proposal was that such fees might inhibit the future development of that fishery to the detriment of the American Samoa economy.

The average size of foreign vessels which are contracted by U.S. tuna canneries in this fishery ranges from about 181 GRT to about 138 GFT. At $1 per GRT, permit fees for the vessels could run roughly $150 each.

Estimates of the total value poundage fees for the 1980 Pacific billfish fishery amount to $6000. Thus, each vessel on the average, would pay about $20 in poundage fees. Each vessel fishing in the FCZ in this fishery would incur fee costs of about $170.

Very little is known about the marginal costs of the Samoan tuna operations, but the additional costs resulting from foreign fees do not appear to be unreasonable and should not significantly affect their economics.

Therefore, these modest additional costs should not jeopardize the existing arrangements between these foreign fleets and the U.S. canneries. Consequently, NOAA intends to apply the fee schedule to all foreign vessels fishing under the Pacific billfish fishery plan in 1980.

Effort Plan

The proposed requirement that foreign nations submit 1980 effort plans for each directed fishery in which allocations are received is adopted. The purpose of the effort plan, which will estimate catch per vessel per day, is to give NOAA and the Regional Fishery Management Councils estimates of the concentrations of foreign fishing vessels that will fish in different areas and different times of the year. The effort plans also will assist NOAA in developing options for a new fee schedule, which might be based on fishing days instead of poundage allocations. Foreign nations are not required to adhere to their effort plans in 1980.

Two foreign governments expressed their deep concern that the effort plan would lead to a new fee schedule based on fishing days. However, neither government objected to submitting effort plans in 1980. One other commenter addressed the necessity of a revised effort plan when only 100 metric tons (mt) are allocated, or reallocated. Since NOAA does not intend to create a large burden of paperwork, an effort plan will be required only when directed fishery allocations or reallocations of at least 1,000 mt are made. However, the U.S. government may occasionally request a plan for a smaller reallocation.

Other Changes

The table of Total Allowable Level of Foreign Fishing (TALFFs) in § 611.20(c), and all references to it, were proposed to be deleted. No action is being taken on this proposed change at this time. NOAA reserves the opportunity to act on the proposed change in the near future.

It was originally proposed that poundage fee refund applications should be submitted no later than 90 days after the end of the fishing season. Several objections were raised to this proposal. One objection was based on the fact that several FMPs do not require the submission of annual catch and effort statistics until May 30 of the following year. Further, this May 30 date appears in at least one governing international fisheries agreement. As a consequence, May 30 is adopted as the date after which refund claims will not be honored.

The Assistant Administrator for Fisheries finds and determines that (1) these regulations are not significant within the meaning of Executive Order 12044; (2) these regulations do not require the formulation of an Environmental Impact Statement under the National Environmental Policy Act of 1969; and (3) for good cause, such as the fact that the 1980 fishing season in some fisheries begins on January 1, 1980, these regulations must become effective on that date even though the thirty-day delay in implementation required under Administrative Procedure Act must be waived in part.

Signed at Washington, D.C., this 19th day of December 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

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

50 CFR Part 611 is amended as follows:

§ 611.21 [Amended]

1. Amend 611.21 by renumbering the existing text as paragraph (a) and adding the following paragraph (b).

(a) * * *

(b) *Effort Plan.* (1) After the Secretary of State notifies each foreign nation of its allocation or reallocation of target species, each such nation shall prepare and submit an effort plan to the Assistant Administrator for Fisheries, NOAA, Washington, D.C. 20235. Effort plans may be submitted after fishing begins if adequate time to prepare the plan does not exist between the allocations or reallocations and the start of fishing, but the plan must be submitted before 30 days have elapsed after a corresponding allocation or reallocation. The effort plan should describe, for each fishery, the range of vessel sizes, gear types and size and catch rate per species per day fishing, and should specify the following information:

(i) The number of vessels in each vessel class expected to be used in each directed fishery.

(ii) The approximate time schedule for each fishery, including the number of fishing days and days on ground required to harvest the allocation or reallocation, based on catch rates in the U.S. fishery conservation zone to date (if the nation has previous experience in the applicable fishery in the U.S. fishery conservation zone).

(iii) Factors which may cause a deviation from this plan.

(2) Nations will not be required to submit revised plans if, during actual fishing, it is necessary to deviate from the plan other than as the result of reallocations.

(3) In those cases when the allocation or reallocation is less than 1,000 m.t. no effort plan need be submitted unless specifically requested by the National Marine Fisheries Service.

§ 611.22 [Amended]

2. Amend 611.22 by deleting paragraph (a)(1) and inserting the following:

(a) * * *

(1) *Permit Fees.* (i) The owner or operator of each foreign vessel applying for a permit under § 611.3 is required to pay a permit fee at the time of application, unless otherwise provided in paragraph (a)(1)(ii) of this section. At the time each vessel permit application is submitted to the Department of State pursuant to § 611.3, the applicant must send the appropriate permit fee payments, as specified in Table I of this section, to the National Marine Fisheries Service in accordance with § 611.22(a)(3). In the case of vessels described in more than one category in

Table I, the highest applicable fee will be charged. The permit fee payments must be accompanied by a written list of the vessels for which the payments are made. Permit fees will be refunded only if the application is not approved. On a case-by-case basis, the Assistant Administrator for Fisheries may allow the substitution of like vessels when the original vessel has become disabled or otherwise cannot participate in the fishery.

Table I

Vessel activity	Permit fee
Catching (activities described in § 611.2(r) (1) or (2)) with an applicable national allocation (per gross registered ton)	$1.00
Catching (activities described in § 611.2(r) (1) or (2)) without an applicable national allocation, i.e., a nonretention fishery (per vessel)	200.00
Processing (activities described in § 611.2(r)(3)(i)) (per gross registered ton; up to $2,500)	0.50
Other support (activities described in § 611.2(r)(3) (ii) or (iii)) (per vessel)	200.00

(ii) A nation may submit applications before January 15, 1980, without paying permit fees at the time of application. Permit fees must be paid on or before January 15, 1980, for all applications on file on that date. In addition, if a nation wishes to have a permit issued prior to January 15, 1980, the permit fee must be paid before issuance. For applications submitted on or after January 15, 1980, permit fees must be paid at the time of application.

* * * * *

§ 611.22 [Amended]

3. Amend § 611.22(a)(2) by deleting the words "where U.S. landing data are available in 1977," and substituting the word "for".

§ 611.22 [Amended]

4. Amend § 611.22(a)(3)(iii) by amending the first sentence of that section to read as follows: "Refunds of poundage fees for a calendar year will be made only upon written application received by NMFS, Washington, D.C. on or by the subsequent May 30.

* * * * *

§ 611.22 [Amended]

5. Amend § 611.22 by revising paragraph (b) as follows:

* * * * *

(b) The following exvessel prices to be used for computing fees are based on U.S. commercial landings price using the most recent reliable information for 1979, or based on Japanese prices below:

Exvessel Values Per Metric Ton

Species	1980 values
Atlantic:	
Butterfish	[1]$927
Hake, red	[1]315
Hake, silver	[1]369
Herring, river	[1]113
Mackerel, Atlantic	[1]530
Other finfish	[1]930
Sharks (except dogfish)	[1]1,091
Squid—*Illex*	[2]176
Squid—*Loligo*	[2]993
Pacific and North Pacific:	
Atka mackerel	[3]223
Cod, Pacific	[4]419
Crabs, Snow (tanner)—*Opilio*	[5]882
Flounders	[4]397
Hake (Pacific whiting)	[6]176
Herring, sea—roeless	[4]165
Herring, sea—w/roe	[5]1,488
Jack mackerel	[6]154
Ocean perch	[4]397
Other groundfish	[7]56
Pollock	[8]220
Rockfishes	[4]397
Rockfish, idiot	[5]397
Sablefish—longline	[5]1,587
Sablefish—trawl	[5]661
Snails (meats)	[3]658
Squid	[3]324
Turbot (including arrow tooth flounder and Greenland turbot)	[5]265
Western Pacific:	
Dolphin	[5]4,354
Other billfish	[5]1,111
Seamount groundfish	[3]397
Sharks (except dogfish)	[5]825
Striped marlin	[5]2,816
Swordfish	[5]3,036
Wahoo	[5]2,968

[1]Maine, Massachusetts, Rhode Island, New York, New Jersey, and Virginia, U.S. landings—January–June 1979.
[2]U.S. landings, New York, January–June 1979.
[3]Prices in Japan, January–June 1979.
[4]U.S. landings, Alaska, September 1979.
[5]U.S. landings, Alaska, season price, 1979.
[6]U.S. landings, Washington, Oregon and California—September 1979.
[7]Based on price for U.S. landings of northern anchovy—September 1979.
[8]Hawaii landings, 1978.
[9]Ex-vessel price paid in 1979 in Japan for Soviet-caught pollock.

Note.—No fees will be charged for rattails (grenadiers). This species is taken incidentally in the sablefish longline fishery. The species is of no commercial value, and is routinely discarded by U.S. and foreign fishermen.

* * * * *

§ 611.22 [Amended]

6. Delete 611.22(d).

[FR Doc. 79-39346 Filed 12-21-79; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 248
Wednesday, December 26, 1979

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

Soil Conservation Service

7 CFR Ch. VI

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Ch. I

Water Resources Project Type Activities; Channel Modification Guidelines

AGENCY: Soil Conservation Service, USDA, Fish and Wildlife Service, Department of the Interior.

ACTION: Advanced Notice of Proposed Rulemaking.

SUMMARY: On March 1, 1978, the Soil Conservation Service (SCS) and the Fish and Wilidlife Service (FWS) published in the **Federal Register** (FR 43, 8276) final guidelines for use of channel modification as a means of water management in water resource project type activities of the SCS. The SCS and FWS give advance notice of their intention to convert the guidelines to rules and regulations with proposed rules to be published in the **Federal Register** on or about May 1, 1980. Experience gained from use of the guidelines will be assessed to determine needed changes at the time they are published as regulations. Some needed changes identified to date have been incorporated into amended guidelines included as a part of this notice.

DATES: Comments and suggestions concerning the conversion of these guidelines to rules and regulations should be on or before February 25, 1980. The amended Channel Modification Guidelines will become effective on the date of this publication and serve as interim guidelines until rules and regulations are published.

ADDRESS: Comments and suggestions should be submitted to Lynn A. Greenwalt, Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240; or Norman A. Berg, Administrator, Soil Conservation Service, P.O. Box 2890, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Michael J. Spear, Associate Director—Environment, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (202–343–4767).

Joseph W. Haas, Assistant Administrator for Water Resources, Soil Conservation Service, P.O. Box 2890, U.S. Department of Agriculture, Washington, D.C. 20013 (202–447–4527).

SUPPLEMENTARY INFORMATION: Since the final guidelines were published on March 1, 1978, the SCS and FWS have been monitoring the use of the guidelines to determine their effectiveness and needed changes. This effort will be continued to the time of publishing final rules and regulations. In the meantime, needed changes identified to date have been incorporated into amended guidelines. The more substantive changes include:

1. Selective snagging—The description of this type of channel modification was changed to provide more emphasis on performing channel work using the least destructive methods; i.e., primarily with hand-operated equipment.

2. Wetland types 1 and 2—The guidelines concerning wetland types 1 and 2 were changed to conform with SCS's rules and regulations for complying with the Executive Order 11990—Protection of Wetlands, as published in the **Federal Register** on July 30, 1979. As stated, technical or financial assistance for draining wetland types 1 and 2 will not be provided by SCS unless the land has been cultivated to produce food, feed, fiber, and/or oilseed for at least 3 of the 5 years before the request for assistance. This means that the land use history must be established prior to receipt of an application for project assistance. The history cannot be established during the planning process.

3. Procedures—This section has been modified to clarify the coordination role and responsibilities for resolving issues that may arise. The SCS planning staff should be working with the FWS Field Supervisor (Ecological Services), whereas, the next level of resolution should be between the SCS State Conservationist and the FWS Area Manager.

Accordingly, the following amended Channel Modification Guidelines are published for informational purposes.

Dated: December 4, 1979.

Norman A. Berg,
Administrator, Soil Conservation Service, U.S. Department of Agriculture.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service, U.S. Department of the Interior.

CHANNEL MODIFICATION GUIDELINES (Amended December 1979)

(Prepared By U.S. Department of the Interior, Fish and Wildlife Service, U.S. Department of Agriculture, Soil Conservation Service)

Channel Modification Guidelines

Table of Contents

I. Introduction.
A. Purpose.
B. Policy.
C. Applicability.
II. Background.
III. Guidelines.
A. Alternatives.
B. Types of channel modification.
C. Criteria for channel modification as an alternative.
IV. Coordination and Interaction.
V. Resolution of Issues.

Channel Modification Guidelines

I. Introduction

A. Purpose. These guidelines are promulgated by the Soil Conservation Service (SCS) and the Fish and Wildlife Service (FWS) to guide their personnel in identifying when and where channel modification may be used as a technique for implementing water and related land resource projects. They will be used in the planning of all SCS projects or measures which qualify for either technical, financial, and/or credit assistance under the authorities for flood prevention projects, small watershed projects, and resource conservation and development projects. These program authorities contain provisions for maintaining and enhancing fish and wildlife resources as well as achieving other water management objectives.

B. Policy. It is the policy of SCS and FWS that care and effort will be made to maintain and restore streams, wetlands, and riparian vegetation as functioning parts of a viable ecosystem upon which fish and wildlife resources depend.

It is also the policy of SCS and FWS to use an interdisciplinary planning process which will permit a balancing of the need to maintain a viable, naturally functioning ecosystem and projected food and fiber, economic, and other social needs.

The application of these guidelines, the resource inventory, interpretation, and planning assistance provided by SCS and FWS will ensure identification and consideration of alternatives to channel modification.

C. Applicability. These guidelines become effective as of the date they are approved. They will be applied to: (1) all new planning starts; (2) all projects in the planning phase, unless SCS and FWS agree it is not important and feasible to apply the guidelines; (3) all projects approved for construction, (a) when supplements or revisions are prepared which would result in an increase in the amount or type of channel modification which would increase the potential adverse environmental impact; or (b) when SCS and FWS agree that (i) important fish and wildlife habitat is involved and threatened; (ii) project modification is practicable; and (iii) project modification to minimize adverse environmental impact has not been accomplished as a result of reviews mandated by the National Environmental Policy Act or other congressional, Presidential, or Secretarial initiatives.

After the guidelines have been in use for a year or more, their effectiveness will be reviewed, and changes will be made if determined to be necessary. These guidelines may be terminated at the request of either agency.

II. Background

Congress has recognized that erosion, floodwater, and sediment can cause damage in the watersheds of the rivers and streams of the United States. It has found that loss of life and damage to property constitute a menace to the national welfare and that the Federal Government should cooperate with States and their political subdivisions for the purposes of preventing such damages and of furthering the conservation, development, utilization, and disposal of water. In so doing, this action will also preserve, protect, and improve the Nation's land and water resources and the quality of the environment.

Congress has also recognized that rivers and streams, wetlands, and riparian vegetation constitute a valuable resource which is vital to the public interest in naturally functioning ecosystems, water transport, and maintenance of fish and wildlife populations. Dependent upon the situation, wetlands can serve as: (1) natural flood detention areas; (2) sediment and debris traps; (3) water purifiers and in recycling nutrients; (4) groundwater recharge areas; (5) nursery areas for aquatic animal species; (6) important habitats for a wide variety of plant and animal species, some of which have been depleted to the point that their continued existence is endangered; and (7) areas which produce highly valuable crops of timber, fish, and wildlife.

High flows in rivers and streams and periodic overflow have significant value in creating and maintaining meandering channels and in cleansing and redistributing substrates. This action by water provides riffles, pools, or other habitat for fish spawning and rearing and production of aquatic invertebrates. It also provides diverse plant successional areas and other types of shoreline habitat that fulfill fish and wildlife food and cover requirements. However, it is also recognized that many areas adjacent to streams and wetlands are well-suited for and have a long history of agricultural and urban uses.

Channel modification, used in a sensitive manner, is one method that can be utilized in solving specific water management problems. It may be needed to restore a water course impaired or damaged naturally or through man's unwise use or management of adjacent or upstream lands. It may also be needed to provide a safe and healthy environment and for the maintenance of existing agricultural productivity.

However, channel modification can cause serious damage to fish and wildlife resource values. In addition to the direct impacts on the stream and immediate environs, the practice has, on occasion, led directly or indirectly to major drainage of wetlands, clearing of bottomland forests for intensive agriculture, and increased flooding and siltation in downstream areas. Channel modification for flood control, drainage, and irrigation projects has often resulted in severe conflict with the function of the associated ecosystems, changing or reducing both the variety and abundance of fish and wildlife resources.

Because of the variety of values associated with water, it is incumbent upon the SCS and the FWS to continue to share their technical expertise to help ensure decisions which will result in the maximum benefits to assure long-term agricultural productivity and optimum environmental quality.

III. Guidelines

A. Alternatives. The guidelines for channel modification will be used when formulating alternatives plans under the Water Resources Council's Principles and Standards. The planning process will include an inventory of resources, including fish and wildlife habitats and their geographic delineation. It will also identify appropriate means for minimizing adverse impacts on habitat values. Measurement of habitat values will be determined on a case-by-case basis in accordance with habitat evaluation procedures promulgated by FWS and developed jointly with SCS.

Alternative plans will be formulated to: (1) emphasize environmental quality; (2) optimize national economic development; and (3) provide varying mixes of the components of the environmental quality and national economic development objectives. The formulation of these plans will include inputs from all interested agencies, organizations, or individuals interacting with sponsoring local organizations. For each alternative plan, there will be a display or accounting of relevant beneficial and adverse effects. A comparison of the displays will identify trade-offs between the environmental quality and economic development objectives. Within this framework and in compliance with the requirements of the National Environmental Policy Act (NEPA), equal consideration will be given to environmental and economic and technical aspects in the decisionmaking process.

In compliance with the mandates of NEPA and the Water Resources Council's Principles and Standards, the FWS will assist the SCS to develop, evaluate, and recommend alternatives, if any, to channel modification when it is expected to cause, directly or indirectly, measureable losses of fish and wildlife resources. Channel modifications will not be considered if a practical alternative exists.

A practical alternative is one which meets all of the following tests: (1) is consistent with the Water Resources Council's Principles and Standards; (2) makes a significant contribution to project objectives; and (3) results in less damage to fish and wildlife habitat. Thus, channel modification will normally emerge as the last resort measure.

The following three broad types of alternatives will be considered singly or in combination:

1. Soil and Water Conservation practices.

2. Nonstructural—Nonstructural measures may include, but are not

limited to, land use regulation, land acquisition, the maintenence of aquatic areas, floodplain zoning, flood-proofing existing buildings, flood forecasting, flood warning, flood hazard information, flood insurance, tax adjustments, emergency assistance, and relocation of properties and people.

3. Structural—Structural alternatives to channel modification include, but are not limited to, dams, floodways, dikes, levees (including set back levees), flood walls, pumping plants, diversions, and wetland development, maintenance, and restoration.

B. Types of Channel Modification. Channel modification is defined in these guidelines to include actions such as riprapping, selective snagging, clearing and snagging, widening, deepening, realignment, and lining, listed generally in order of ascending impact on fish and wildlife resources.

1. Selective Snagging—Selective removal of obstructions from the channel and stream banks to increase its capacity to convey water. Removal operations are performed primarily with hand-operated equipment, water-based equipment or small equipment used in a manner that will minimize soil and water disturbances. This includes the removal of downed timber, trees likely to fall into the channel at an early date, and accumulations of debris, sediment or obstructions that will adversly impact on design flow requirements.

2. Clearing and Snagging—The removal of obstructions from the channel and stream banks, including the removal of vegetation and accumulations of bedload material, to increase its capacity to convey water. It may include the removal of sediment bars, drifts, logs, snags, boulders, piling, piers, headwalls, and debris.

3. Riprapping—The placement of irregular permanent material such as rock in critical areas along the watercourse to protect the earth materials against excessive erosive forces.

4. Widening—the overall widening of a channel to restore or increase its capacity to convey water. This usually involves clearing, snagging, and excavation of a portion of the channel side slope(s). Where practical, widening is performed on one side only with appropriate consideration given to alternating from one side to the other

5. Deepening—The overall deepening of a channel to increase its capacity to convey water and/or provide drainage. Deepening usually involves clearing or snagging and excavation of a portion of the channel bottom and the channel side slope(s).

6. Realignment—The construction of a new channel or a new alignment and may involve the clearing, snagging, widening, and/or deepening of the existing channel where the new alignment coincides with the existing channel. It may include straightening the alignment to restore or increase the capacity of the channel to convey water.

7. Lining—Placement of a nonvegetative protective lining overall or part of the perimeter of a channel to prevent erosion or to increase the capacity of the channel to convey or conserve water.

C. Criteria for Channel Modification as an Alternative. The following criteria will be utilized in the planning process for determining when channel modification can be considered an alternative. If used, channel modification will be the minimum required, either alone or in combination with other measures. It will be accomplished using the least damaging construction techniques and equipment in order to retain as much of the existing characteristics of the channel and riparian habitat as possible. Such construction practices include, but are not limited to, seasonal construction, minimum clearing, reshaping spoil, limiting excavation to one bank (on alternating sides where appropriate), and prompt revegetation of disturbed areas.

Channel modification may be considered as an alternative for project purposes for which the SCS is currently authorized by law and which are in conformance with agency (SCS) policy and regulations, provided the modification is designed to resolve specific problems and would not cause directly or indirectly any of the following to occur:

1. Jeopardize the continued existence of endangered species and threatened species by the destruction or modification of habitat of such species which is determined to be critical under the endangered Species Act of 1973, or amended, or species similarly classified under law of the State(s) in which the project is located.

2. Result in restricted access to use of streams or stream segments developed specifically for recreation or fish and wildlife use by the general public.

3(a). The intent or purpose is to drain or otherwise alter wetland types 3 through 20,[1] or the result of the modification would be to indirectly alter wetlands types 3 through 20 and provisions for appropriate mitigation or compensation by establishment of similar habitat values in the project area are not provided; or

(b). The intent or purpose is to alter wetland types 1 and 2, including conversion to cropland, pastureland, or other uses unless the land has been cultivated to produce food, feed, fiber, and/or oilseed for at least 3 of the 5 years before the request for assistance. In any case, their preservation will be strongly recommended when they are adjacent to types 3 through 20 or are needed to maintain a balanced aquatic or semi-aquatic ecosystem.

Also, channel modification will not be considered as an alternative unless it can be accomplished with little or no direct or indirect adverse[2] effect on:

1. Stream or stream segments now designated or undergoing study under the Wild and Scenic Rivers Act or officially designated pursuant to other federal or State(s) legislative actions for their important natural, esthetic, or recreational values.

2. Streams located in or flowing through or contiguous to established wilderness areas, parks, refuges, or other areas set aside pursuant to Federal or State(s) legislative actions for fish and wildlife esthetic or recreational values.

3. Important fish and wildlife habitat values, including riparian habitat, in the project impact area, State, or nation after providing for all appropriate mitigation, compensation, or preservation measures. Conservation easements or other comparable means will be utilized wherever necessary to provide reasonable life or project protection for wetlands or riparian areas subject to secondary drainage predicted to occur as a result of, or be facilitated by channel modification. (Measurement of habitat values will be determined on a case-by-case basis in accordance with habitat evaluation procedures to be promulgated by FWS and developed jointly with SCS.)

IV. Coordination and Interaction

The FWS and the SCS recognize that the application of the above guidelines can most effectively be accomplished through cooperative effort during all planning phases of a water resource project. The FWS and the SCS will work cooperatively with State fish and wildlife agencies to inventory and assess the fish and wildlife resources and to plan alternatives, enhancements, replacement, or necessary mitigation measures.

[1] Wetland types as described in FWS Circular #39 or subsequent publications.

[2] Rule of reason must be used in applying these guidelines and determining the actual net effects and their significance at the field level considering the value of the resource and importance of the project objectives.

The level of effort to be devoted by FWS to each watershed project will be proportional to the value of the resources and expected impact on fish and wildlife resources. If FWS determines at any stage of planning that it cannot, for any reason, participate, it will so notify SCS in writing stating reasons for discontinued participation. Even though FWS discontinues participation in planning, they will eventually, as prescribed by law, become involved with reviewing and commenting on the watershed plan. In such instances, FWS will not oppose the project plan on the basis of channel modifications unless it is clearly evident that the plan is not in conformance with the provisions of these guidelines after consultation with SCS determining this to be the case.

The following procedures will be used in the planning of water resource projects. The coordination identified is between the field levels of FWS and SCS; however, *both agencies regognize that planning will always involve State fish and wildlife agencies as well as the interested public and sponsoring agencies at all stages throughout the planning process.*

Coordination of Field Level Planning [1]

Process	SCS action	FWS action
Preapplication	Potential application under consideration. Notifies FWS that potential application is being considered and issues invitation to meetings.	Participate in meetings.
	Assists sponsors in developing information when appropriate. (Normally requires from one to several days.) Request from FWS available fish and wildlife information and viewpoints concerning potentials for an impacts of a probably project.	Furnishes available information and FWS viewpoint concerning potentials for and impacts of a probable project. If requested, participates jointly with SCS and State fish and wildlife studies needed and report findings as may be required. (Field level letter.)
Application	Receives application. Notifies FWS in writing that application has been received and when field examination is to begin. Issues invitation to FWS to participate in all meetings and in study and evaluation of available information. (Field examination may require a few days to several weeks).	Participates in meetings.
	Initiates field examination and assembles available information, coordinates study and evaluation of available information and data. Begins environmental assessment.	Participates in field examination. Assembles and furnishes available fish and wildlife information and data. Participates in study and evaluation of available information and data and in identification of problems and study needs and potential solutions worthy of further study.
	Identifies problems and needs, potential solutions, and broad alternatives worthy of further study. Request FWS to work cooperatively with SCS and State fish and wildlife agency in any special studies required in this step.	Works cooperatively with SCS and State fish and wildlife agency in any special studies required and in preparing an appropriate report.
	Prepares field examination report (includes pertinent fish and wildlife information from FWS) and provides copy to FWS.	Provides inputs (letter report) for the field examination report.
	Requests FWS to participate in developing a plan of study. Prepares the study plan.	Participate with SCS in developing a plan of study. FWS will advise as to scope and detail of specific studies needed, capability of FWS to perform studies, and its desire to participate in design of any contracts to secure necessary information.
	Requests planning authority (submits views of FWS with request for planning authorization).	
Planning	Receives notice of planning authorization. Notifies FWS in writing. Initiates and coordinates Preliminary Investigation (PI) and continues environmental assessment. Notifies FWS in writing. (PI may require from several weeks to 2 years).	Participates in meetings and preparation of joint FWS-State fish and wildlife agency—SCS fish and wildlife inventory, assessment, base line data, and report.
	SCS initiates preparation of PI report and update of the study plan. Requests FWS participation in PI and update of plan of study.	Furnishes additional inputs to problems, needs, alternatives and impacts as the PI process progresses and jointly makes recommendations for mitigation, compensation, and enhancement. Furnishes inputs for the PI report and updating of study plan.
	Sends PI report to FWS and others	Participates with SCS to review the PI report with the public.
Detailed Planning	Coordinates the detailed planning stage and continuation of the environmental assessment. Notifies FWS that detailed planning is to commence and issues invitation to participate in detailed planning and in meetings.	Participates with SCS and others in detailed planning of alternatives and the components. Works cooperatively with State fish and wildlife agency and SCS to formulate the alternatives and to assess fish and wildlife impacts. Works cooperatively with SCS and State in preparation of recommendations for mitigation, compensation, and enhancement for initial draft plan and, when prepared, an EIS. Participates in meetings. Provides detailed report in accordance with Fish and Wildlife Coordination Act and Section 12 of P.L. 83-566.
	Prepares initial draft plan and, when required, an EIS. Initiates local field review and issues an invitation to FWS to participate in this review. Provides FWS with initial draft plan and an EIS, if prepared.	Provides review comments on initial draft and participates in local field review.
Review (Formal)	Prepares a draft plan and EIS, if required, and circulates for interagency review	Provides comments to Interior and works with SCS in an attempt to resolve issues, if warranted.
	SCS prepares final plan and EIS, if required. Forwards plan and EIS through system for approval and authorization.	Review plan and EIS according to FWS and Interior instructions.
Operations	Receives notice of authorization for installation. Notifies FWS. (Regional and area offices.) Prepares construction plans and invites FWS to review them.	Reviews pertinent construction plans.
	Notifies FWS of supplement when the channel modification guidelines are applicable. (See page 2.) Prepares supplemental plans when necessary and circulates for local field review.	Participates in formulating supplemental plan when the channel modification guidelines are applicable. Same involvement as in planning and provides inputs for supplemental plan. Also provides comments on supplemental plan when circulated for local field review.
	Forwards supplemental plan for approval. Provides FWS copy of supplemental plan.	
Maintenance	Advises FWS and State fish and wildlife agency of scheduled maintenance inspections during the life of the project.	Participates in maintenance inspections at FWS discretion. Coordinates with SCS and sponsors to determine when inspections are to be made or needed. If appropriate, makes recommendations for changes in O&M agreement if necessary to ensure that proper maintenance is accomplished.

[1] All steps apply to planning for small watershed projects. Appropriate steps will be followed for P.L.-534 and Resource Conservation and Development measures planning.

NOTES

1. SCS notifies FWS when planning is suspended, project action terminated, or other stop actions are taken.
2. The level of effort to be devoted by the FWS to each watershed project will be proportional to the value of the resources and expected impact on fish and wildlife resources. If FWS determines at any stage of planning that it cannot, for any reason, participate, it will so notify SCS in writing stating reasons for discontinued participation.

V. Resolution of Issues

General

It is recognized that issues may develop which cannot be resolved at the field level. When issues arise, it will be the practice of the FWS and the SCS to refer such cases and issues to the next higher respective administrative level for resolution and ultimately, if necessary, to the Secretaries of Agriculture and Interior. The Secretary

of Agriculture will seek the advice and counsel of the Secretary of the Interior in reaching his decision. Consultation between the two agencies will, at each level, occur throughout the decision process.

Procedure

1. Most of the problems in applying the guidelines will be identified at the field planning level. When this occurs, the SCS Planning Staff Leader will consult directly with the FWS Field Supervisor (Ecological Services) and attempt to resolve the issue.

2. Should the SCS Planning Staff Leader and the FWS Field Supervisor (ES) be unable to reach agreement, the issue should be referred and coordinated as follows:

USDA	in consultation with	USDI
State Conservationist, SCS		Area Manager, FWS.
Administrator, SCS		Director, FWS.
Assistant Secretary for Natural Resources and Environment.		Assistant Secretary for Fish and Wildlife and Parks.
Secretary of Agriculture		Secretary of the Interior.

Each level of review normally shall be completed in 45 days. Additional time may be required when new data are needed to resolve the issue.

The decision on whether channel modification will be part of a project plan shall rest with the Secretary of Agriculture. If disagreement still exists at the Secretary's level, the FWS views and recommendations will be appended to the project plan.

At all levels in the decision process, the desires and needs of the local sponsors, environmental groups, State and Federal agencies, and interested public will be taken fully into account.

Dated: December 12, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

Dated: December 4, 1979.

Norman A. Berg,

Administrator, Soil Conservation Service.

[FR Doc. 79-39249 Filed 12-21-79; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 16, 17, and 160

Vinson-Trammel Act; Excess Profits on Contracts for Naval Vessels or Military Aircraft

Cross Reference: On October 26, 1979, the Internal Revenue Service proposed new regulations to implement the provisions of the Vinson-Trammel Act that limit profits from contracts for new complete naval ships, military aircraft and parts thereof (44 FR 61611). For a document issued by the Department of Defense requesting comments on DoD recommended changes to those proposed rules, see FR Doc. 79-39459 published elsewhere in this issue. Refer to the table of contents at the front of this issue under "Defense Department" to determine the correct page number.

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 42

Nondiscrimination Based on Handicap in Federally Assisted Programs—Implementation of Section 504 of the Rehabilitation Act of 1973 and Executive Order 11914; Extension of Public Comment Period

AGENCY: Department of Justice.

ACTION: Extension of comment period.

SUMMARY: The Department of Justice published proposed rulemaking in the Federal Register of September 21, 1979 (44 FR 54950) to prohibit discrimination against handicapped persons in programs and activities receiving Federal financial assistance from the Department of Justice. The proposed rule is designed to comply with section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914 (41 FR 17871, April 28, 1976) which relate to nondiscrimination against handicapped persons in programs and activities receiving Federal financial assistance.

The notice of proposed rulemaking provided for a ninety day comment period ending December 21, 1979. To increase the public participation in the comment period, the Department mailed approximately 4,000 copies of the published proposed rule to interested parties, including copies to approximately 200 public and private committees, associations and organizations representing the interests of handicapped persons or interested in the problems of handicapped persons. Thus far the Department has received few written comments. Accordingly, the Department will extend the public comment period to encourage further public participation.

DATES: Comments should be received by the Department of Justice by January 4, 1980. Comments received after that date will be considered, if feasible, before the proposed rule is prepared in final form.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed rule or for tape copies of this proposed rule contact the following:

(1) For LEAA programs: Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, Telephone: 202/376-3691;

(2) For other Department of Justice Federal assistance programs: Robert N. Dempsey, Federal Enforcement Section, Civil Rights Division, Telephone: 202/633-2374.

Dated: December 19, 1979.

Drew S. Days III,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 79-39345 Filed 12-21-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Ch. I

Vinson-Trammel Act: Excess Profits on Contracts for Naval Vessels or Military Aircraft; Proposed Regulations

AGENCY: Office of the Secretary of Defense.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Vinson-Trammel Act (the "Act") limits profits from contracts and subcontracts for new complete naval ships, military aircraft and parts therof (10 U.S.C. §§ 2382, 7300). Written and oral views from the public are invited with respect to a proposed Department of Defense (DoD) form to be used by contactors and subcontactors in making the report to the Secretary of the military department required by the Act and with respect ot proposed regulations for the administration of DoD's responsibilities under the Act.

DATES: Written views and requests to present oral views must be delivered or mailed by March 25, 1980. Hearings for the presentation of oral views will be combined with the hearings that are to be held pursuant to the notice, published elsewhere in this issue of the Federal Register, in which DoD invites public comment with respect to proposed regulations of the Department of the Treasury implementing the Act. The information and instructions set forth in that notice with respect to presentation of oral views are equally applicable to presentation of oral views in the instant proceeding.

ADDRESSES: Send written views and requests to present oral views to: Deputy Under Secretary of Defense

(Acquisition Policy), Attention: CPF, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Major Grady Jacobs, USAF, Directorate of Contracts and Systems Acquisition (CPF), Office of the Deputy Under Secretary of Defense (Acquisition Policy), Pentagon Building, Room 3D 116, Washington, D.C. 20301, 202–697–8334 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The profit limitation provisions of the Vinson-Trammel Act, (the "Act") codified in 10 U.S.C. 2382 and 7300, apply to any contract or subcontract which exceeds, or may exceed, $10,000 in amount for the construction or manufacture of any complete aircraft or naval vessel, or any portion thereof. The Act imposes a profit limitation of 10 percent with respect to such vessel contracts and 12 percent with respect to such aircraft contracts and requires, further, that the contractor or subcontractor make a report under oath to the Secretary of the military department, at the conclusion of the contract, setting forth the contract price, the cost of performing the contract, the net profit or loss and the percentage of the contract price that is net profit or loss. The profit limitation provisions are not applicable to contracts or subcontracts involving less than $10,000 or to a contract or subcontract for scientific equipment for communications, target detection, navigation or fire control if the Secretary of the military department concerned designates the contract for exemption. The operation of the profit limitation provisions of the Act has been suspended pursuant to the Renegotiation Act of 1951. 50 U.S.C. App. 1211–1223 and predecessor laws. When that suspension ended on September 30, 1976 upon the expiration of the Renegotiation Act, DoD undertook a fresh look at the DoD reporting form and regulations implementing the Act that had been last used more than 30 years ago. The proposed report form and DoD regulations set forth and described below result from that review.

Proposed DoD Form for Contractor's Report

The "Report of Profit on Army, Navy or Air Force Contract", NME Form No. 147 (1 Dec. '48), is the current DoD form for the report that the Act, 10 U.S.C. § 2382(b), 7300(b), requires contractors and subcontractors to submit to the military department Secretaries at the completion of a contract or subcontract covered by the Act. That form is proposed to be revised as set forth in Exhibit 1. It will be noted that the revised form incorporates the same definition of "costs of contract performance" as DoD is considering proposing for use in the proposed Department of Treasury regulations. A common definition of that term will facilitate preparation of the return to be filed under the Act with the Department of the Treasury (Internal Revenue Service forms 949 and 949–A), aid in the administration of the Act and reduce paperwork demands on contractors. Comments are invited as to any changes to the form set forth as Exhibit 1 that are needed to serve these objectives or are otherwise appropriate. After consideration of public comments has been completed, the form will be submitted to the Office of Management and Budget for approval pursuant to OMB Circular A–40 "Management of Federal Reporting Requirements", which implements the Federal Reports Act, 44 U.S.C. 3502–3511.

Department of Defense Regulations Implementing the Act

Regulations for implementation of the Act along the lines of those contained in the Navy Procurement Directives, 32 CFR 737.33–200 *et. seq.* (1979) will be proposed to be issued for DoD-wide application.

Written Comments and Public Hearing Procedures

You are invited to participate in this proceeding by submitting written views with respect to the proposals set forth in this notice. Four copies of these documents should be submitted and should be received by March 25, 1980, 4:30 p.m. in order to be considered. To provide interested persons the fullest possible opportunity to make their views known to DoD, public hearings will be held as stated in the "DATES" and "ADDRESSES" sections of this Notice.

H. E. Lofdahl, Director,

Correspondence and Directives, Washington Headquarters Services, Department of Defense.

December 18, 1979.

BILLING CODE 3810-70-M

Exhibit 1—General Instructions

REPORT OF PROFIT VINSON-TRAMMELL ACT (10 U.S.C. 2382 and 7300)	IMPORTANT: Read Instructions on reverse side before completing this form.	Date of Report	Form Approved OMB No. _____
	TO: Washington Headquarters Services ATTN: DIOR/PEID The Pentagon Washington, D.C. 20301		(Do Not Write in This Space. For Use by IRS.)

1. This Report is for ("X" appropriate box): ☐ Prime Contract ☐ Subcontract	2. Taxpayer Identifying Number of Firm Preparing Report	
3a. Name and Address of Contractor Completing This Form (Include Zip Code)	3b. Contract Number 3c. Contract Award Date (Month, Year) 3d. Date of Contract Completion (Month, Year)	
4. Name and Address of Firm Issuing This Contract (Include Zip Code)	5. Name and Address of Prime Contractor (If Known):	
6a. This Contract or Subcontract is for construction or manufacture of all of part of ("X" one): ☐ Naval Vessel ☐ Aircraft	6b. Type of Contract ("X" one): ☐ Firm Fixed Price ☐ Cost Plus Incentive Fee ☐ Fixed Price Incentive	☐ Cost Plus Fixed Fee ☐ Other (specify) _____

7. COMPUTATION OF PROFIT	
7a. Total Contract Price	$
7b. Contract Price of Items Subject to Vinson-Trammell Act	$
7c. Cost of Performance of Items Subject to Vinson-Trammell Act	$
7d. Net Profit (or Loss) on Items Subject to Vinson-Trammell Act (Line 7b minus line 7c)	
7e. Percent of Net Profit (or Loss) to Contract Price of Items Subject to Vinson-Trammell Act (Line 7d divided by Line 7b)	%

8. Remarks

9. CERTIFICATION:
I Certify Under Penalty of Perjury That To the Best of My Knowledge and Belief The Above Information Is Accurate, Complete And Current As of _____ Executed on _____

Date Date

Typed Name and Title Signature

EXHIBIT 1 Page 1 of 3 pages

BILLING CODE 3810-70-C

General Instructions

This report is required by the Vinson-Trammell Act of March 27, 1934 (48 Stat. 503), as amended, of contractors and subcontractors performing contracts for the construction or manufacture of all or part of any complete new aircraft or naval vessel.

A separate report is required for each contract or subcontract for which the contract price of items subject to the Vinson-Trammell Act exceeds $10,000.

The original of this report is to be submitted to the Washington Headquarters Services, Attn: DOIR/PIED, The Pentagon, Washington, D.C. 20301. A duplicate of this report is to be submitted to the Internal Revenue Service (IRS) as an attachment to the IRS Form 949 (Naval Vessels) or 949–A (Aircraft).

This report is to be submitted to the Department of Defense not later than the date of submission of the report to the IRS.

Specific Instructions

Self-explanatory items are not discussed.

Item 3b: Insert complete contract, subcontract, or purchase order number, as applicable.

Item 3c: Insert date of award (month, year) of this contract, subcontract, or purchase order, as applicable. Month and year are to be expressed as numbers (e.g. February 1977 is 2,77).

Item 3d: Insert date (month, year) of completion of this contract, subcontract, or purchase order, as applicable. Month and year are to be expressed as numbers (e.g. February 1977 is 2,77). The contract is complete as of the date of the last delivery of the naval vessel, military aircraft or portion thereof covered by contract, subcontract, or purchase order. For further information see 26 CFR 160.5.

Item 4: Leave blank if this is a report on a prime contract. If this is a report on a subcontract or purchase order, insert the name and address of the firm issuing this subcontract or purchase order.

Item 5: Leave blank if this is a report on a prime contract or the prime contractor is unknown.

Item 7a: Contract price or total contract price means the amount or total amount to be received under the contract, subcontract, or purchase order. For further informatin see 26 CFR 160.8.

Item 7b: Contract price of items subject to the Vinson-Trammell Act *excludes* prices set forth in the contract, subcontract, or purchase order for (1) items not delivered as part of a complete new aircraft or naval vessel (e.g. spares, etc.) and (2) items of scientific equipment for communications, target detection, navigation, or fire control if they have been exempted from the Act by the Department of Defense. For further information see 26 CFR 160.8.

Item 7c: The cost of performance of items subject to the Vinson-Trammel Act is defined as follows:

Allocability: Allocations of direct and indirect cost to contracts subject to the Act will be made in accordance with (1) the Cost Accounting Standards and/or Section XV of the Defense Acquisition Regulation that is applicable to the contract, subcontract or purchase order, or (2) if the contract, subcontract or purchase order is not subject to Cost Accounting Standards and/or Section XV of the Defense Acquisition Regulation, on a reasonable basis consistently applied that reflects recognized accounting principles and practices. For further information see 26 CFR 160.9.

Allowability: All ordinary and necessary costs that are allowable for Federal income tax purposes are allowable for the purpose of the Vinson-Trammell Act, but only to the extent that such amounts would be allowable as deductions if the sole taxable income of the contractor were the receipts and accruals under the contract. Expenses for entertainment, bribes, kickbacks, and other illegal payments are not allowable as the cost of performance for the purpose of the Act. For further information see 26 CFR 160.9.

Item 8: This block is provided for comments or explanatory information, as required.

[FR Doc. 79-39458 Filed 12-21-79; 8:45 am]
BILLING CODE 3810-70-M

---

32 CFR Ch. I

Vinson-Trammel Act: Excess Profits on Contracts for Naval Vessels or Military Aircraft: Proposed DoD Approval of IRS Proposed Regulations (26 CFR Parts 1, 16, 17, and 160)

AGENCY: Office of the Secretary of Defense.

ACTION: Request for comments on IRS proposed regulations.

SUMMARY: On October 26, 1979, the Internal Revenue Service, U.S. Treasury Department published in the Federal Register (44 FR 61611) proposed new regulations to implement the provisions of the Vinson-Trammel Act (the "Act") that limit profits from contracts for new complete naval ships, military aircraft and parts thereof (10 U.S.C. 2382, 7300).

The Act requires that these regulations be made in agreement with the Secretaries of the military departments. This notice sets forth several significant changes to the proposed regulations that the Office of the Secretary of Defense is considering putting forward to the Department of the Treasury for the purposes of arriving at regulations that can be agreed to by the Secretary of Defense on behalf of the Secretaries of the military departments. Written and oral views from the public are invited with respect to these and other needed changes to the proposed regulations.

DATES: Written views and requests to present oral views must be delivered or mailed by March 25, 1980. Hearings for the presentation of oral views will be held in Washington, D.C. We are willing to hold hearings also at the following places, if we receive enough requests therefor: Boston, Mass., Chicago, Ill., Dallas, Tex., San Francisco, Calif. If you desire to be heard at one of these places, your request to present oral views should so state. The dates and place(s) established for such hearing(s) will be published in the Federal Register

ADDRESSES: Send written views and requests to present oral views to: Deputy Under Secretary of Defense (Acquisition Policy), Attention: CPF, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Major Grady Jacobs, USAF, Directorate of Contracts and Systems acquisitions (CPF), Office of the Deputy Under Secretary of Defense (Acquisition Policy), Pentagon Building, Room 3D 116, Washington, D.C. 20301, 292–697–8334 (Not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The profit limitation provisions of the Vinson-Trammel Act, (the "Act") codified in 10 U.S.C. 2382 and 7300, apply to any contract or subcontract which exceeds, or may exceed, $10,000 in amount for the construction or manufacture of any complete aircraft or naval vessel, or any portion thereof. The Act imposes a profit limitation of 10 percent with respect to such vessel contracts and 12 percent with respect to such aircraft contracts and requires, further, that the contractor or subcontractor make a report under oath to the Secretary of the military department, at the conclusion of the contract, setting forth the contract price, the cost of performing the contract, the net profit or loss and the percentage of the price that is net profit or loss. The method of computing excess profit is required by the Act to be determined by the Secretary of the Treasury with the agreement of the Secretaries of the military departments and made

available to the public. The operation of the profit limitations of the Act was suspended by the Renegotiation Act of 1951, 50 U.S.C. App. 1211–1233, and the predecessor laws. With the lapse of the Renegotiation Act of 1951 on September 30, 1976, contracts with the military departments for the construction or manufacture of all or part of any complete aircraft or naval vessel were again subject to reporting and recoupment of profits under the Act.

Changes to Proposed Department of the Treasury Regulations

The current regulations of the Department of the Treasury, set forth in 26 CFR 1.1471 (1978), have not been significantly changed since their initial issuance in 1939. New regulations are needed in order to take account of changes that have occurred in the laws and practices that relate to defense procurement. On October 26, 1979, the Internal Revenue Service, Department of the Treasury, published a proposal in the **Federal Register** (44 FR 61611) to revoke the current regulations and adopt new regulations. The Act provides that the method of computing excess profits be determined by the Secretary of the Treasury in agreement with the Secretary of Defense. DoD is considering changes to the proposed new regulations that should be put forward to the Department of the Treasury during consultations with respect to such agreement. The texts of significant changes that are under consideration are set forth below. DoD invites comments on these changes and on any other needed changes to the proposed Department of Treasury regulations.

Accordingly, the Department of Defense proposes the following changes:

1. Section 160.5 would be amended to read as follows:

"The date of delivery of the last naval vessel, military aircraft or portion thereof covered by the contract or subcontract shall be considered the date of completion of the contract or subcontract unless otherwise determined jointly by the Secretary of Defense and the Commissioner, or their duly authorized representatives. Except as otherwise provided in the preceding sentence, the correction of defects in delivered articles or the performance of warranty or guarantee work in respect to such articles will not operate to extend the date of completion. If a contract or subcontract is at any time cancelled or terminated, it is completed at the time of the cancellation or termination, or such later time as may, in individual cases, be determined jointly by the Secretary of Defense and the Commissioner, or their duly authorized representatives. As to a refund in case of adjustment due to any subsequently incurred additional costs, see § 160.19."

2. Section 160.9 would be amended to read as follows:

"(a) Allocability:

Except as otherwise provided herein, direct and indirect cost of performing contracts and subcontracts shall be allocated in accordance with: (A) The Cost Accounting Standards and/or Section XV of the Defense Acquisition Regulation if and to the extent so agreed in the contract or subcontract or (B) in absence of the agreements described in (A), on a reasonable basis consistently applied that reflects recognized accounting principles and practices. Interest expense shall be allocated in accordance with the apportionment provisions of I.T.R. § 1.861–8(e)(2).

(b) Allowability:

Except as otherwise provided herein, all costs that would be allowable as deductions under Chapter 1 of the Internal Revenue Code shall, to the extent allocable to contracts and subcontracts, be allowable for the purpose of computing the cost of performance. The amounts of such costs shall be computed in accordance with methods used for public financial reporting purposes. However, the cost of performance shall not exceed the amounts that would be allowable as deductions if the sole taxable income of the contractor were the receipts and accruals under the contract. Expenses for entertainment, and bribes, kickbacks or other illegal payments are not allowable as costs of performance."

Written Comments and Public Hearing Procedures.

A. *Written Comments.* You are invited to participate in this proceeding by submitting written views with respect to the matters set forth in this notice. Four copies of these written views should be submitted and should be received by March 25, 1980, 4:30 p.m. in order to be considered.

B. *Public Hearings.* To provide interested persons the fullest possible opportunity to make their views known to DoD, public hearings will be held as stated in the "DATES" and "ADDRESSES" sections of this Notice. If necessary to present all testimony, hearings will be continued at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation at the hearings. The request should contain a phone number where you may be contacted through the day before the hearing. You should bring 50 copies of your statement to the hearing.

A DoD official will be designated to preside at the hearings, which will not be judicial in nature. Questions may be asked only by those conducting the hearing. Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearing will be made and the entire record of the hearings, including the transcripts, will be retained by DoD and made available for inspection from the person identified in the "FURTHER INFORMATION" section of this Notice at the place stated therein between the hours of 8:30 a.m and 5:00 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for us to cancel a hearing, every effort will be made to publish advance notice in the **Federal Register** of such cancellation. Moreover, actual notice will be given to all persons scheduled to testify at the hearings. It is not possible, however, to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact the person identified in the "FURTHER INFORMATION" section of this Notice on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

December 18, 1979.

[FR Doc. 79-39459 Filed 12-21-79; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1379-5]

Approval and Promulgation of Implementation Plans; Revisions to the South Coast Air Quality Management District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the South Coast Air Quality Management District's rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources

Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before February 25, 1980.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

South Coast Air Quality Management District, 9420 Telstar Avenue, El Monte, CA 91731

California Air Resources Board, P.O. Box 2815, 1102 "Q" Street, Sacramento, CA 95814

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules on January 2, 1979:

South Coast Air Quality Management District

Rule 301 Permit Fees.
Rule 303 Hearing Board Fees.
Rule 708.3 Traffic Abatement Plans.

Regulation XII. Rules of Practice and Procedure

Rule 1201 Discretion to Hold Hearing.
Rule 1202 Notice.
Rule 1203 Petitions.
Rule 1204 Answers to Petitions.
Rule 1205 Function of the Board.
Rule 1206 Appearances.
Rule 1207 Service and Filing.
Rule 1208 Rejection and Filing.
Rule 1209 Form and Size.
Rule 1210 Copies.
Rule 1211 Subpoenas.
Rule 1212 Continuances.
Rule 1213 Requests for Continuances or Time Extensions.
Rule 1214 Transcript and Record.
Rule 1215 Hearing Officers.
Rule 1216 Presiding Officer.
Rule 1217 Disqualification of Hearing Officer or Board Member.
Rule 1218 Ex Parte Communications.
Rule 1219 Evidence.
Rule 1220 Prepared Testimony.
Rule 1221 Official Notice.
Rule 1222 Order of Proceedings.
Rule 1223 Prehearing Conference.
Rule 1224 Opening Statements.
Rule 1225 Conduct of Cross-Examination.
Rule 1226 Oral Argument.
Rule 1227 Briefs.
Rule 1228 Motions.
Rule 1229 Decisions.
Rule 1230 Exceptions.
Rule 1231 Judicial Review.

EPA has evaluated the above rules and is proposing to approve them because they appear to be consistent with the requirements of Clean Air Act, Section 110 and 40 CFR Part 51.

In addition, regulations were submitted on January 2, 1979 concerning organic liquid loading, spray coating, and wood flat stock coating. These regulations will be addressed in a separate **Federal Register** notice.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove rules submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before February 25, 1980, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received on a determination whether the amendments meet the requirements of Section 110 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 determine 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". EPA has reviewed the revision being acted upon in this notice and has determined that it is a specialized revision not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a))

Dated: December 11, 1979.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 79-39254 Filed 12-21-79; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 52

[FRL 1379-8]

Approval and Promulgation of Sulfur Dioxide State Implementation Plan Revisions—Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 14, 1978, the Illinois Pollution Control Board (IPCB) adopted revisions to Rules 101 and 204 of Chapter II Part II of the Illinois Air Pollution Control Regulations which control sulfur dioxide (SO_2) emissions from fuel combustion emission sources located outside the Chicago, Peoria, and St. Louis major metropolitan areas (MMA's), and to control SO_2 emissions from existing processes designed to remove sulfur compounds from the flue gasses of petroleum and petrochemical processes. The revised rules were submitted to USEPA by the State of Illinois on March 21, 1979 as proposed revisions to the Illinois State Implementation Plan (SIP) pursuant to the requirements of Section 110 of the Clean Air Act (42 U.S.C. 7410). The purpose of this notice is to announce receipt of the proposed revisions, to discuss the results of USEPA's review of the revisions, and to invite public comment on the revisions themselves, and on USEPA's proposed rulemaking action.

DATE: Written comments must be submitted on or before January 25, 1980.

ADDRESSES: Comments should be submitted to Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604.

Copies of the SIP revision and supporting documentation are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air

Programs Branch, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTARY INFORMATION: Rule 204 (Sulfur Standards and Limitations) of Chapter II Part II of the Illinois Air Pollution Control Regulations was adopted by the Illinois Pollution Control Board in 1972 and approved by USEPA as the Illinois State Implementation Plan for SO_2. Included in the plan was Rule 204(c)(1)(B), which required sources located outside the Chicago, Peoria, and St. Louis (Illinois) MMA's to meet an emission standard of 6.0 pounds of SO_2 per million BTU of heat input. This standard was based upon the washability of Illinois coal and was aimed at eliminating easily avoidable emissions at relatively low cost. The Air Regulations also include Rule 204(e), which provided a formula by which owners of fuel combustion sources were to determine the total amount of SO_2 per hour which could be emitted from all sources owned by them and located within a one-mile radius. The formula was aimed at preventing violation of the short-term sulfur dioxide standard.

On March 7, 1974, the Illinois Pollution Control Board (IPCB) initiated inquiry hearings into the technical basis for Rule 204. Numerous public hearings were held throughout the State through January of 1978.

The revisions were adopted by the IPCB in final form on December 14, 1978. The revisions to rules 101 (definitions) and 204 were submitted to USEPA by Illinois on March 21, 1979. Supplemental information was submitted by the State by letter dated September 19, 1979.

The revisions propose to amend the Illinois SIP in the following ways:

The proposed SIP revision [Rule 204(c)(1)(C)] eliminates the 6.0 lb. SO_2/MBTU cap for major sources (i.e. with heat input greater than 250 MBTU/hr) and requires these to comply with revised Rule 204(e). Fuel combustion emission sources with actual heat input less than or equal to 250 MBTU/hr located outside the Chicago, Peoria, and St. Louis MMA's [Rule 204(c)(1)(B)] may choose an emission limit of 6.8 lbs. SO_2/MBTU or the pounds per hour emission limit under revised Rule 204(e).

Rule 204(c)(2)(C) adds a provision which retroactively increases the SO_2 emission limit for facilities which burned residual fuel oil (other than utilities) during the 1977 winter fuel emergency in recognition of the waiver granted to the State of Illinois under section 110(f) of the Clean Air Act.

Rule 204(e) has also been revised significantly. The proposed rule applies only to sources outside the Chicago, Peoria, and St. Louis MMA's. Existing sources within the MMA's must continue to meet the 1.8 lbs./MMBTU emission limit contained in Rule 204(c)(1)(A). New sources must meet 204(a) or 204(b). However, it should be noted that rules 204(a)(1) and 204(c)(1)(A) have been remanded by a State Appellate Court. USEPA has cited the Illinois SIP as being deficient as a result of the remand (44 FR 40723).

Rule 204(e) contains a new formula for determining maximum hourly emissions [Rule 204(e)(1)] to protect short term SO_2 NAAQS. The physical stack height used in the 204(e)(1) formula may not exceed "good engineering practice" as defined in section 123 of the Clean Air Act and implementing USEPA regulations unless the source demonstrates that a greater height is necessary to prevent downwash or fumigation conditions.

Proposed Rule 204(e) also contains a "grandfather" provision [Rule 204(e)(2)] which allows sources in compliance with Federally approved 204(e) but not in compliance with the new 204(e)(1) to choose between the two formulas. This provision was designed to prevent undue economic burdens on sources which would lose their compliance status as a result of the change in formula.

Proposed Rule 204(e)(3) provides a mechanism for obtaining a site specific emission limitation as an alternative to Rules 204(e)(1) or 204(e)(2). Under 204(e)(3) the burden of proof is on the petitioning source to prove that the alternative emission limitation will not contribute to a violation of NAAQS or any applicable PDS increment.

Sources granted an emission limit under 204(e)(3) must conduct an ambient monitoring and dispersion modeling program for one year. At the end of the study period, the results must be submitted to the IEPA along with an application for a revised operating permit. The IEPA is empowered to deny the permit and require a more stringent emission limitation if the study results indicate a potential for violations of NAAQS.

Rule 204(e)(4) contains a requirement that where emission limitations determined by new Rule 204(c)(1)(B) or Rule 204(e)(1) are less stringent than the emission limitation generated under existing Rule 204(e), sources may not increase emissions to the new allowable limits without first obtaining a new operating permit from the IEPA.

The application for a new permit must include a demonstration that the new total emissions will not violate any applicable PSD increment.

The proposal amends Rule 204(f)(1)(D) to delete the requirement contained in the federally approved SIP that existing processes designed to remove sulfur compounds from the flue gases of petroleum and petrochemical processes meet the SO_2 emission limitation determined by rule 204(e).

Rule 204(h): Compliance Dates

Rule 204(h) specifies compliance dates applicable to all sources subject to Rule 204. This Rule is largely a reordering of the Federally approved 204(h) with the following exceptions:

for Rules 204(c)(1)(B) [Existing sources outside the Chicago, St. Louis, and Peoria MMA's with actual heat input less than or equal to 250 MBTU/hr];

204(c)(1)(C) [Existing sources outside the Chicago, Peoria, and St. Louis MMA's with actual heat input greater than 250 MBTU/hr]; and

204 (e)(1) and (e)(2) [Maximum hourly emission limitations for fuel combustion sources located outside the Chicago, Peoria, and St. Louis MMA's;

compliance is required by December 14, 1978 (the date of Board adoption of the revised rules). for 204(e)(3) [site specific alternative emission limitation for existing fuel combustion emission sources located outside the Chicago, Peoria, and St. Louis MMA's, the following compliance dates apply:

For sources in compliance with Federally approved Rule 204(e) prior to December 14, 1978, compliance with the new emission limitation is required by the date of commencement of the monitoring and modeling pursuant to Rule 204(e)(3)(C) (i.e., within 6 months of Board approval of the alternative standard).

For sources not in compliance with Federally approved 204(e) prior to December 14, 1978, compliance with the alternative standard is required immediately upon Board approval.

Rule 204(i)

Rule 204(i) is a new rule which prohibits the use of dispersion enhancement techniques as a means of complying with the Rule 204(e) mass emission limitations except as provided for by § 123 of the Clean Air Act and regulations promulgated by USEPA thereunder. Stack gases may be reheated where air pollution control equipment results in a reduction of flue gas temperature, provided that the degree of reheat does not exceed the temperature drop across the control equipment.

USEPA has reviewed the Illinois submittal. The result of that review and USEPA's proposed rulemaking actions are discussed below.

Rule 101—Definitions

USEPA proposes to approve the revised definitions for Clean Air Act and PSD increment. It should be noted, however, that the IPCB has defined "PSD increment" only with respect to sulfur dioxide. This definition will have to be expanded to include the other criteria pollutants prior to USEPA approval of the Illinois SIP for PSD.

Rules 204(c) and 204(e)

Revised rules 204(c) and 204(e) represent significant relaxations of the Illinois sulfur dioxide State Implementation Plan. Relaxations of the SIP can be approved by USEPA only where it is shown that the relaxations will continue to provide for attainment and maintenance of NAAQS and will not violate any applicable PSD increment.

The State of Illinois did not submit a detailed computer dispersion modeling study to predict the ambient air quality impact of these rules. In lieu of an air quality impact study, the opinion of the Illinois Pollution Control Board contains the following support for the proposed revisions:

1. The 6 lb. S02/million BTU "cap" was eliminated for larger than 250 million BTU sources because the Board's record indicated that it is not technically or economically feasible for all sources to meet the 6 lb. standard by washing Illinois coal. The standard was changed from 6.0 to 6.8 lbs./MBTU to approximately double the amount of Illinois coal that can be burned without controls and still meet NAAQS. In the Board's opinion, the impact of these smaller boilers on air quality is minor; and since the areas affected by the rule are designated as attainment or unclassified, the change should not affect air quality.

2. Sources which would be allowed emission limitations greater than the limit in federally approved 204(e) cannot increase emissions without first obtaining a new operating permit from the Illinois EPA based on an application which proves that the PSD increment will not be violated [Rule 204(f)].

3. The revised 204(e)(1) formula represents "state of art" modeling assumptions based on a ". . . conservative set of worst case meterological and physical parameters", and thus is superior to federally approved 204(e).

4. In addition to the above, Illinois rule 102 prohibits any source from preventing the attainment or maintenance of any applicable air quality standard regardless of whether the source is in compliance with a specific emission limitation.

USEPA finds the above rationale inadequate for purposes of approving the proposed revisions for the following reasons:

1. While economic and technical considerations relative to the washability of Illinois coal are important considerations in Illinois' decision to relax its SO2 emission limitations, such relaxations must also be supportable on air quality grounds. Board assumptions as to the relative impact of these sources without specific technical support are inadequate to justify a relaxation of the SIP. An adequate air quality impact study is required to support SIP relaxations in attainment areas to assure continued attainment and maintenance of NAAQS, and protection of PSD increments.

2. The showing required under 204(f) for a revised operating permit is not adequate to answer the above concerns since the required showing *only* affects relaxations beyond the emission limitation generated by federally approved 204(e). For many sources, rule 204(e) is *not* the limiting rule under the federally approved SIP. Relaxations from 6 lbs. S02/MBTU up to the rule 204(e) limit can be significant, and the rule does not require the source to provide an air quality impact demonstration or apply for a revised permit.

3. USEPA has determined that emission limitations generated by the Rule 204(e)(1) formula may not be adequate to insure attainment and maintenance of NAAQS in all cases since (a) insufficient conservatism is built into the equation to insure that NAAQS would be protected in all cases, without the need for additional air quality impact assessments; and (2) ambient air quality impact studies were not performed to determine if the limitations generated by the formula would indeed protect air quality standards.

4. Relying on Rule 102 as technical support for a SIP relaxation would result in the full burden of proof falling on the enforcing agency to show that (a) NAAQS have already been violated, and (b) the source in question is causing or significantly contributing to the violation. USEPA deems the above inadequate to support a SIP revision.

Therefore, USEPA proposes to approve revised rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(1) and 204(e)(2) for those specific source for which these rules *do not* represent a relaxation of the federally enforceable SIP upon certification by the State of Illinois of the names and locations of such sources, the sources' current federally enforceable SIP emission limitation, and the source's emission limitation under the revised rule. This certification must be made prior to the close of the public comment period announced in this notice. USEPA proposes to disapprove rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for all other sources. USEPA will reconsider this action if, at a future date, additional technical support is submitted by the State of Illinois which demonstrates that the relaxed emission limitations will not cause or contribute to violations of NAAQS or violate applicable PSD increments. This additional technical support can take the form of areawide or statewide modeling studies performed by the State, or individual air quality impact assessments adequate to support a SIP relaxation for an individual source. The above noted studies must be carried out in accordance with USEPA modeling guidelines.

USEPA proposes to approve revised rule 204(c)(2)(C) since it codifies the waiver granted to the State of Illinois under section 110(f) of the Clean Air Act during the winter fuel emergency of 1977.

USEPA proposes to approve rule 204(e)(3) as a process by which Illinois can set alternative S02 emission limitations upon a showing that the proposed emission rate will not cause or contribute to a violation of NAAQS or any applicable PSD increment. However, each such emission limitation, along with the appropriate technical support, must be submitted to USEPA for review and approval. Until such time as the revised emission limitation is submitted to and approved by USEPA, the emission limitation contained in the federally approved SIP will remain in effect and federally enforceable for the source in question.

USEPA proposes to disapprove rule 204(e)(4) as not being adequate to protect NAAQS since the rule as written does not require an air quality impact assessment or a showing that NAAQS and applicable PSD increments will be protected when sources increase allowable emissions from 6lbs. S02/MBTU to a less restrictive allowable emission limitation derived under federally approved rule 204(e).

USEPA proposes to disapprove rule 204(f)(1)(D) since the rule as written completely deregulates S02 emissions from existing processes designed to remove sulfur compounds from the flue gases of petroleum and petrochemical processes without providing an assessment of the ambient air quality impact of S02 emissions from these sources, or a showing that increasing the allowable emissions from these sources will not cause or contribute to violations of NAAQS or any applicable PSD increment.

USEPA proposes to approve of rule 204(h) (compliance schedules) for those same sources for which USEPA is proposing approval of rules 204(c) and 204(e). USEPA proposes to disapprove 204(h) for all other sources

USEPA proposes to approve rule 204(i) (dispersion enhancement techniques) as being consistent with section 123 of Clean Air Act.

USEPA solicits comments on both the proposed SIP revisions and the proposed USEPA action on these revisions from all interested parties. USEPA also encourages residents and industries in adjoining states to comment on any

interstate air quality impacts of the Illinois SIP. Comments should be submitted to the address listed in the front of this Notice. Public comments received on or before January 25, 1980, will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedure requirements of Executive Order 12044.

This Notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: December 14, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-39349 Filed 12-21-79; 8:45 am]
BILLING CODE 6560-01-M

---

40 CFR Part 52

[FRL 1380-1]

Proposed Approval of Illinois Sulfur Dioxide State Implementation Plan for Commonwealth Edison Kincaid Station

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to approve an emission limitation of 105,162 lbs. of sulfur dioxide (SO_2) per hr. for Commonwealth Edison Company's Kincaid generating station located near Sicily, in Christian County, Illinois. Because this revised emission limitation represents a relaxation of the federally approved Illinois State Implementation Plan (SIP), it must be approved by USEPA before it becomes effective under the Clean Air Act. 42 U.S.C. 7410. The purpose of this notice is to invite public comment on the revised emission limitation, and on USEPA's proposed rulemaking action.

DATES: Written comments must be submitted on or before January 25, 1980.

ADDRESSES: Comments should be submitted to Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Section, Air Programs Branch, USEPA Region V, 230 South Dearborn, Chicago, Illinois 60604.

Copies of the SIP revision and supporting documentation are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

United States Environmental Portection Agnecy, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Gulezian, Acting Chief, Regulatory Analysis Scetion, Air Programs Branch, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTARY INFORMATION: On December 14, 1979, the Illinois Pollution Control Board (IPCB) adopted changes to Illinois' sulfur dioxide rule 204 which revises emission limitations for fuel combustion emission sources located outside of the Chicago, Peoria, and St. Louis major metropolitan areas (MMA's). Included in the revision were proposed rules 204(c)(1)(C), which eliminates the federally approved 6 lb. SO_2 per million BTU maximum sulfur dioxide emission limitation for large fuel combustion emission sources outside the MMA's; and rule 204(e)(1), which establishes a maximum hourly emission limitation for fuel combustion emission sources outside the MMA's. The State of Illinois did not conduct or submit air quality impact studies in support of the proposed revision, and thus, the submittal could not adequately insure protection of NAAQS. Therefore, in an accompanying notice of proposed rulemaking, USEPA has proposed to approve the revisions for only those specific sources for which the rules do *not* represent a relaxation of the federally enforceable SIP; and to disapprove the rules for all other sources until such time as the State submits an air quality study which demonstrates that for the sources in question, the SIP revision will not cause or contribute to a violation of national ambient air quality standards (NAAQS).

On September 19, 1979, the State of Illinois submitted an air quality study to USEPA on behalf of the Commonwealth Edison Company. The study demonstrated that emissions allowed under Illinois rule 204(e)(1) would not cause or contribute to violation of NAAQS. USEPA has reviewed the air quality impact study and had determined that the study is adequate to support a SIP revision. Therefore, USEPA proposes to approve the rule 204(e)(1) SO_2 emission limitation of 105,162 lbs./hr. for the commonwealth Edison Company's Kincaid generating station.

USEPA solicits comments on the proposed SIP revisions and the proposed USEPA action on these revisions from all interested parties. USEPA also encourages residents and industries in adjoining states to comment on any interstate air quality impacts of the Illinois SIP. Comments should be submitted to the address listed in the front of this Notice. Public comments received within 30 days of publication of this Notice will be considered in USEPA's final rulemaking on the SIP. All comments received will be available for inspection at Region V Office Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Under Executive Order 12044 (43 FR 12661), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedure requirements of Executive Order 12044.

This Notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended.

Dated: December 14, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-39348 Filed 12-21-79; 8:45 am]
BILLING CODE 6560-01-M

Office of Pesticide Programs

40 CFR Part 162

[OPP 30034; FRL 1349-6]

Registration Standards for the Registration of Pesticides; Advance Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency (EPA or Agency), Office of Pesticide Programs (OPP).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Administrator of EPA has authorized the development of proposed regulations governing the registration of pesticides. The proposal would amend existing regulations by establishing a new system, called the "registration standards system," for registering and reregistering pesticide products. The proposed regulations would also include a number of miscellaneous changes to the existing registration regulations, 40 CFR Part 162.

Under the registration standards system, EPA would develop a document containing a comprehensive statement of the Agency's regulatory position on all pesticide products containing the same active ingredient(s). This document, or registration standard, would describe the data (including limitations and deficiencies) upon which the regulatory position is based, the rationale for the position, and the conditions which must be met to register a product under the standard. Finally, the Agency would establish procedures for making certain that products covered by a registration standard comply with the decisions it contains. The registration standards system is intended to create on open and well-documented decision-making process which will result in the effective, efficient, and fair regulation of pesticides.

In implementing this system, the Agency will need to comply with the decisions resulting from the pending litigation. Therefore, the final design of the registration standards system may differ from that as discussed in this document.

DATES: Comments must be received on or before February 25, 1980.

ADDRESS: Send comments to Document Control Officer, (TS-793), Room E-447, EPA, 401 M Street, SW., Washington, D.C. 20460. Comments received will be available for public inspection in Room 447, East Tower, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION OF APPLICATION OF REGISTRATION STANDARDS, CONTACT: Henry Jacoby, Registration Division (TS-767), Office of Pesticide Programs, EPA, Room E-305, 401 M Street, SW., Washington, D.C. 20460 (202) 755-2562. For information concerning development of registration standards, contact: John Bowser, Special Pesticide Review Division (TS-791), OPP, EPA, 401 M Street SW., Washington, D.C. 20460, (703) 557-7973.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to announce EPA's intention to propose amendments to the regulations governing the registration and reregistration of pesticide products (40 CFR Part 162). The primary purpose of the amendments would be to establish a new system for making decisions on the registration of pesticide products called the registration standards system. This notice describes the system EPA has in mind and explains how decisions generated by that system would be applied to individual pesticide products. The proposed regulations will also address a number of other changes in 40 CFR Part 162. The other changes being considered by EPA are listed briefly at the end of this notice, and may be discussed in more detail in subsequent notices.

The reader is encouraged to consider the ideas contained in this notice in the context of the overall program of pesticide regulation, which is discussed generally in the Implementation Plan for the Federal Pesticide Act of 1978 (44 FR 4352, January 19, 1979). For other related aspects of the regulatory program, refer to the Conditional Registration Regulations (44 FR 27932, May 11, 1979), the Data Compensation Regulations (44 FR 27945, May 11, 1979), and the Proposed Guidelines for Registering Pesticides (43 FR 29696, July 10, 1978 and 43 FR 37336, August 22, 1978).

The Agency welcomes comments on the registration standards system and on the revisions to Part 162, Subpart A. Specific issues on which EPA particularly desires comment are listed in Part VIII of this notice. Comments are also requested on alternative approaches to pesticide registration or reregistration.

The following is an outline of the major topics addressed in this notice: I. Introduction to the Registration Standard System; II. Organization of a Registration Standard; III. Preparation of a Registration Standard; IV. Maintenance of a Registration Standard; V. Registration and Reregistration Under a Standard; VI. Legal Status of a Registration Standard; VII. Order of Development of Standards; and VIII. Request for Comments.

I. Introduction to the Registration Standards System

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) gives EPA responsibility for regulating the use of pesticides in the United States. EPA does so primarily by " registering" pesticide products,[1] that is by issuing a license allowing the product to be legally sold and distributed in commerce if EPA determines (in accordance with FIFRA § 3(c)(5)) that its use will not cause unreasonable adverse effects on the environment. (EPA also has authority to conditionally register products which are substantially similar to, or contain additional uses of, currently registered products. This authority requires a somewhat different determination. See FIFRA § 3(c)(7).) No pesticide product may be used unless it has first been registered. In addition to acting on applications for new registration, EPA is also responsible for reviewing the acceptability of each of the 35,000 currently registered pesticide products and imposing restrictions necessary to ensure that use of any of these products does not cause "unreasonable adverse effects on the environment." This activity is called "reregistration."

EPA intends to use a new approach to making decisions on the registration and reregistration of pesticide products. This approach has been alternately termed the "generic standards system," and the "registration standards system." The latter term will be used in this document although the meaning is synonymous. Under this system, EPA intends to develop a document called a "registration standard" which states the Agency's regulatory position with respect to a group of pesticide products containing the same active ingredient. The system for developing a registration standard will emphasize the collection and review of all relevant data, systematic documentation of decisions, and thorough explanation of the reasons supporting the decisions.

EPA will issue two kinds of registration standards, "interim" and "completed" standards. These terms refer to the completeness of the data base which the Agency used to make its decisions. These kinds of registration standards are discussed further in Part III A.

EPA thinks that a good system should: (1) base regulatory decisions on a comprehensive data base; (2) provide accurate documentation of the regulatory decision and the deliberations leading to that decision; (3) whenever practicable, draw scientific and regulatory conclusions for groups of similar products rather than individual products; and (4) provide a means for members of the public to comment on issues and supply information before the Agency makes a decision.

Under the system described here, EPA would systematically gather and assess data from the broadest base possible, including the Agency's files, published literature, and other government agencies. This broad data base would

[1] A pesticide product is a pesticide chemical in a form which is offered for distribution and sale. The pesticide product also includes the labeled container and any supplemental labeling.

significantly increase the accuracy and completeness of the Agency's risk/benefit assessments, which support its regulatory decisions concerning pesticide chemicals.

Accurate documentation would make it easier for the public to identify and evaluate information considered by the Agency in reaching its decisions. It would also simplify the Agency's task should it need to review the decision at a later time. Finally it would simplify the regulatory process for the Agency, applicants, and registrants. Once the Agency reaches a regulatory position for a group of products, applicants and registrants would only have to demonstrate that their products comply with the requirements of the standard. EPA would not need to repeat for each new application and each currently registered product covered by the standard, the decision-making process that led the Agency to establish a regulatory position for that group of products.

II. Organization of a Registration Standard

The Agency plans to write each registration standard in two major parts. One part would address one pesticide active ingredient and the manufacturing-use products containing that ingredient. (Manufacturing-use products are products which are intended for end-use as a pesticide only after reformulation or repackaging.) The other major part would address each distinct kind of end-use product (such as a wettable powder, a dust, or an emulsifiable concentrate) which contains the active ingredient. (An end-use product is labeled with directions for use against pests in the form it is sold or after dilution by the user. All products which are not manufacturing-use products are end-use products.) Each major part of the standard would include at least the following sections:

(1) *Regulatory Position.* This section would define which uses of a pesticide are acceptable for registration and would usually establish some limitations or restrictions on the composition of products which would be acceptable. Those limitations may be expressed as allowable ranges in the concentration of the active ingredient(s), deliberately added inert ingredients, or contaminants. For some standards, to maximize applicability or in order not to reveal composition information which is protected from disclosure by the law, certain restrictions on composition may be expressed as maximum or minimum values for specific properties, e.g. minimum acute oral LD_{50} levels. The regulatory position would also describe the acceptable uses of products to which the standard applies.

The description of acceptable uses may vary in detail, but would usually identify the target pests, application site, and appropriate application parameters (e.g., rate, method, and frequency). Depending on the available data, the description may include the classification of each of the acceptable uses as either (1) "general use" (for use by anyone) or (2) "restricted use" (for use only by or under the supervision of pesticide applicators certified as competent in the handling and use of restricted use pesticides or for use under other restrictions). The description of acceptable uses may also identify other restrictions or conditions of registration such as special packaging or protective clothing or worker reentry intervals which EPA considers necessary to prevent unreasonable adverse effects on the environment. In addition, the regulatory position would identify labeling requirements and contain examples of acceptable labels. Finally, if the Agency has issued an interim standard because data which are necessary for full evaluation of the uses of the pesticide product have not yet been developed and submitted, the regulatory position would identify the additional information which is needed to make a full regulatory decision and thus to develop a completed standard.

(2) *Regulatory Rationale.* This section would explain how the Agency used its assessment of the chemical, toxicological, and environmental characteristics of the pesticide activie ingredient (or of formulations containing that ingredient), of the potential for exposure, and of the benefits of the pesticide to determine the acceptability of products covered by the standard. The regulatory rationale would document the reasons which support the Agency's decisions expressed in the regulatory position part of the standard, including any assumptions made by the Agency. In particular, this section would explain the reasons for imposing any new use restrictions or requiring label modifications for currently registered products. It may also include a discussion of regulatory options which were considered in reviewing particular uses and the Agency's reasons for choosing one option rather than another.

(3) *Assessment of the Data Base.* This section would identify all data which were reviewed by the Agency and considered in support of the registration of manufacturing-use products and end-use products covered by the standard. The section would identify the sources of the data and would report the Agency's conclusions about the validity and the significance of the data. In an interim standard, this section would also indicate any items of data which were not available at the time the data base was assessed but which are necessary for a complete characterization of the risks or benefits associated with the use of the pesticide active ingredient or its formulated products. (Some of the data which are normally required to support the registration of a pesticide are described in the registration guidelines proposed at 43 FR 29696 (July 10, 1978) and 43 FR 37336 (August 22, 1978).) EPA notes that some regulatory decisions, such as those involving resolution of a Rebuttable Presumption Against Registration (RPAR), May require, in addition to that required by the guidelines, information such as economic benefit analysis, efficacy, or additional risk data.

(4) *Tolerance Assessment.* For pesticides whose use results in residues on food or feed, the standard will include a section on tolerances.[2] Although the Agency establishes tolerances for those residues under the authority of the Federal Food, Drug, and Cosmetic Act (FFDCA) rather than FIFRA, the establishment of a tolerance or an exemption from the requirement of a tolerance is a prerequisite to registration under FIFRA of any pesticide product with a food or feed crop use. Moreover, most of the data used in making a tolerance decision are also considered in deciding whether to register a pesticide product. Accordingly, the Agency believes that registration standards development is the appropriate context in which to reassess tolerances.

In this section, the Agency would list the individual tolerances found acceptable after reassessment. This section would also include a description and discussion of the data considered in connection with the tolerance reassessment which were not discussed elsewhere in the standard. The section would explain the rationale for the Agency's decisions, and in particular would address the methods used to calculate acceptable daily intake levels

[2] The FFDCA makes unlawful the sale or distribution in interstate commerce of any raw agricultural commodity or processed food or feed that is "adulterated." Under the FFDCA, a raw agricultural commodity or processed food or feed which contains any pesticide residue is adulterated unless a regulation has been issued establishing the permissible level of pesticide residue. EPA has the authority to exempt or to establish permissible levels of pesticide residues, which result from the use of a pesticide product, in or on raw agricultural commodities or processed food or feed. These regulatory clearances are referred to as "tolerances."

(ADI's) for residues of the pesticide and the basis for estimating human exposure. This section would also express the Agency's assessment of human exposure in relation to the ADI. In addition, the tolerance assessment would discuss those tolerances, if any, which the Agency proposes to revise or revoke and the reasons for the action.

In some cases, EPA may conclude that the use of end-use products covered by the standard is likely to result in a residue in food or feed for which no tolerance has been established. In these cases, the tolerance section would identify what tolerances need to be established and what regulatory action would be taken in the absence of such tolerances.

There are also a few tolerances established to permit movement in commerce of food or feed bearing residues which do not result from use of the pesticide in this country. For example, a tolerance may be requested in order to permit importation into this country of a food or feed commodity grown abroad but not domestically or treated with a pesticide not registered for use in the United States. In this case the Agency proposes to follow the reassessment process just outlined, although the final document obviously would not include an assessment of the acceptability of such uses of the chemical, except to the extent necessary to evaluate the tolerance itself.

(5) *Bibliography.* This section would identify all data considered by the Agency in developing the standard. The bibliography would identify the data submitted, the date on which the data were submitted, and whether and for how long the data are entitled to "exclusive use" under FIFRA § 3(c)(1)(D)(i). Another portion of the standard would identify which specific data (if less than the entire data base) were considered by the Agency in deciding that specific products and uses are registrable.

III. Preparation of a Registration Standard

The Agency has identified at least five major stages in the initial construction of a registration standard: (1) preliminary activities, (2) data gathering, (3) data review, (4) preparation of a regulatory position and publication of the proposed standard, and (5) consideration of public comments and publication of the standard.

A. Preliminary Activities: Phased Testing Program

Ideally, at the time EPA is ready to begin development of a registration standard for a particular pesticide, all the required studies on the pesticide will already have been performed (in a valid manner) and submitted. EPA could then assess all the data and reach a comprehensive position on all risks and benefits of the active ingredient and the various products. This would be the most efficient use of EPA's resources and would shorten the period during which the pesticide was under Agency review.

This ideal situation is not likely to occur, at least not soon. There are several reasons:

(1) EPA now requires more data than it did when many products were first registered.

(2) Some of these studies take several years to complete but have not yet been started or are just now underway.

(3) Some studies which have been conducted were performed using protocols now regarded as fundamentally inadequate or are otherwise unacceptable for use in decision-making.

Thus, for the registration standards on currently registered pesticides which EPA will start to develop in the next few years, the Agency expects that it will be impossible to promptly issue completed standards addressing all the risks a pesticide may pose. Instead of delaying issuance of any standard at all in such a case, EPA will issue an *interim* standard which addresses those issues for which sufficient data exist and which lists the studies which must still be performed and establishes a timetable for their performance. At a later date the standard will be reissued as a *completed* standard, after the previously missing data have been submitted and evaluated.

In the case of registration standards on which EPA will not be ready to start work for several years, however, delays in completion caused by the need to wait for data to be generated can be considerably lessened (if not altogether avoided) by steps the Agency can take now to assure that needed testing of already-registered pesticides is started promptly. We will refer to this as the "phased testing program."

The first step in this program would be to state the categories of testing it should cover. The Agency will be primarily concerned with studies which take more than six months to perform; short-term testing requirements can be imposed soon after the start of actual work on a standard and still be finished in time to be used when needed.

A quick screening of the Agency's files can disclose which data "gaps"—complete absence of data of a particular type—exist for any particular active ingredient. It makes sense to identify these data gaps quickly and take steps to require registrants to commence testing so that the data will be available when needed.

The Agency also anticipates, however, that in some cases data which are on file are so clearly unusable for present-day decision-making that new testing to replace those data obviously must be done. There will also be data on file which, although having inadequacies, can perhaps serve as the basis for decisions. EPA does not think that it would be an efficient use of its resources to preliminarily review all the existing data now in an attempt to discover all their flaws and to specify each test that must be performed. Instead, the Agency will develop for each of the various classes of data included in the phased testing program a set of "rejection criteria" for judging which existing studies totally fail to satisfy the data.

As the next step in the phased testing program, EPA would review its files for each group of pesticide products to determine what types of data included in the phased testing program were available. If no data were available, EPA would inform the registrants of products to which the data would be relevant that they must produce the data by a specified time. Usually the data would be due on the date when the Agency plans to start work on the registration standard, but more time would be allowed if the period needed to perform the study extended beyond that date. EPA would also direct the registrants to review the available studies and identify those which did not satisfy the rejection criteria. Registrants would also be required to fill any data gaps resulting from application of the rejection criteria.

Once registrants had received notice that they were subject to a requirement to produce additional data, they would have 90 days in which to respond. (See FIFRA § 3(c)(2)(B).) Within that time, each registrant would have to make one of the following responses: (1) state that data are available from a study which is acceptable in light of the rejection criteria; (2) request a waiver of the data requirement; (3) promise, either individually or in cooperation with others, to produce the data by the date specified; or (4) request voluntary cancellation. If none of these responses was made within 90 days, the registration would be suspended under FIFRA § 3(c)(2)(B)(iv). A request for voluntary cancellation would be processed promptly, and the registration of the product would be cancelled. If EPA received a request for a waiver, it

would postpone action on the data requirement until it had reviewed and acted on the waiver request. If the waiver were denied, the data requirement would be reinstated with a new deadline for producing the data. A statement that data are available and possibly acceptable would be handled in the same way. No action would be taken until those data had been reviewed and EPA had determined whether they were adequate to allow the Agency to make a determination under FIFRA § 3(c)(5).

B. Data Gathering

(1) *Previously Registered Pesticides.* When the actual collection and organization of data on a particular active ingredient is about to begin, the Agency will issue a Federal Register notice announcing the initiation of development of the registration standard and soliciting submission of information on the chemical. At this point in the process, participation by registrants and other members of the public would probably be limited chiefly to submitting data concerning the pesticide and raising issues which they believe the Agency should consider in the course of developing the registration standard.

During the public comment period initiated by the Federal Register notice, the Agency will collect, and then sort by subject, data from the Agency's internal files, the published literature, and data from other government agencies. The Agency will incorporate data received in respone to the notice into this data base. The Agency then will compile a bibliography citing each element of the data base and prepare an index of products and currently registered use patterns for the active ingredient under review. As a check on the accuracy and completeness of the bibliography and index, the Agency will make these documents available for public review and comment.

(2) *New Pesticides.* The first applicant for registration of a product with a "new" active ingredient (one not contained in any previously registered product) will bear the responsibility for submitting sufficient data concerning the safety of the active ingredient as well as of the product for which he seeks registration. The registrant's data may form the entire data base, if the active ingredient is a new chemical never before manufactured or marketed, but the Agency will use any additional data that are available.

C. Data Review

During this stage, EPA would review thoroughly the validity of all relevant data which are available from any source. Though EPA reviewers may consider the registration guidelines in determining whether data are valid, data will not be rejected merely because they were not developed in accordance with the guidelines test standards. Rather, EPA will determine whether the studies were performed in a manner which would permit the Agency to use the resulting data to reach scientifically reliable conclusions. If EPA concludes that more information is needed, the data assessment would indicate the uses to which those data would be relevant.

EPA would then develop written assessments of the valid data which explain the conclusions which can be drawn from the data concerning the toxic, physical, chemical, and environmental characteristics of the active ingredient and the pesticide formulations in which it appears. The Agency would also discuss whether, in light of these characteristics, any use of products covered by the standards poses risks to man or the environment.

If the hazard associated with any use meets or exceeds the criteria in 40 CFR 162.11(a)(3), EPA will publish a notice of Rebuttable Presumption Against Registration (RPAR) against those uses in the Federal Register. The kinds of hazards which trigger the issuance of a RPAR notice include: oncogenicity, mutagenicity, and other chronic toxic effects; acute mammalian toxicity; adverse effects on wildlife at levels near anticipated levels of exposure; and others as well. The issuance of a RPAR notice initiates an in-depth review of the risks and benefits associated with use of a pesticide subject to the RPAR notice. The relationship of the process of reviewing uses subject to a RPAR and not subject to a RPAR is discussed in the section below.

D. Preparation of a Regulatory Position and Publication of a Proposed Standard

Next, EPA would develop its regulatory position with respect to the registrability of each of the uses of the products covered by the standard. EPA's regulatory position would state which current and/or proposed uses of a pesticide EPA considers acceptable for registration and what additional regulatory requirements, if any, were necessary to reduce the risks to an acceptable level. EPA would also establish the schedule for submitting any additional data required to develop a completed standard. All of these decisions, along with a complete explanation of EPA's reasoning, would be contained in the regulatory position and regulatory rationale sections of the standard and would be proposed for public comment. (These sections are described in section II (1) and (2) of this notice.)

EPA currently uses a system called the RPAR process to reach decisions on the registrability of certain uses of pesticide products which may cause unreasonable adverse effects on the environment. If EPA has issued an RPAR notice applying to some or all of the uses of the products covered by the standard, EPA would continue to use an intensive risk/benefit analysis to reach decisions on those uses.

EPA plans to develop regulatory positions on products which do not meet RPAR criteria using a decision-making system which will not normally include an extensive quantification or discussion of benefits. An important purpose of developing a regulatory position on pesticide uses not subject to RPAR review is to determine ways to assure that the risks of continued uses are commensurate with the benefits from such uses. EPA will consider various requirements which could decrease the identified risks. EPA will compare the reduction in risk with the reduction in benefits (if any) which would result from imposing a particular risk reduction requirement. Such requirements will be imposed whenever EPA concludes that the reduction in risk is greater than the resulting decrease in social or economic benefits.

A wide variety of restrictions may be imposed on pesticide products to limit the risks which products pose to man and the environment. EPA may impose them on some or all uses of a pesticide product. For registration purposes, the most important risk reduction elements to consider are:

(1) *Formulation:* (a) Physical form of the product, (b) The percentage of active ingredient, or (c) Reduction of the contaminant level.

(2) *Labeling (Major Consideration):* (a) Restrictions on the site of application, (b) Rate and/or frequency of application, (c) Requirement of certain methods of application, (e.g., closed system) or exclusion of others, (d) Protective clothing and/or respirator, (e) Use as part of an integrated pest management program, or (f) Reentry and/or preharvest intervals.

(3) *Labeling (Minor Considerations):* (a) Use directions (such as those for storage/disposal), (b) Warning statements, or (c) Graphics and/or layout.

(4) *Special packaging requirements* (such as childproofing).

(5) *Requirements for coloration/discoloration of the product.*

(6) *Requirement for use by certified applicators.*

(7) *Other terms or conditions, such as requirements for:* (a) Monitoring of the medical condition of workers (e.g., applicators and field workers) and removal of workers from exposure, when necessary, (b) Alterations of taste and/or smell of the product, (c) Toll-free telephone service providing information on treatment of pesticide poisoning or other incident; and

(8) *Tolerance levels, residue levels and the acceptable daily intake of the chemical.* The Agency has not decided how much public participation should be requested while it is considering regulatory options for non-RPAR pesticides. Public participation is a key element of RPAR reviews and will remain so. However, public participation outside the RPAR process could also provide the Agency with useful information for judging which of several possible regulatory options would reduce the risk associated with a particular use most effectively and efficiently. On the other hand, as in the data review phase, formal public participation during the analysis of regulatory options could delay the development of the proposed registration standard. Moreover, the public would have an opportunity to review and comment on the proposed standard which would include the preliminary selection of regulatory options. The Agency is interested in determining at what point and in what form public participation would be most advantageous.

EPA also has not yet decided how to handle the situation in which some but not all uses of a pesticide are subject to RPAR review. At present, EPA plans to continue its regular review of the uses which are not subject to an RPAR, while the RPAR review proceeds independently. EPA has not decided whether to issue a proposed standard for those uses which the Agency finishes reviewing first or to issue a standard covering all uses only after both reviews are completed.

The Agency would conclude this stage by publishing a notice of availability of the proposed standard in the **Federal Register.** (If the Agency decides to establish standards by the notice and comment rulemaking process, EPA would publish a standard as a proposed rule.) The notice would include the proposed regulatory position and possibly the regulatory rationale, the data assessment, the tolerance assessment, and the bibliography sections, as well. The Agency would also consider other forms of public review and input such as public hearings.

E. Incorporation of Public Comments and Publication of Interim and Completed Standards

During this stage the Agency plans to review and evaluate public comments received on the proposed standard and make any appropriate changes. Once changes are completed, the Agency would publish a notice of availability of the standard. (Again, if the Agency decides to establish standards by the notice and comment rulemaking process, EPA would publish a standard as a final rule.) The standard would represent the Agency's regulatory position on a pesticide and its uses, based on the data available at that time.

IV. Maintenance of a Registration Standard

The Agency will need a process to keep registration standards updated. A standard would need revision: (1) when EPA periodically reviews the standard to incorporate new information developed since the initial development or previous review of a standard; (2) if the Agency determines, at some time after the standard was developed that new data of a type not previously required were necessary; (3) whenever new information, or a reinterpretation of old data, indicates that a significant risk to human health or the environment existed and had not been taken into account in the regulatory rationale for the standard; (4) when a registrant requests that the scope of the standard be expanded to include a product use beyond the scope of the existing standard. Finally, EPA will revise an interim standard when the additional, required data have been submitted.

EPA intends to screen new data as they become available during the period between the routine updatings of a standard. Whenever the Agency identifies an issue requiring immediate attention, it will begin reconsideration of its regulatory position in light of the new information. The Agency intends to file the other new information and to evaluate it fully at the time of the routine revision of the standard.

v. Registration and Reregistriation Under a Standard

The Agency intends that decisions on the registrability of individual pesticide products will be controlled by the decisions reflected in the regulatory position of any applicable registration standard. Unless someone convinces EPA that the standard should be modified, applications [3] which do not comply with the standard would be denied, and existing registrations which are not brought into compliance would be cancelled.

Applicants and registrants may have to meet additional requirements to obtain or continue their registrations. These requirements may be grouped in three categories. The first category of requirements is "risk reduction requirements" and includes requirements concerning composition, restrictions on use, labeling, or packaging of the product. These kinds of requirements are designed to ensure that use of the pesticide product does not cause unreasonable adverse effects on the environment. The second category of requirements is "additional data requirements." These requirements obligate applicants and registrants to generate and submit additional data which are needed by the Agency to make registration decisions. The third category, "data compensation requirements," is created by FIFRA § 3(c)(1)(D). With certain exceptions, these requirements obligate applicants to make offers to pay compensation to any other applicant or registrant who has submitted data relevant to the decision that the applicant's product should be registered or reregistered.

The legal procedures used to make these requirements binding on applicants and registrants will vary depending on the nature of the requirement, the current status of the registration, and whether the applicant or registrant accepts or challenges EPA's decision.

A. Implementation of Interim Standards

The Agency anticipates that during the early years of developing registration standards, standards would progress through the issuance of an interim standard to a completed standard. The data base now necessary to permit the Agency to make the determination required by FIFRA § 3(c)(5) is extenisve, and many existing registrations probably are not supported by all of the data now needed. Generation of some of these data will take several years. Therefore, during the

[3] An application may seek any one of the following kinds of registration actions:

a. Registration of an "new product" (one not previously registered). This new product may contain one or more "new" active ingredients (i.e., active ingredients not contained in any previously registered product). Or the product may contain only "old" active ingredients, with a formula that is either substantially similar to, or quite different from already registered products, and with or without proposed use patterns that differ from already registered products.

b. Amendment to a previously issued registration. The amendment may propose a change in ingredient composition, a change in the use patterns, or other changes.

next several years, issuance of a completed registration standard will be the exception rather than the rule. As the Agency's phased testing program is implemented, however, the number of completed registration standards which result from the standards building process is expected to increase.

The fact that a registration standard has been completed would not preclude the Agency from using it as the basis for registration and reregistration actions. EPA expects that, in most cases, enough data will be available during the development of an interim standard to permit EPA to make some important regulatory decisions. An interim standard usually would contain the Agency's position on appropriate labeling and classification, and possibly on other kinds of use, composition or packaging restrictions. Decisions about these kinds of restrictions usually are based primarily on acute and subchronic toxicity data and other data which are usually available or easily and quickly obtainable. The Agency intends to apply these decisions to currently registered products, as well as to new registrations, immediately upon completion of an interim standard. Such action would lead to greater uniformity among all of the products covered by the standard. The interim standard would also identify additional data which EPA has determined will be necessary to make a FIFRA § 3(c)(5) determination. These data requirements will also be applied immediately to registrants of currently registered products, as well as to persons seeking to register new products.

B. Registration of Currently Registered Products Covered by and Complying With a Registration Standard

A registration standard would cover all pesticide products containing a specific active ingredient. A product would comply with a regulatory standard if its composition and acute toxicity were within the stated limits set by this standard, and if it met all restrictions on use, labeling, or packaging specified in the regulatory position.

Even if a currently registered product covered by an interim registration standard fully complies with that standard, so that no changes in labeling, packaging, composition, or use are necessary, the registrant still would be required to arrange for the submission of any data needed to complete an portions of the standard which apply to the product. EPA would impose these data requirements under FIFRA § 3(c)(2)(B), which authorizes EPA to require registrants to submit additional data to continue their registration. To do so, EPA must identify the data, establish a specific schedule for submission of the data, and notify all registrants subject to the requirement. Each registrant, in turn, would need to inform EPA within ninety days of receiving the notice that it is taking appropriate steps to produce the data, either individually or in cooperation with other registrants.

Regardless of whether the standard is interim or completed, registrants of currently registered products will also be required to offer to pay compensation for data on which the Agency relied in developing the standard, under FIFRA Section 3(c)(1)(D). These data will be identified in the standard. As discussed in Section V(F) of this notice, EPA has not yet decided which legal procedure to use to make data compensation requirements binding on registrants.

Finally, if the standard is completed and if no changes are required in the current registration, EPA would issue an unconditional reregistration for the product upon compliance with the administrative requirements.

C. Registration of Currently Registered Products Covered by But Not Complying With a Registration Standard

The registration standards system is designed to give the registrant ample notice of the requirements which EPA is considering for his product. Both proposed interim and proposed completed standards will be available for public comment. (See Section III(D) of this notice.) At any time during this process, a registrant may request an amendment to his registration to bring the product into compliance with EPA's anticipated regulatory position. EPA expects, however, that most registrants would not act until EPA has revised a proposed standard in response to public comment. Therefore, EPA expects most currently registered products would not comply with all of the requirements in the regulatory position of the applicable registration standard when it is issued.

In many cases the changes required for a product to come into compliance with the risk reduction requirements would be minor and easily achieved. Registrants may need only to supply up-to-date product chemistry information, revise use directions, add precautionary statements, or perhaps reformat their labels. In other cases, however, a registrant may have to make major changes to comply with the registration standard. For example, a registrant might need to reduce the content of the active ingredient in his product, or he might need to remove a use from the product label.

EPA's purpose is to impose consistent requirements on products with similar composition and uses. Therefore, EPA would attempt to bring all products into compliance with the regulatory position of a standard once an applicable standard had been issued. To do so, EPA would normally issue a Notice of Intent to Cancel under FIFRA § 6(b). This notice will be published in the **Federal Register** and will be sent to the registrant. The notice will explain the conditions which the registrant must meet in order to comply with the standard. Within 30 days a registrant either must request a hearing or must submit an application to amend his registration to comply with the standard.[4] If he takes neither action within the 30 days, his registration would be cancelled immediately by operation of law. (See FIFRA § 6(b).) If he requests a hearing within 30 days, EPA would conduct an administrative hearing to determine whether to cancel the registration. The scope of the issues in such a hearing would depend on the legal status of the Agency's decisions contained in the registration standard. (See Section VI of this notice.) If, following any hearing, EPA reaches a position different from that reflected in the standard, EPA would revise the standard accordingly. The registrant would then be granted registration to the extent permitted by the new position.

The registrant may respond to the Notice of Intent to Cancel by submitting an application to amend the registration of his product. EPA's action will then depend on whether the amendment complies with the standard and on whether the standard is interim or completed. If the application complies with the standard, EPA will approve the amendment. (Some of the kinds of information which might be required in these applications are discussed in the following section, V(D). EPA will issue an unconditional reregistration in the case of a completed standard, but under an interim standard, EPA would continue in force the kind of registration which the applicant previously held, subject to the terms of the amendment bringing the product into conformity with the standard. If the application to amend does not comply with the standard, the application will be denied under FIFRA § 3(c)(6), and the registration of the product will automatically be cancelled since the registrant had not taken the appropriate

[4] The Agency would allow a registrant more than 30 days to submit a completed application if the applicant filed a preliminary application during ther 30-day period and requested an extension of time to allow completion of application materials.

action within 30 days of receiving the Notice of Intent to Cancel. The applicant would be free to submit a second application which made the necessary corrections, or under FIFRA § 3(c)(6), the applicant could request an administrative hearing on the denial of his application. Such a hearing would be handled like a cancellation hearing.[5] If the applicable standard is an interim one, additional data requirements would be imposed under the authority of FIFRA § 3(c)(2)(B). (See discussion in Section V(B).)

Finally, under one of the procedures discussed in Section V(F), EPA would require the registrant to offer to pay compensation for data relied on in development of the standard to the extent required by the data compensation regulations.

D. Registration of New Products or Amendments to Current Registrations Which Are Covered by and Comply With a Registration Standard

When EPA has issued a registration standard (either interim or completed), the standard would address the registrability of every use of any currently registered product covered by the standard. Any person who then wishes to obtain a new registration for any of the acceptable uses, or to expand his current registration to include additional acceptable uses, may submit an application for new or amended registration. EPA would approve the application to register the product if the product complied with the standard, if the applicant satisfied the data compensation requirements of FIFRA § 3(c)(1(D) and, in the case of an interim standard, if the product were eligible for registration under FIFRA § 39(c)(7).

EPA will require the applicant for a new registration to submit data and labeling which demonstrate that his product complies with the standard. The data would consist primarily of product chemistry data which demonstrate that the product will have a composition which is acceptable under the standard. The standard would identify a range for the percentage of the active ingredient(s) which would be acceptable in the product and, in some cases, also for impurities of the product. The applicant would also be required to state the upper and lower limits for the deliberately added inert ingredients in the product, and to certify that those limits would not be exceeded in the production of his pesticide. In some cases, the applicant would be required to submit acute toxicity data confirming that the product's toxicity was within the stated limits. The applicant would also be required to submit efficacy data to support the registration of a public health use if those data are required to be derived from tests on the individual formulation. (This last requirement primarily would apply to rodenticide and disinfectant uses.) Finally, the applicant would need to provide labeling which meets the requirements of the standard.

Under FIFRA § 3(c)(1)(D), EPA may not approve an application unless the applicant has first made offers to pay compensation for data considered in support of his registration, to the extent required by FIFRA § 3(c)(1)(D) and implementing regulations. By using information in the standard which identifies specific data supporting specific uses and products, an applicant will be able to identify each data submitter who is entitled to receive an offer to pay compensation from the applicant. As provided by the data compensation regulations (40 CFR 162.9–3, 44 FR 27945, May 11, 1979), the applicant must make such offers to pay and must notify EPA that he has made all required offers to pay. Only after receiving this notification may EPA register the product.

If the applicant satisfies the data compensation requirements and his application is complete and complies with the standard, his application normally would be approved. An application under a completed standard would be registered unconditionally. If, however, the standard is an interim one, EPA would register the product conditionally, under the authority of FIFRA § 3(c)(7). The principal condition on a conditional registration would be that the registrant commit himself to produce additional data identified in the interim standard as necessary to permit the Agency to develop a completed standard within the time period specified by the standard.

E. Registration of New Products Which Are Covered by but Do Not Comply With a Registration Standard

Under the system the Agency contemplates, an applicant who wished to register a pesticide (or amend the registration of a registered product) which would not comply with an applicable registration standard would have to request that EPA amend the standard to allow registration of the type sought. Such an application would have to contain all information necessary for the Agency to decide whether to amend the standard. After EPA had reviewed the material submitted in the application and determined whether to amend the standard, EPA would review and act on the application for registration. If EPA decided to amend the standard, the application would be treated as described in the preceding discussion, Section V(D).

If, after review of the application, EPA decided not to make the amendment, EPA would deny the application under FIFRA § 3(c)(6). As noted earlier, the applicant could correct the deficiencies in the application or request a hearing in which he could attempt to show that the use for which he has applied would not cause unreasonable adverse effects on the environment and therefore should be registered. As also noted earlier, if, following any hearing, EPA reaches a position different from that reflected in the standard, EPA would revise the standard accordingly and grant registrations conforming to the revised standard.

An important question to be resolved is whether a public comment period should always be provided prior to amendment of a standard. EPA would handle requests for amendments to standards using approximately the same procedures used in the initial development of a standard, including publication of the proposed amendment and an opportunity for public comment, followed by issuance of an amendment to the standard and approval of the requested registration application. There will be occasions, however, when EPA may believe it would serve the public interest to authorize a new use of a pesticide more quickly than would be possible if EPA waited to obtain and evaluate public comments on a proposed amendment to the standard. In such a case, EPA could amend the standard without prior public comment.

F. Making Data Compensation Requirements Binding on Currently Registered Products

With certain limited exceptions, firms which apply to register new products or to amend existing registrations after September 30, 1978, are subject to the most recent amendments to FIFRA and must offer to pay compensation for all data in the Agency's files which are relevant to their registration and are otherwise compensable under FIFRA §§ 3(c)(1)(D) and 3(c)(2)(D). Registrants of currently registered products who do not apply for amendments, however, are not subject to FIFRA's data compensation provisions, because the statutory requirements imposing data

[5] The hearing would address only the issue of whether the Agency should unconditionally reregister the product under FIFRA § 3(c)(5). The issue of whether conditional registration under § 3(c)(7) is proper would be outside the scope of the hearing.

compensation obligations apply only to registration applications.

One result which is expected from the process of reevaluating all currently registered pesticide products under the registration standards system is that *all registrants* will be required to comply with the data compensation provisions of FIFRA § 3(c)(1)(D) and implementing regulations. (In many cases, the data base which would underlie an EPA decision to permit continued registration has been augmented greatly by some manufacturers (and not at all by others) in the years which have intervened since the initial authorization for use of the pesticide was granted.)

There are several ways in which EPA may impose data compensation requirements on existing registrants. EPA has not decided which approach is most efficient and fair. Briefly the alternatives are:

(1) Require applications to renew registration every five years under FIFRA § 6(a)(1).

(2) Require applications to amend an existing registration to comply with a standard.

(3) Require applications to be submitted to "reregister" every product, without regard to whether the product complies with the applicable standard.

(4) Require some combination of the first three approaches.

The first possible approach is to rely on the authority contained in FIFRA § 6(a)(1). That section provides that in order to avoid automatic cancellation, every five years a registrant must request EPA to continue his registration. This request must conform with whatever regulations the Agency has established for the renewal program. Though EPA has published regulations describing the renewal program, 40 CFR 162.6(c), the Agency has only required renewals in a few instances since 1972. EPA is now considering issuing regulations which would establish an active renewal program. Those regulations would require, as a condition of renewal, that a registrant requesting renewal make offers to pay compensation for all data on which EPA has relied in allowing that product to continue to be registered. Within five years of the beginning of the renewal program, all existing registrations would have become subject to the data compensation requirements. After five years, the renewal program would serve as a mechanism for requiring existing registrants to fulfill data compensation obligations for data relevant to their registration added to the information base supporting the standard during the preceding five-year period.

EPA could choose to apply the renewal program to products which are not yet covered by a standard, or instead to wait until a standard has been developed. The advantage of beginning to renew the registration of products before they are covered by a standard is that the data compensation obligations will be fulfilled much sooner. The disadvantage of starting before a standard is developed would be the difficulty in identifying which data are relevant to a particular end-use product registration. Questions concerning which data are relevant to the registrability of a particular end-use product will be definitively answered by EPA in the process of developing a standard. Thus, if EPA waited until after a standard were developed, end-use registrants would have less difficulty complying with the data compensation requirements of a renewal program, because they would know precisely which items of data may give rise to compensation requirements. Most of these problems could be avoided if only manufacturing use products were subject to the renewal requirement, or if only that data pertaining to safety of a product's active ingredients were covered by the compensation requirement.

The second approach to compelling existing registrants to comply with data compensation obligations would be to treat an application to amend a registration to avoid cancellation as an action subject to FIFRA § 3(c)(1)(D). As noted earlier, EPA expects that most currently registered products will not be in compliance with some aspect of the risk reduction requirements in the first standard (whether interim or completed) which covers the products. EPA will issue a Notice of Intent to Cancel the registration of any product which fails to comply with the standard. To avoid cancellation, the registrant must apply to amend his existing registration to comply with the standard. Under the present data compensation regulations, such an application is *not* subject to FIFRA § 3(c)(1)(D). (See 40 CFR 162.9–1(b)(17), 44 FR 27945; May 11, 1979.) EPA could amend this regulation, however, and require such applicants to make offers to pay compensation to the submitters of data relevant to their product.

There are both advantages and disadvantages to this approach. The main advantage is that this approach clearly involves an application for a registration action, unlike the first approach which is tied to a request for a renewal. One disadvantage of this approach is that it will only apply to registered products which do not comply with the applicable standard. Some products may comply with the standard, and they would not be subject to any data compensation obligation although extensive evaluation of the data base which supports the standard will have occurred in the course of considering whether to modify the standard. (EPA expects the number of such products to be small, however.) Certain registrants, without regard to the amount or quality of the data they submitted to support their application, may have had their products registered and may have them remain registered without being subject to data compensation requirements to the same extent as the registrants of other, similar products. A second disadvantage of this approach is that it fails to provide a mechanism for compelling registrants to pay compensation for data on which the Agency subsequently relies but which do not lead the Agency to revise the existing standard to which they are relevant.

The third approach to imposing data compensation obligations on existing registrants involves requiring all current registrants to apply for reregistration, and when they do, requiring that they make offers to pay compensation in compliance with FIFRA § 3(c)(1)(D). Though there is no statutory provision which explicitly gives EPA the authority to require a current registrant to apply for reregistration, it may be inferred from the statutory scheme and FIFRA's legislative history. Congress has directed the Agency to "reregister" all currently registered pesticides. (See FIFRA § 3(g).) Since FIFRA § 2(z) defines "registration" to include "reregistration," the statutory scheme for registration must also be used for reregistration. The statute is premised on the assumption that products which are not reregistered must apply for registration. Logically then, once EPA has established its procedures for reregistration, the Agency may require all products which are not reregistered to submit applications for reregistration. These applications would clearly be actions to which the data compensation requirements of FIFRA § 3(c)(1)(D) apply.

This third approach would be based on the legal conclusion that EPA has the authority to cancel the existing registration of a product simply on the ground that the registrant had not applied for reregistration. Unless failure to apply for reregistration was a ground for cancellation, any registrant could disregard the application requirement and continue to distribute his pesticide

product in commerce. Thus, this ground for cancellation arguably must exist in order to give meaning to the reregistration requirement of FIFRA § 3(g). Moreover, a reregistration application could be regarded as "other material required to be submitted" under FIFRA § 6(b)(1) and failure to submit it regarded as grounds for cancellation. However, it should be noted that FIFRA § 6 does not specifically list failure to apply for reregistration as a ground for cancellation.

Finally, a combination of these approaches could be used. For instance, EPA could require all currently registered products to apply for reregistration, and could also require renewal applications every five years thereafter, in order to ensure that all registrants be subjected to the § (c)(1)(D) requirement with respect to all data used in either developing or maintaining a standard.

VI. Legal Status of Registration Standards

There are two alternatives for the legal status of registration standards. Standards could be developed and issued either as decisions under general procedural regulations, or as separate regulations, themselves. Public involvement would be the same under either alternative and would include, at a minimum, a period for public comment on the proposed standard.

Under the first alternative, each standard would contain the Agency's regulatory position on products containing a particular chemical, but it would not be a separate rulemaking. The legal status of a standard would be comparable to that of an RPAR decision document.[6] The position in the standard would be made binding on registrants and applicants through subsequent decisions made in administrative hearings and in the registration process. (See Section V of this notice.) Similarly, amendments to standards would be only a statement of the Agency's position and would require further action to bind registrants or applicants.

The second alternative would be to issue each registration standard as a regulation, using rulemaking procedures. The development of standards as regulations would follow the procedures published to implement Executive Order 12044, "Improving Government Regulations." These procedures are intended to improve management insight in the development of regulations, to involve the public and other governmental organizations in evaluating regulatory proposals, to analyze the effects of new and existing regulations and to avoid unnecessary regulatory burdens on the public.

The major difference between the two alternatives is the scope of the issues which would be raised in a hearing requested by a registrant, applicant, or other interested party challenging the regulatory position taken by the Agency in the standard. Under the first alternative, the administrative hearing, when requested, could be very broad, addressing every relevant issue of fact raised by any party to the hearing. Hearings of this type have been conducted in the past and have been quite time-consuming; some have lasted several years. By contrast, if the final standard is promulgated as a regulation, the Agency could drastically limit the issues for any subsequent hearing. The major issues could be restricted to two: the applicability of the standard to particular products; and compliance of the products with the standard. Such a hearing could take approximately two to three months, depending on the number of products registered under the standard, and might take even less time.

The Agency has questions about the legality of the rulemaking alternative in light of Section 6 of FIFRA. That section provides that after the Agency has issued a Notice of Intent to Cancel the registration of a pesticide, EPA must hold a hearing to determine whether to take such action, is requested. The abbreviated hearing described above may not satisfy the requirement to hold a hearing, especially, if the standard calls for major changes to existing regulations.

Obviously, if the second alternative is legal, the choice between the two alternatives depends primarily on which is more efficient for making Agency decisions binding on registrants and applicants. The first alternative would involve longer adjudicatory hearings, but a shorter amount of time to issue standards than the second alternative. If the number of standards which are challenged is relatively small, the first alternative will allow the Agency to produce more standards and begin registration and reregistration actions under the standard in a more timely fashion. However, if a large number of standards are challenged and result in lengthy administrative hearings, this will seriously limit the Agency's ability to continue with the registration standards process. At this time, the Agency cannot predict the number of hearings which will be requested to challenge decisions made in registration standards. Therefore it is difficult to determine which alternative would be more efficient.

EPA is also considering other changes which could shorten adjudicatory hearings. EPA expects to revise the regulations governing administrative hearings following the issuance of a cancellation notice. The primary impact of such revisions would be to limit the scope of the issues which could be considered in a hearing. If adopted, these revisions might also lead the Agency to favor the non-rulemaking method of issuing registration standards.

VII. Order of Development of Standards

One of EPA's most important decisions in the registration standards system is the order in which to develop standards on pesticide products. The Agency intends to begin the development of standards covering previously unregistered pesticides in the same order as it receives applications to register those pesticides. While EPA, has decided on the pesticides to be reviewed in the next year, the Agency has not yet decided on the order in which to develop registration standards for currently registered pesticides in future years. Congress has provided some guidance on this matter in FIFRA § 3(g) which states:

> The Administrator shall accomplish the reregistration of all pesticides in the most expeditious manner practicable: *Provided*, that, to the extent appropriate, any pesticide that results in a postharvest residue in or on food or feed crops shall be given priority in the reregistration process.

Consistent with this mandate, EPA's goals for the registration standards system are to balance pesticide risks and benefits beginning with high exposure food and feed uses and to reregister products efficiently and expeditiously. In establishing the order for reviewing currently registered products, EPA will pay particular attention to the extent to which each of these goals can be achieved most effectively.

While it is important to give priority to the development of standards which will result in dealing with major risk potentials first, we cannot significantly delay beginning standards development for the sake of developing highly sophisticated prioritization criteria. More important, in order to apply such highly sophisticated criteria, the Agency would need to perform a data review and assessment virtually equivalent to the process of developing a standard itself. Therefore, the Agency will be

[6] In terms of the Administrative Procedure Act, 5 U.S.C. 551 et seq., the standard would be a preliminary step in the issuance of a licensing order, and would not be a "final disposition," (5 U.S.C. 551(6)) not reviewable "agency action" (5 U.S.C. 702).

relying on certain indicators of potential risk in ranking pesticide chemicals for standards development. The three indicators we have identified are: (1) documented adverse effects, (2) type of exposure, and (3) amount of exposure. In addition, since the size and quality of the data base can directly influence the time it takes to complete a standard, EPA needs to consider whether it is more advantageous to begin to develop many, relatively easy standards, a few very difficult ones, or a mixture of both. Finally, EPA also thinks it important to consider beginning work at the same time on several different standards for products with the same or similar uses. This cluster approach would enable the Agency to make regulatory decisions which take into account the risks and the benefits of pesticides which may be used as alternatives to pesticides whose uses are found unacceptable. This approach might also realize some efficiencies in data review.

These are the various factors the Agency is considering in developing priorities for standards development. However, the Agency is not sure exactly how these factors should be used and what importance should be assigned to each and thus requests comments on the merits of prioritization.

VIII. Request for Comments

A. Registration Standard

The Agency requests comments on the following specific issues in the preparation and maintenance of registration standards:

(1) *Public Participation.* What should be the extent and form of public participation and notification during the preparation of the regulatory position? Public review and comment occurring during this stage of the process could improve the analysis of the regulatory options; however, such participation probably would also lengthen the review process. The Agency would like comments on the usefulness of public participation during the preparation of the regulatory position and suggestions for possible timing and methods of public participation which would not cause serious disruption of the review process. We also seek comments about the desirability of public comment prior to issuing amendments to standards.

(2) *Content of the Registration Standard.* Should sections be included in the standards other than those described in Section III of this notice? For example, the Agency could add a section to provide a complete regulatory history of an active ingredient including first registrations, emergency exemptions issued, and state special local needs registrations. Commenters should reflect on the anticipated contribution of such a complete history to current pesticide regulation compared to the amount of research necessary to construct it.

(3) *Publication in the* **Federal Register.** How much of the registration standard document should the Agency publish in the **Federal Register?** Publication of the entire document would make it widely and easily available but would be costly to the Agency and could provide more information than is actually needed by many interested parties. Alternatively, the Agency could publish a notice of availability of the registration standard document which included the regulatory position sections of the standard (or other summary statement) or publish just the notice of availability itself.

(4) *Prioritization.* The weight to be given to the various factors in establishing priorities for standards development and possible prioritization schemes.

(5) *Maintenance of Standards.* Appropriations of a periodic (such as every five years) revision of the standard and possible screening systems for monitoring new data.

(6) *Phased Testing Program.* Apparent strengths and weaknesses of the phased testing program described and the usefulness of developing the rejection criteria document.

(7) *Status of a Registration Standard.* Alternative approaches to the legal status of registration standards. Should the Agency issue standards as statements of proposed regulatory action, or as regulations developed through rulemaking procedures? Commenters should consider the following: are rights of applicants and the interested public to a hearing under Section 6(b) protected; which process would allow EPA to begin actual enforcement of the standard in a more timely fashion; which process would make the more reasonable use of available resources.

(8) *Data Compensation.* Advantages and drawbacks of the various methods described in Section V(F) of this notice for requiring compliance with the data compensation provisions of FIFRA § 3(c)(1)(D).

(9) *Inert Ingredients.* The development of standards for pesticidally inert ingredients in pesticides products. The Agency is aware that commonly used pesticidally inert ingredients may pose potential health or environmental problems. In developing inert ingredient standards, the Agency will utilize other Federal agencies' authority—especially testing and review authority—to provide the information to be included in the discussion on the inert ingredients.

B. Additional Changes in FIFRA Section 3 Regulations

In this notice, the Agency has described the registration standard, its development and its anticipated use in the registration process. To ensure compatibility of the standard approach to registration with the regulations governing registration, 40 CFR Part 162, the Agency will review and revise the present regulations.

The anticipated revisions for the purpose of implementing the registration standard approach will affect mainly § 162.6 *Registration procedure,* § 162.7 *Disposition of applications,* § 162.11 *Criteria for determinations of unreasonable adverse effects,* and § 162.30 *Classification regulations.*

The anticipated changes are as follows:

1. § 162.6 will be revised in order to define the applicant's responsibility for documentation required to confirm compliance to a particular standard or to support a request for an amendment to an already established standard.

2. § 162.7 will be revised to reflect the Agency's responsibility in responding to an applicant.

3. § 162.11 has to be revised to reflect the program's stated goal of merging the Rebuttal Presumption Against Registration (RPAR) and the classification procedure with the standard-building process.

4. § 162.30 will be revised to indicate that once a standard is established for a chemical, that standard will supersede any classification regulation previously established for the chemical.

5. New regulations may be written to cover the phased testing program under FIFRA Section 3(c)(2)(B).

The regulations will also modify existing regulations implementing Section 3 of the Act in other ways. Since promulgation of the Section 3 regulations in 1975, FIFRA has been amended twice, but the regulations have not yet been revised to reflect significant statutory changes. In addition, experience with these regulations over the last four years has brought to light certain problems which were not anticipated during their development, but which should now be corrected. Finally, the existing regulations can also profit substantially from careful editorial work to ensure that the Agency's regulatory requirements are expressed clearly and concisely.

In revising the present regulation, OPP will evaluate the need for revisions in at least the following areas:

1. Procedural and administrative changes required throughout the entire regulations.

2. Revisions and additions to the present definitions.

3. Revisions to the labeling requirements for the purpose of uniformity with other regulations (e.g., childproof packaging, flash point testing), to transfer certain topics to the labeling guidelines, and to institute a viable labeling program prior to establishment of registration standards.

4. Review of the criteria for basing a rebuttable presumption against registration (RPAR). This review will evaluate various revision options for each criterion.

In the process of revising the regulations, the Agency may publish additional notices for comments on specific issues. These notices will be published when the Agency feels additional information and comments are warranted. Any comments on other parts of the Section 3 regulations which should be revised or on the changes identified here may be submitted now or in the future as the Agency publishes additional notices.

Dated: December 13, 1979.

Douglas M. Costle,

Administrator.

[FR Doc. 79-39252 Filed 12-21-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5757]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) 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 a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, 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 Title 24, Chapter 10, Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) 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. These proposed 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:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Diaz, Jackson County	White River	At Highway 17 over Main Street Ditch	*228
			At Highway 18 over Main Street Ditch	*228
	Maps available at City Hall, Highway 17, Diaz, Arkansas 79520.			
	Send comments to Mayor Blount Hohn or Ms. Jean Sullins, City Clerk, City Hall, Highway 17, Diaz, Arkansas 72043.			
Connecticut	Clinton, Town, Middlesex County	Long Island Sound	Coastline	*11
		Menunketesuck River	State Route 145 (Upstream) (Downstream Corporate Limits)	*12
			Dam at Chapman Pond (Upstream)	*14
			Carter Hill Road (Upstream)	*24
			Valley Road (Upstream)	*33
			2nd Dam upstream of Woods Road (Downstream)	*38
			2nd Dam upstream of Woods Road (Upstream)	*51
			0.1 Mile upstream of Kelseytown Road	*58
		Hammonasset River	U.S. Route 1	*11
			Dam upstream of River Road (Upstream)	*13
			Upstream Corporate Limits	*17
		Indian River	U.S. Route 1	*11
			Dam upstream of Glenwood Road (Downstream)	*22
			Dam upstream of Glenwood Road (Upstream)	*27
			Farm Road (Upstream)	*37
			0.26 Mile upstream of Hurd Bridge Road	*45
	Maps available at the Town Hall, Clinton, Connecticut.			
	Send comments to Honorable Daniel Vece, Jr., Mayor of Clinton, Town Hall, 52 East Main Street, Clinton, Connecticut 06413.			
Connecticut	Stonington, Town, New London County.	Whitford Brook	Confluence with Mystic river	*12
			Upstream of Latern Hill Road	*14
			Downstream of State Route 184	*15
			Upstream of State Route 184	*22
			Upstream of Hyde Pond Dam	*25
		Copps Brook	Confluence with Quiambog Cove	*12
			Upstream of Mistuxet Avenue	*25
			Upstream of Jerry Browne Road	*26

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Mystic Reservoir Dam	*45
			Downstream of Interstate Route 95 (N.B.)	*46
			Upstream of Interstate Route 95 (S.B.)	*47
		Stony Brook	Confluence with Stonington Harbor	*12
			Upstream of Private Road approximately 1,400 feet upstream of Flanders Road.	*26
			3,050 feet upstream of Flanders Road	*29
			3,320 feet upstream of Flanders Road	*43
			Downstream of Silvias Pond Dam	*70
			Upstream of Silvias Pond Dam	*81
			Upstrem of Private Road approximately 2,400 feet upstream of Silvias Pond Dam.	*83
			Downstream of Pequot Trail	*86
			Upstream of Pequot Trail	*92
		Anguilla Brook	Confluence with Wequetequock cove	*12
			Upstream of Green Haven Road	*13
			Upstream of Wequetequock Pond Dam	*15
			Downstream of U.S. Route 1	*19
			Upstream of U.S. Route 1	*24
			Upstream of Dam approximately 1,000 feet upstream of U.S. Route 1	*26
			Upstream of South Anguilla Road	*41
			Upstream of Pequot Trail	*43
			Upstream of Old Pequot Trail No. 2	*44
			Downstream of Interstate Route 95 (N.B.)	*49
			Upstream of Interstate Route 95 (S.B.)	*51
			3,000 feet upstream of Interstate Route 95 (S.B.)	*61
			Confluence with Wheeler Brook	*77
		Paucatuck River	Upstream of State Route 78	*15
			Upstream of White Rock Road	*16
			Confluence of Spillway Bypass	*18
			Spillway Bypass	*23
			Upstream Corporate Limits	*23
		Fishers Island Sound	Entire Shoreline	*12

Maps available at the office of the Town Clerk.

Send comments to Mr. James Spellman, First Selectman of Stonington, Town Hall, Alan Street, Stonington, Connecticut 06378.

Florida	Hillsborough County, unincorporated areas.	Alafia River	Intersection of river and center of Bell Shoals Road	*24
			Intersection of river and center of State Route 640	*31
		South Prong Alafia River	Intersection of river and center of State Route 640	*48
		North Prong Alafia River	Intersection of river and center of State Route 676	*54
		Delaney Creek	Intersection of creek and center of State Route 676	*19
		Ruskin Inlet	50 feet upstream from center of State Route 674	*12
		Rocky Creek	Intersection of creek and center of Seaboard Coast Line	*15
		Bullfrog Creek	Intersection of creek and center of Symmes Road	*19
		Hillsborough River	Intersection of river and center of 56th Street	*23
			Intersection of river and center of U.S. Route 301	*50
		Little Manatee River	100 feet upstream from center of U.S. Route 301	*22
			Intersection of river and center of Carlton Lake Road	*46
		Blackwater Creek	Intersection of river and center of unnamed road 9,100 feet upstream of mouth.	*60
		Rice Creek	100 feet upstream from center of Balm Road	*14
		Bell Creek	Intersection of creek and center of Boyette Road	*21
		Cypress Creek	Intersection of creek and center of State Route 581	*35
		Gulf of Mexico	Intersection of State Routes 580 and 589	*10
			Intersection of Bayshore Road (State Route 45, U.S. Route 41) and Big Bend Road (State Route 672).	*11
			Intersection of Shell Point Road State Route 670 and U.S. Route 41 (State Route 45).	*10
		Hillsborough River	Intersection of river and center of 40th Street	*23
		Gulf of Mexico	Intersection of John F. Kennedy Boulevard and Hoover Boulevard	*10
			Intersection of Bayshore Boulevard and Interbay Boulevard	*11
			Intersection of Frank Adamo Drive (State Route 60) and 50th Street (U.S. 41).	*11

Maps available City Hall, City Hall Plaza, Tampa, Florida.

Send comments to Honorable Bob Martinez, Mayor, City of Tampa, City Hall, City Hall Plaza, Tampa, Florida 33602.

Louisiana	City of Lafayette, Lafayette Parish	Coulee Mine	Just upstream of West Bayou Parkway	*17
			Just downstream of West Congress Street	*26
			Just upstream of Eraste Landry Road	*31
		Lateral No. 1	Just downstream of Dulles Boulevard	*30
			Just downstream of U.S. Highway 90	*36
		Coulee Mine Branch	Just upstream of Johnson Street	*22
			Just upstream of Jeanne Street	*33
			Just upstream of Cameron Street	*36
			Just downstream of N. University Ave	*39
			Just upstream of N. University Ave	*42
		St. John Coulee	Just upstream of University Ave	*29
			Just upstream of West Congress Street	*31
		Breaux Bridge Coulee	At Dawn Street	*31
			Just downstream of Surrey Street	*34
		Jupiter Street Coulee	Just upstream of Center Street	*37
			Just downstream of Southern Pacific Railroad	*40
		Grand Avenue Coulee	Just upstream of Johnston Street	*28

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Intersection of Drive and Wayside Drive	*29
			Just downstream of Lionel Drive	*30
			At New Flanders Highway	*15
		Vermilion River	At Pinhook Street	*16
			At U.S. Highway 90	*16
			Just downstream of Interstate 10	*17
		Francois Coulee	Just downstream of Interstate 10	*17
		Old Coulee Mine	At Eastern downstream crossing of South College Road	*16
	Maps available at the Planning Commission Office, City Hall, 733 Jefferson, Lafayette, Louisiana 70502.			
	Send comments to Mayor Kenneth F. Bowen, P.O. Box 1470–C, Lafayette, Louisiana 70502.			
Maine	Presque Isle, City, Aroostook County.	Aroostook River	Confluence of Hardwood Brook	*409
			Confluence of Richardson Brook	*411
			Confluence of Birch Brook	*414
			About 2.8 miles upstream of Birch Brook	*420
			Bangor and Aroostook Railroad	*426
			Upstream Caribou Road	*428
			Upstream Corporate Limits	*434
		Presque Isle Stream	Upstream Aroostook Valley Railroad	*428
			Upstream Park Street	*431
			Downstream of State Street Bridge and Dam	*433
			Upstream of State Street Bridge and Dam	*436
			3,550 feet upstream of Bangor and Aroostook Railroad	*437
	Maps available at the City Hall, Presque Isle, Maine.			
	Send comments to Mr. Dana Connors, City Manager of Presque Isle, City Hall, Presque Isle, Maine 04769.			
Maine	Washburn Town, Aroostook County.	Aroostook River	Downstream Corporate Limits	*436
			Upstream Aroostook Valley R.R	*438
			Confluence of Kennard Brook	*445
			Upstream Bangor and Aroostook R.R	*452
			Upstream Corporate Limits	*455
		Salmon Brook	Upstream Garner Creek Road	*458
			Upstream Bridge Street	*480
			Upstream Bangor and Aroostook Spur Dam	*499
			Confluence of Deadwater Brook	*524
			Upstream Woodland Road	*541
			5,000 feet upstream of Woodland Road	*569
			600 Feet Downstream of Corporate Limits	*584
	Maps available at the Office of the Town Selectmen, Town Hall, Washburn, Maine.			
	Send comments to Mr. Sheldon Richardson, Town Manager of Washburn, Town Hall, Washburn, Maine 04786.			
Maine	Winthrop, Kennebec County	Cobbosseecontee Lake	Shoreline	*170
		Little Cobbosseecontee Lake	Shoreline	*170
		Lake Annabessacook	Shoreline	*173
		Maranacook Lake	Shoreline	*215
		Upper Narrows Pond	Shoreline	*177
		Lower Narrows Pond	Shoreline	*177
		Wilson Pond	Shoreline	*245
		Dexter Pond	Shoreline	*245
		Berry Pond	Shoreline	*245
	Maps available at Codes Enforcement Office, Town Office, Winthrop, Maine.			
	Send comments to: Mr. James W. Catlin, Codes Enforcement Officer, Town of Winthrop, Town Office, Winthrop, Maine 04364.			
Montana	Missoula, City, Missoula County	Clark Fork River	Crossing of Russell Street over channel	*3,166
			Northwest corner of intersection of U.S. Highway 12 and 93 and South 3rd Street.	*3,179
			Intersection of Madison Street and Burlington Northern Railroad	*3,185
		Pattee Creek	East side of intersection of Pattee Canyon Road and Southwest Higgins Avenue.	*3,223
			Southernmost intersection of Pattee Canyon Road and Hillcrest	*3,314
		Rattlesnake Creek	Crossing of East Front Street over channel	*3,188
			Private Road crossing in northeastern corner of community	*3,260
		Bitterroot River	Westernmost corner of community approximately 3,000 feet west of intersection of Fort Road and Post Siding Road.	*3,123
		Sheetflow	Southern edge of southern I-90 ramp approximately 700 feet southeast from crossing of I-90 over channel.	#1
			100 feet northeast of intersection of Russell Street and 39th Street	#1
			Intersection of Spartan and Stephens	#1
			South side of Whitaker Street from Crestline to Pineridge	#1
			Westernmost intersection of Arlington and Cyprus	#1
			300 feet south of intersection of 39th Street and Reserve Street	#1
			South side of U.S. Highway 12 and 93 approximately 500 feet southwest from its intersection with Dore Lane.	#1
			Bancraft Road between Benton and Livingston	#2
			100 feet south of intersection of Russell Street and 39th Street	#2
			Southern side of Southwest Higgins Avenue between Northview and Stephens.	#2
			750 feet south of intersection of 39th and Reserve Street	#2
			Old Childrens Fishpond	#3
	Maps available at the office of the Building Inspector, City Hall, 201 West Spruce Street, Missoula, Montana 59801.			
	Send comments to Honorable Bill Cregg, Mayor, City of Missoula, City Hall, 201 West Spruce Street, Missoula, Montana 59801.			

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Hampshire	Brentwood, Town, Rockingham County.	Exeter River	Confluence of Little River	*69
			Downstream of Haigh Road	*72
			Upstream of Haigh Road	*76
			7,500 feet upstream of Haigh Road	*78
			Phillips Dam	*133
			Upstream of State Route 107	*135
	Maps available at the Town Hall.			
	Send comments to Mr. William Vahey and Mr. Bruce Stevens, Selectmen of the Town of Brentwood, Town Hall, Route 111A, Brentwood, New Hampshire 03833.			
North Dakota	Harwood City, Cass County	Red River of the North	The entire incorporated area of the City of Harwood	*891
	Maps available at the home of the City Auditor, Box H8, Harwood, North Dakota.			
	Send comments to Honorable Milo Haugen, Mayor, City of Harwood, Harwood, North Dakota. Attn: Marjorie Fee, City Auditor.			
Oklahoma	City of Anadarko, Caddo County	Washita River	Just upstream of U.S. Hwy 28	*1,176
			Just downstream of Central Avenue	*1,186
		Tributary 1	Approximately 150 feet downstream of U.S. Hwy 62	*1,176
	Maps available at City Hall, 501 W. Virginia Street, Anadarko, Oklahoma 73005.			
	Send comments to Mayor Clark McCaskiall or Mr. Royce Hunter, City Manager, City Hall, 501 W. Virginia Street, Anadarko, Oklahoma 73005.			
Oklahoma	Town of Jones, Oklahoma County	North Canadian River	Just upstream of N.E. 78th Street	*1,103
			Just upstream of Hiwassee Road	*1,117
		North Canadian Tributary 3	Approximately 90 feet downstream of N.E. 78th Street	*1,113
			Just upstream of N.E. 78th Street	*1,127
		North Canadian Tributary 4	Approximately 130 feet downstream of N.E. 78th Street	*1,127
			Just downstream of N.E. 63rd Street	*1,151
		North Canadian Tributary 5	Just downstream of St. Louis and San Francisco Railroad	*1,109
			Approximately 100 feet upstream of Hiwassee Road	*1,166
		North Canadian Tributary 6	Just upstream of N.E. 93rd Street	*1,118
			Just upstream of St. Louis and San Francisco Railroad	*1,125
		North Canadian Tributary 8X	Approximately 100 feet upstream of St. Louis and San Francisco Railroad.	*1,153
			Approximately 125 feet upstream of N.E. 93rd Street	*1,154
		North Canadian Tributary 8	Approximately 100 feet upstream of N.E. 106th Street.	*1,132
	Maps available at City Hall, 110 East Main, Jones, Oklahoma 73049.			
	Send comments to Mayor Joe Burkhart or Mr. S. O. Gillespie, Chief Planning Commissioner, City Hall, 110 East Main, Jones, Oklahoma 73049.			
Oklahoma	City of Pauls Valley, Garvin County.	Washita River	Just downstream of State Highway 19	*873
			Just downstream of Highway 77	*880
		Rush Creek	Just downstream of The Gulf, Colorado and Santa Fe Railroad	*860
			Just downstream of U.S. Highway 77 (Chickasaw Avenue)	*873
			Just upstream of County Road	*882
		Shallow Flooding Area (Ponding)	Intersection of U.S. Highway 77 (Chickasaw Street) and Garvin Avenue.	*871
	Maps available at City Hall, 220 W. Paul Street, Pauls Valley, Oklahoma 73075.			
	Send Comments to Mayor Howard Bosworth or Mr. Gary Morris, City Planner, City Hall, 220 W. Paul Street, Pauls Valley, Oklahoma 73075.			
Oklahoma	Town of Valley Brook, Oklahoma County.	Crooked Oak, Creek	Just upstream of S.E. 59th Street	*1,236
	Maps available at City Hall, 6315 Camille Avenue, Valley Brook, Oklahoma 73149.			
	Send comments to Mayor Joe R. Mance, City Hall, 6315 Camille Avenue, Valley Brook, Oklahoma 73149.			
Pennsylvania	Arnold City, Westmoreland County.	Allegheny River	Downstream Corporate Limits	*754
			Upstream Corporate Limits	*755
	Maps available at City Hall, 1829 5th Avenue, Arnold, Pennsylvania.			
	Send comments to Honorable William Demao, Mayor of Arnold City Hall, 1829 5th Avenue, Arnold, Pennsylvania 15068.			
Pennsylvania	Ligonier, Borough, Westmoreland County.	Loyalhanna Creek	Approximately 1,800' downstream of S.R. 711	*1,146
			Approximately 1,100' downstream of S.R. 711	*1,147
		Mill Creek	T-950 (West Main Street) upstream	*1,146
			West Vincent Street upstream	*1,149
			Approximately 350' upstream of Abandoned R.R. at Corporate Limits	*1,153
	Maps available at the Borough Building, 120 East Main Street, Ligonier, Pennsylvania.			
	Send comments to Mr. Robert Carnaham, Chairman of the Board of Supervisors of Ligonier, 120 East Main Street, Ligonier, Pennsylvania 15658.			
Pennsylvania	South Park, Township, Allegheny County.	Peters Creek	Approximately 1,700 feet downstream of Norfolk & Western Railway	*820
			Approximately 650 feet upstream of Norfolk & Western Railway	*825
			Approximately 170 feet downstream of Snowden Road	*830
			Approximately 2,000 feet upstream of Snowden Road	*840
			Approximately 850 feet downstream of Chessie Railroad	*842
			Approximately 400 feet upstream of Chessie Railroad	*855

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lick Run	Approximately 650 feet downstream of Norfolk & Western Railway	*822
			Approximately 100 feet upstream of Norfolk and Western Railway	*831
			Approximately 1,100 feet upstream of Norfolk & Western Railway	*839
			Approximately 1,900 feet upstream of Norfolk & Western Railway	*847
			Approximately 2,800 feet upstream of Norfolk & Western Railway	*857
			Approximately 2,200 feet downstream of Snowden Road	*867
			Approximately 900 feet downstream of Snowden Road	*875
			Approximately 1,100 feet upstream of Snowden Road	*885
			Approximately 450 feet downstream of Wallace Road	*895
			Approximately 520 feet upstream of Wallace Road	*904
			Approximately 180 feet downstream of Private Road to U.S. Bureau of Mines.	*912
			Approximately 100 feet downstream of McElheny Road	*922
			Approximately 1,200 feet upstream of McElheny Road	*930
			Approximately 1,150 feet downstream of Wilson Road	*940
			Approximately 80 feet downstream of Wilson Road	*949
			Cochrans Mill Road (Downstream Side)	*958
			Approximately 700 feet downstream of Hough Drive	*968
			Approximately 1,250 feet upstream of Hough Drive	*978
			Curry Hollow Road (Downstream Side)	*985
			Curry Hollow Road (Upstream Side)	*992
			Approximately 600 feet upstream of Curry Hollow Road	*993
	Maps available at the South Park Township Building.			
	Send comments to Mr. Robert C. Bryer, South Park Township Manager, 2675 Brownsville Road, Library, Pennsylvania 15129.			
West Virginia	Wheeling, City, Ohio County	Ohio River	Downstream Corporate Limits	*657
			U.S. Route 40	*659
			Confluence of Glenns Run	*661
			Upstream Corporate Limits	*662
		Wheeling Creek	Confluence with Ohio River	*659
			Washington Avenue (Upstream side)	*667
			State Route 88 (Upstream side)	*687
			Upstream Corporate Limits	*706
		Little Wheeling Creek	Confluence with Wheeling Creek	*685
			Shilling Street Bridge (Upstream side)	*690
			Upstream Corporate Limits	*702
	Maps available at the City Engineer's Office, Wheeling, West Virginia.			
	Send comments to Mr. Jack C. Maloney, City Manager, City and County Building, 1500 Chapline Street, Wheeling, West Virginia 26003.			
Vermont	Montgomery, Town, Franklin County.	Trout River	Confluence with West Hill Brook	*464
			Downstream State Route 118	*465
			Approximately 150 feet upstream of State Route 118 Bridge	*470
			Downstream of covered bridge (Town Highway No. 42)	*470
			Upstream of covered bridge	*475
			Approximately 2,400 feet downstream of Vincent Bridge	*480
			Vincent Bridge	*482
			Approximately 2,250 feet upstream of Vincent Bridge	*484
			Approximately 4,850 feet upstream of Vincent Bridge	*488
			Approximately 3,400 feet downstream of confluence with South Branch Trout River.	*497
			Approxmiately 2,600 feet downstream of confluence with South Branch Trout River.	*500
			Approximately 400 feet downstream of confluence with South Branch Trout River.	*516
			Approximately 550 feet downstream of State Route 118 Bridge	*524
			Downstream of State Route 118 Bridge	*526
			Upstream of State Route 118 Bridge	*528
			Approximately 260 feet upstream of State Route 118 Bridge	*532
		Black Falls Brook	Approximately 160 feet upstream of confluence with Trout River	*466
			Approximately 820 feet upstream of confluence with Trout River	*475
			Downstream Covered Bridge	*497
			Approximately 50 feet upstream of Covered Bridge	*500
			Approximately 140 feet upstream of Covered Bridge	*526
	Maps available at the Town Office, Route 118, Montgomery Center, Vermont.			
	Send comments to Mr. Merrill Cabana, Chairman of the Board of Selectmen of Montgomery, R.F.D. 1, Richford, Vermont 05476.			
Rhode Island	Little Compton, Town, Newport County.	Rhode Island Sound	Entire Shoreline of the Town of Little Compton	*12
	Maps available at the office of the Town Clerk.			
	Send comments to Ms. Jane Cabot, President of the Town Council, Town Hall, Little Compton, Rhode Island 02837.			

(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 44 FR 20963)

Issued: December 6, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-39214 Filed 12-20-79; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, and 196

[CGD 76-170]

Casualty Reporting Requirements; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to Supplemental Notice of Proposed Rulemaking.

SUMMARY: This document corrects a supplemental notice of proposed rulemaking published in the Federal Register of December 3, 1979 which proposes amendments to certain criteria in the casualty reporting regulations. The supplemental notice, as published is confusing as to the intent of the revision contained in paragraph 4 on page 69310 and incorrectly states the comment period date on page 69308.

DATE: The correct date that comments must be received on or before is February 1, 1980.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/TP24) (CGD 76-170), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: CDR H. T. BLOMQUIST, Office of Merchant Marine Safety (G-MMI/TP24), Room 2407, Department of Transportation, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1455.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-39085 appearing at page 69308 in the Federal Register of December 3, 1979, the date that comments must be received on or before should be changed from March 3, 1980 to February 1, 1980. In addition, the document contains confusing information as to which paragraphs, within the various sections listed are being amended. In order to clarify what is intended, paragraph 4 in column 2 of Federal Register page 69310 is corrected to read as follows:

4. By revising the following paragraphs in Title 46 to read exactly the same as the proposed revision to § 4.05-1: § 35.15-1(a), § 78.07-1(a), § 98.07-1(a), § 109.411(a), § 167.65-65(a), § 185.15-1, § 196.07-1(a).

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 462, as amended (46 U.S.C. 416); sec. 17, 54 Stat. 16 (46 U.S.C. 526p); sec. 6(b)(1) 80 Stat. 938 (46 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: December 12, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 79-39291 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1100 and 1104

[Ex Parte MC82 (Sub-3) [1]

New Procedures in Motor Carrier Revenue Proceedings (Notice Period and Protest Rules for Motor Carrier General Rate Increase Proposals)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission proposes to modify the protest and reply periods in motor carrier general rate increase proposals subject to the so-called "MC-82" rules (49 CFR Part 1104). The proposed rules would advance the "due date" for protests by 7 days and replies by 13 days. This modification would enable the Commission to have before it all evidence 13 days earlier and act sooner than presently possible.

DATES: Comments must be filed by January 25, 1980.

ADDRESSES: An original and 15 copies, if possible, of your views, marked Docket No. 37133, should be forwarded to: Room 5356, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder, Phone: 202-275-7693.

SUPPLEMENTAL INFORMATION: The Traffic Committee of the Society of the Plastics Industry, Inc. (SPI or petitioner), petitioned on February 6, 1979 for a rulemaking to amend 49 CFR 1100.40, 1100.200, and 1104.1 governing the notice period on general rate increase proposals subject to the so-called "MC-82" rules (49 CFR Part 1104). Its goal is more advance notice of Commission decisions. The National Traffic League (NITL) had also made a similar request informally by letter of June 23, 1978. On June 25 and June 29, 1979, The American Paper Institute, Inc., (API), and The Traffic Committee of the Glass Packing Institute (GPI), filed statements in support of the petition.

SPI contends that the Commission generally decides on the merits of revenue increase proposals only one or two days prior to their effective date. SPI argues that, as a result, shippers lack sufficient lead time to change their computerized cost schedules. Such a brief notice period, petitioner further contends, causes confusion as to the proper transportation charges.

Petitioner proposes that when a rate bureau files a general increase traiff to be effective in 45 days, protests should be due 20 days before the effective date (no change from the present "MC-82" requirement), replies should be due 5 (instead of 13) days after the protest date, and a decision due 4 days after the reply date. Shippers would then have 11 days' lead-time between a Commission decision and the rate increase.

SPI also suggests that a petition for reconsideration should be due within 2 days of the decision, and its disposition within 2 more days (7 days before the effective date). Petitioner requests that if the Commission or proponent carriers require more time, then the Commission should extend the subsequent notice period commensurately.

API and GPI support the proposed rulemaking. API argues that insufficient notice makes it difficult for shippers, whether manually or by computer, to incorporate the increased rates into their operations. As a result, API contends, shippers must either amend their invoices or absorb the increaed transportation charges.

NITL suggests that the Commission commit itself to acting on motor carrier general increases at least five days before their effective date. It also requests three-days' notice when the Commision suspends the proposed increase without prejudice to the implementation of some lesser increase.

We are by this decision instituting a rulemaking with a view toward adopting a revised timetable governing the handling of motor carrier general increase requests. We recognize that shippers need more notice of decisions on general increase proposals and we here propose to consider whatever action is possible to accomplish this.

The Commission has not, at this time, determined if the four day period for decision is sufficient, but we hope to develop procedures to guarantee that our decisions will be issued five days before the effective date of changed rates. We here seek comments on all the proposals to reduce the time for filing replies and petitions, and seek other suggestions to resolve this problem.

[1] Formerly docketed as No. 37133

Pending completion of this rulemaking we will make every effort to act further in advance of the effective date of proposed general rate increases in order to give parties as much notice as possible.

This rulemaking does not significantly affect either the quality of the human environment or conservation of energy resources.

This notice is promulgated pursuant to authority under 49 U.S.C. 10321, and 5 U.S.C. 553.

Dated: December 14, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gersham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-39351 Filed 12-21-79; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1125

[Ex Parte No. 293 (Sub-2)]

Standards for Determining Rail Service; Continuation Subsidies

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Corrections to the withdrawal of proposed rulemaking.

SUMMARY: There was an error in the title of Ex Parte No. 293 Sub-2, published at 44 FR 71851, Dec. 12, 1979. The title should have read Part 1125, not Part 1127. The telephone Number given for James R. Wells was also incorrect and should have read (202) 275–0838.

EFFECTIVE DATE: December 7, 1979.

FOR FURTHER INFORMATION CONTACT: James R. Wells, (202) 275–0838.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-39244 Filed 12-21-79; 8:45 pm]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 44, No. 248
Wednesday, December 26, 1979

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

Food and Nutrition Service

Food Stamp Program; Policy Interpretation Response System

SUMMARY: This notice advises the public of revisions in the policy interpretation system established by the Food and Nutrition Service (FNS) to assist State agencies in implementing the Food Stamp Act of 1977.

COMMENTS AND SUGGESTIONS: In keeping with our desire to promote the goals of Executive Order 12044, Improving Government Regulations, FNS National Office will consider comments and suggestions on the adequacy of these procedures until February 25, 1980. We are particularly interested in knowing whether these procedures will result in policy interpretations being made on a timely basis and whether the public will be sufficiently aware of these interpretations. FNS may make changes in these procedures after reviewing the public comment.

DATE: Comments must be received on or before February 25, 1980, in order to be assured of consideration.

ADDRESS: Comments on these procedures should be addressed to Byron A. Smith, Director, State Operations Division, Family Nutrition Programs, Washington, DC 20250. All written comments, suggestions, and observations will be open to public inspection at the office of the Food and Nutrition Service, USDA, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 500 12th Street SW., Washington, DC, Room 673.

FOR FURTHER INFORMATION CONTACT: Patrick Waldron, Chief, Policy Section, Program Policy and Analysis Branch, State Operations Division, Family Nutrition Programs, Food and Nutrition Service, Washington, DC 20250 202–447–9523.

SUPPLEMENTARY INFORMATION:

Background

In September of 1978, as FNS moved toward publication of final regulations governing the implementation of the Food Stamp Act of 1977 (the Act), it was recognized that State agencies were likely to have many questions which might not be explicitly covered in the regulations. To ensure timely and consistent implementation of the Act, a central system for quick responses to questions from State agencies was, therefore, established. Under this system, State agency inquiries were submitted through FNS Regional Offices to the FNS National Office. Responses to inquiries were numbered and provided to all FNS Regional Offices, which in turn, provided copies of these responses to State agencies and advocacy groups. This notice advises the public of changes made in the policy interpretation response system intended to improve efficiency and ensure that interested parties are informed of policy interpretation actions by FNS.

New Policy Interpretation System

Effective immediately, all policy interpretation inquiries submitted by FNS Regional Offices will be screened according to the four categories listed below. The procedures for determining the catergories and handling the inquiries were developed in consultation with the Department's Office of General Counsel. The four categories are:

1. Inquiries that require rulemaking;
2. Inquiries that embody interpretation of the Act or regulations, or statements of policy of major importance and general applicability;
3. Inquiries that embody interpretations or clarifications of the Act or regulations of a limited nature, or dealing with particular factual situations which are common to a group of households; and
4. Inquiries that can be answered by direct reference to the Act or regulations or refer to the application of the regulations to the factual circumstances of a particular household.

FNS Regional Offices will screen inquiries from State agencies and other sources in accordance with the four categories listed above. Answers falling into category four may be answered by the Regional Office. Inquiries falling into categories one through three shall be forwarded to the FNS National Office for a response.

When FNS National Office receives an inquiry that requires a regulation to resolve the issue, no answer to the question will be provided until the rulemaking process has been observed. For instance, an inquiry might bring to light a procedural defect, an area where no procedure exists to handle a situation, or an unintended result of an existing procedure that needs correction.

Answers to questions embodying interpretations of the Act or regulations, or statements of policy of major importance and general applicability will be issued as notices of general applicability and will be published in the **Federal Register** on a periodic basis. As with questions which require rulemaking, no answer will be provided until the notice is printed in the **Federal Register**. Unless otherwise specified, each notice will become effective 60 days from its date of publication. These interpretations will be numbered sequentially by fiscal year and updated periodically to delete obsolete material. It is anticipated that the amount of material of this type will not be large. An example of the type of material that might be issued as a notice would include an interpretation concerning the effect of participation in a newly-established State or Federal Program on food stamp participants or a clarification of an apparently widely misunderstood policy that affects many participants.

Responses to questions embodying interpretations or clarifications of the Act or regulations of a limited nature, or dealing with particular factual situations which are common to a group of households (as opposed to applying policy to the factual circumstances of a single household) will be binding on State agencies but will not be published in the **Federal Register**. Copies of each such response will be sent by the FNS National Office to each FNS Regional Office which will in turn provide each of the State agencies within its area with a copy.

In addition, these responses will be numbered sequentially by fiscal year and included quarterly in the FNS Index of Records available to the public. This Index is prepared in accordance with the Freedom of Infomation Act. Free

copies of the current Index and copies of specific policy interpretations may be obtained by writing or visiting the FNS offices listed in 7 CFR 271.6(b).

Responses to questions that can be answered by direct reference to the Act or regulatons need not be indexed nor published and will require no general distribution. In addition, advice given to a FNS Regional Office on how the Act or regulations apply to the unique circumstances of a particular household will not be indexed.

FNS believes the above procedures satisfy the requirements of the Administrative Procedures Act (5 U.S.C. 553) and E.O. 12044 in regard to those policy interpretations that require formal rulemaking, and also ensure that interpretations of general applicability and those that should be binding on all State agencies are available to all interested parties.

Status of Existing Policy Interpretation Memoranda

The FNS National Office has reviewed all existing memoranda generated by the policy interpretation response system initiated in September of 1978. This material has been categorized in accordance with the new policy interpretation system described above. Appendix A lists all issued and nonissued memoranda by control number, subject, regulation reference, date and status.

Category one memoranda are withdrawn and will be reissued as proposed rules in the near future and, if adopted as proposed, will be binding on State agencies. Category two memoranda are withdrawn and are being reissued as notices of general applicability in Appendix B of this Notice.

Category three memoranda have been renumbered sequentially by fiscal year and will also be published in the FNS Index of Records available to the public. Category four memoranda have been dropped from the system, and are not listed in the FNS Index since they merely constitute restatements of the Act or regulations, or provide material of an informational nature only. Appendix A also lists memoranda that are being withdrawn because they were incorrect, duplicative responses or were superseded by subsequent amendments to the regulations.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: December 4, 1979.

Robert Greenstein,

Administrator, Food and Nutrition Service.

Appendix A

The following is a listing of the status of all control numbers issued under the Policy Interpretation Response System during Fiscal Year 1979.

BILLING CODE 3410-30-M

Control Number	Subject/Reg Reference	Date	Status	New Number
1-1	Cross-referencing to obtain additional information 272.1 (c)	11-29-78	Indexed	79-01
1-2	Charging for copies 272.1 (c)	11-17-78	Indexed	79-02
1-3	Bilingual requirements for hotlines 272.6 (f)	11-17-78	Withdrawn (1)	
1-4	Outreach-informational & noninformational material distinction? 272.6 (f)	11-22-78	Not Indexed	
1-5	Housing for the elderly exempt as institution 273.1 (e)	11-17-78	Indexed	79-03
1-6	Definition of "scheduled" interview 273.2 (e)	1-9-79	Indexed	79-04
1-7	What is alternative information when tax dependency form is not returned 273.5 (d)	12-7-78	Indexed	79-05
1-8	Verification-reliance upon forms 273.2 (f)	11-18-78	Not Indexed	
1-9	Who can complete the ES-511 273.7 (a)	11-17-78	Indexed	79-06
1-10	Standard percentage for fair market value 273.8 (e)	12-1-78	Indexed	79-07
1-11	Vacation house 273.8 (e)	11-22-78	Indexed	79-08
1-12	Commingled funds 273.8 (f)	11-17-78	Not Indexed	
1-13	PA dependent care payments 273.9 (c)(5)(iii)	11-17-78	Not Indexed	
1-14	Marked ID cards for elderly feeding programs 273.10 (g)	11-24-78	Not Indexed	
1-15	Counting of loans for self-employed households as resources 273.8 (e)(9)	11-17-78	Indexed	79-09
1-16	Self-employment coupon allotments 273.11 (a)	12-11-78	Withdrawn (2)	
1-17	Addict/alcoholic treatment centers 273.11 (e)	11-17-78	Not Indexed	
1-18	Methods of restoration 273.17	11-24-78	Indexed	79-10
1-19	Waiver of interview for expedited certification? 273.2 (i)(3)(i)	11-17-79	Not Indexed	
1-20	Who decides what material is given household for fair hearing 273.15	11-17-78	Indexed	79-11

Control Number	Subject/Reg Reference	Date	Status	New Number
1-21	Can consolidated FNS-250 report be submitted? 274.8 (b)	11-17-78	Not Indexed	
1-22	Can a household request a fraud hearing 273.16 (d)	11-17-78	Indexed	79-12
1-23	Restoring benefits to households that move 273.17	11-27-78	Withdrawn (3)	
1-24	Can SA increase December '78 allotment? 273.10 (e)(4)	11-22-78	Not Indexed	
1-25	Waiver on single PA-FS interview-expedited service. 273.2 (i)	11-24-78	Withdrawn (4)	
1-26	Must head of household attend fair hearing? 273.15	11-29-78	Not Indexed	
1-27	Caseload conversion 272.1 (g)	12-27-78	Not Indexed	
1-28	Retroactive benefits 273.10	12-13-78	Indexed	79-13
1-29	Expedited service-mail issuance 273.2 (i)	1-5-79	Not Indexed	
1-30	Questions on certification handbook 273.18	12-15-78	Not Indexed	
1-31	Exclusion of educational allowances for Indian students 273.9 (c)	3-12-79	Not Indexed	
1-32	Cost of doing business for households with roomers & boarders 273.1 (b) 273.11(b)	1-29-79	Not Indexed	
1-33	Not released			
1-34	Conversion of cases when changes are reported 272.1 (g)	1-29-79	Indexed	79-14
1-35	Obtaining nonfinancial information for conversion 272.1 (g)	1-29-79	Not Indexed	
1-36	VISTA Income 273.9 (c)	3-6-79	Withdrawn (5)	
1-37	Equity value of nonexempt resources (savings bonds) 273.8 (c)	3-12-79	Indexed	79-15
1-38	Identification of single language households thru available data sources 273.4 (c)6 273.1 (g)	3-13-79	Indexed	79-16
1-39	Not released			
1-40	Time requirements for processing reported changes in income 273.12 (c)(1)	3-23-79	Indexed	79-17

Control Number	Subject/Reg Reference	Date	Status	New Number
1-41	Administrative fraud hearings 273.1b (d)&(c)	3-23-79	Not Indexed	
1-42	Not released			
1-43	Not released			
1-44	Not released			
1-45	Not released			
1-46	Not released			
1-47	Not released			
1-48	Not released			
1-49	Not released			
1-50	Not released			
1-51	Not released			
1-52	Not released			
1-53	RO - never used			
1-54	Not released			
1-55	Not released			
1-56	Not released			
1-57	Not released			
1-58	Not released			
1-59	Not released			
1-60	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
1-61	Not released			
1-62	Not released			
1-63	Not released			
1-64	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
2-1	Use of "Blue Book" in Puerto Rico 273.8 (g)	11-2-78	Indexed	79-18
2-2	NY SA-wants attach NPA application to PA 273.2	10-30-78	Indexed	79-19
2-3	Disqualification for not reporting change of residence 273.12	11-1-78	Not Indexed	
2-3	Failure to return PA questionaires 273.14	10-30-78	Indexed	79-20
2-4	Use of fiscal month ATP's at conversion 272 (g)	11-22-78	Indexed	79-21
2-4 (clarifying)	" "	1-2-79	Indexed	79-22
2-5	Switching issuance systems, keeping benefits current 274.2 (e)	11-17-78	Indexed	79-23
2-6	Exclusion of vehicle necessary for employment 273.8 (h)	12-15-78	Indexed	79-24
2-7	Value of cars 273.8 (g)	12-13-78	Indexed	79-25
2-8	Determining wholesale value 273.8 (g)	12-7-78	Indexed	79-26

Control Number	Subject/Reg Reference	Date	Status	New Number
2-9	Student Reimbursement 273.9 (c)	12-15-78	Indexed	79-27
2-10	PA grants for absent household members 273.9 (c)	12-15-78	Indexed	79-28
2-11	Determining the wholesale value of a licensed vehicle 273.8 (g)	12-7-78	Not Indexed	
2-12	Licensed tractor 273.8 (e)	12-15-78	Indexed	79-29
2-13	Resourse of a child 273.9 (c)	12-15-78	Not Indexed	
2-14	Programs with excluded funds 273.9 (c)	12-13-78	Not Indexed	
2-15	Treatment of refunds for food stamp purposes 274.11	12-11-78	Withdrawn (6)	
2-16	Jointly held resources 273.8 (d)	12-13-78	Indexed	79-30
2-17	Exemption of temporarily unoccupied home 273.8 (e)	12-11-78	Indexed	79-31
2-18	Special payments to those who work off grants 273.9 (b)	12-7-78	Withdrawn (7)	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-18 (Correction)	Special payments to those who work off grants 273.9 (b)	3-2-79	Indexed	79-32
2-19	Job search 273.9 (d)	12-15-78	Indexed	79-33
2-20	Second mortgage as shelter deduction 273.9 (d)	12-11-78	Indexed	79-34
2-21	Tools of trade 273.8 (e)	12-7-78	Not Indexed	
2-22	Inaccessible funds 273.8 (e)(8)	12-11-78	Indexed	79-35
2-23	Interest of savings 273.9 (b)	12-11-78	Not Indexed	
2-24	Child support payments 273.9 (b)	12-11-78	Not Indexed	
2-25	Treatment of sick pay 273.9 (b)(1)(i)	12-7-78	Withdrawn (8)	
2-26	Utility expenses 273.9 (c)	1-23-79	Indexed	79-36
2-26 (Clarifying)	" "	3-7-79	Indexed	79-37

Control Number	Subject/Reg Reference	Date	Status	New Number
2-27	Fair market value & producing income consistemt with that value 273.8 (e)	12-15-78	Indexed	79-38
2-28	Capital gains 273.11 (a)	12-11-78	Not Indexed	
2-29	Personal property & personal effects 273.8 (e)	12-13-78	Indexed	79-39
2-30	Knowingly transferred resources 273.8 (i)	12-15-78	Indexed	79-40
2-31	Not released			
2-32	Use of actual utility expenses; verification of utility expenses 272.1 (g)	12-15-78	Not Indexed	
2-33	Commingled funds 273.8 (f)	12-15-78	Indexed	79-41
2-33	Consideration of loan under homestead act 273.8 (i)	12-15-78	Indexed	79-42
2-34	Standard utility in public housing 273.9 (d)	12-15-78	Withdrawn (9)	
2-35	Not released			
2-36	What is "encouraging" household to file? 273.2 (c)	12-11-78	Indexed	79-43
2-37	Initial request for verification - in writing? 273.2 (h)	12-7-78	Indexed	79-44
2-38	Request for verification - written or oral? 273.2 (h)	12-15-78	Indexed	79-45
2-39	Written request for verification - timing of 10 days 273.2 (h)	12-11-78	Not Indexed	
2-40	Verification delays by household which out of its control 273.2 (h)(f)	12-15-78	Not Indexed	
2-41	Home visits 273.2 (e)	1-9-79	Not Indexed	
2-42	Delays - interview 273.2 (h)	12-15-78	Indexed	79-46
2-43	Delays in processing 273.2 (h)	12-27-78	Not Indexed	
2-44	SA delaying beyond 60 days 273.2 (i)	1-5-79	Not Indexed	
2-45	Filing incomplete application 273.2 (c)	12-11-78	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-46	INS documents - other forms or documents suitable substitutes? 273.2 (f)(1)(ii)	12-13-78	Not Indexed	
2-47	"Conclusive evidence" - definition 273.2 (f)	12-7-78	Indexed	79-47
2-48	Standards/examples of collateral contacts 273.2 (f)	12-11-78	Not Indexed	
2-49	Expedited service for PA - same procedures? 273.2 (i)(2)	12-11-78	Indexed	79-48
2-50	Opportunity to participate 273.2 (i)(3)(i)	12-15-78	Not Indexed	
2-51	Expedited Service - verification of all household members or just applicant? 273.2 (i)	12-15-78	Indexed	79-49
2-52	Expedited Service - delay in reapplying 273.2 (i)(4)(iv)	12-15-78	Not Indexed	
2-53	Certification periods 273.10 (f)	12-15-78	Not Indexed	
2-54	Effective date of changes 273.12	12-15-78	Indexed	79-50
2-55	Stolen cash 273.12	12-11-78	Not Indexed	
2-56	Lack of verification and claims 273.12	12-15-78	Indexed	79-51
2-57	Single notice of adverse action 273.12	12-10-78	Not Indexed	
2-58	Right to report changes 273.12	12-15-78	Indexed	79-52
2-59	Meaning of "issued" in an ATP system 273.12	12-11-78	Indexed	79-53
2-60	Reporting changes and over issuances 273.12	12-13-78	Not Indexed	
2-61	Notifying households of effect of a reported change 273.12	12-15-78	Not Indexed	
2-62	Mass change 273.12	1-18-79	Indexed	79-54
2-63	Reporting addition of a member needing to register for work 273.12	12-20-78	Withdrawn (10)	
2-64	Failure to send required notices 273.12	1-5-79	Not Indexed	
2-65	Charging people for information requested from file 272.1 (c)	12-15-78	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-66	Exemption from disclosure rules for advocacy group 272.1 (c)	12-15-78	Not Indexed	
2-67	Availability of warning letters to public 272.1 (d)	12-7-78	Indexed	79-55
2-68	Retaining ATP's if needed for prosecutions 272.1 (f)	1-5-79	Not Indexed	
2-69	Implementing requirements at county by county level 272.1 (g)	12-28-78	Withdrawn (11)	
2-70	Determining bilingual needs 272.1 (g)	12-15-78	Indexed	79-56
2-71	Leadtime difference for bilingual volunteers versus State agency staff 272.1 (g)	12-15-78	Not Indexed	
2-72	Completion schedule for staffing standards study 272.4 (b)	12-28-78	Not Indexed	
2-73	"Approximately 50 percent" definition 272.4 (c)	1-5-79	Not Indexed	
2-74	Assessing bilingual needs 272.4 (c)	1-5-79	Not Indexed	
2-75	Prohibiting persons from training sessions as participants 272.4 (d)	12-27-78	Indexed	79-57
2-76	Waiver of full-time training coordinator 272.4 (e)	12-27-78	Not Indexed	
2-77	Complaints received via hotlines 272.6 (f)	12-13-78	Not Indexed	
2-78	Hotlines required beyond 6 months 272.6 (f)	12-15-78	Not Indexed	
2-79	Expedited benefits 273.2 (i)	1-5-79	Not Indexed	
2-80	Signature spaces on ID cards 273.10 (g)	12-11-78	Indexed	79-58
2-81	Recording manual ATPs on HIR 274.2 (g)	12-14-78	Withdrawn (12)	
2-82	Cash refunds - overpayments 271.1 (e) (old regulations)	12-28-78	Not Indexed	
2-83	Preamble - Implementation of claims & credit procedures 273.17	12-5-78	Withdrawn (13)	
2-84	Providing notice to ineligibles of lost benefits 272.1 (g)	1-23-79	Indexed	79-59
2-85	Reporting OTC issuance in mail issuance county 274.3	1-5-79	Withdrawn (14)	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-86	Coded ID cards 273.10	12-15-78	Indexed	79-60
2-87	ID Codes 273.10	12-11-78	Not Indexed	
2-88	Suspension of ATP's still allowed? 274.2 (e)	12-11-78	Withdrawn (15)	
2-89	Expedited service-alcoholic/drug rehabilitation residents? 273.2	12-15-78	Not Indexed	
2-90	Using print-out to satisfy 3 year ATP retention 274.7	12-8-78	Indexed	79-61
2-91	Auditing issuance - can bank's own auditors be used? 274.1	12-13-78	Indexed	79-62
2-92	Client notification by closing out issuer 274.9	12-11-78	Indexed	79-63
2-93	Lost benefits due prior to EPR 273.17	12-15-78	Indexed	79-64
2-94	Responsibility of State agency to pursue collection 273.18	12-15-78	Indexed	79-65
2-95	Off setting claims under $35.00 273.17	12-13-78	Indexed	79-66
2-96	Fraud collection 273.18 (d)	12-11-78	Indexed	79-67
2-97	Claim for not reporting change within 10 days 273.18	12-15-78	Not Indexed	
2-98	National form on lost benefit registration 273.17	12-11-78	Not Indexed	
2-99	Good cause 273.15	12-13-78	Not Indexed	
2-100	Ability to repay 273.18	12-15-78	Withdrawn (16)	
2-101	PA fair hearing and FS fraud hearing 273.16	1-5-79	Indexed	79-68
2-102	Statute of limitation on claims 273.18	1-5-79	Indexed	79-69
2-103	Documentation of hardship 273.18	12-13-78	Indexed	79-70
2-104	PA recoupment as hardship 273.18	12-15-78	Indexed	79-71
2-105	Concept behind times for one & two tiered systems 273.15	1-5-79	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-106	Denial during interview at home; where to hold fair hearing 273.15 (l)	12-27-78	Indexed	79-72
2-107	Verification of lost benefits 273.17	12-28-78	Indexed	79-73
2-108	Fraud claim when household head dies 273.18	1-5-79	Indexed	79-74
2-109	Reviewing determination of ability to repay 273.18	12-15-78	Not Indexed	
2-110	Fair hearings 273.15	12-13-78	Indexed	79-75
2-111	Attendence at agency conference 273.15	12-15-78	Indexed	79-76
2-112	Definition of agency Director 273.15	12-13-78	Indexed	79-77
2-113	Has FNS contacted HEW on combined PA/FS procedures 273.2 (j)	12-13-78	Not Indexed	
2-114	Referral to free legal help in hearings 273.15	12-15-78	Indexed	79-78
2-114	Fair hearing timeliness 273.15	1-30-79	Indexed	79-79
2-115	Disqualification 273.16	1-9-79	Not Indexed	
2-116	90 day preiod for requesting fair hearing 273.15 (g)	12-7-78	Withdrawn (17)	
2-116 (Correction)	" "	1-30-79	Withdrawn (18)	
2-117	Tax dependency status of Puerto Rican students 273.5 (d)	1-12-79	Indexed	79-80
2-118	Defining "responsible member" 273.1 (d)	1-9-79	Indexed	79-81
2-119	Which State agency does licensing 273.1 (c)	12-13-78	Not Indexed	
2-120	Specifics on exemptions under 202 & 236 273.1 (e)	12-15-78	Not Indexed	
2-121	Intent to make profit for boarding houses 273.1 (c)	1-5-79	Indexed	79-82
2-122	Boarding houses not licensed in areas where required 273.1 (c)	12-13-78	Withdrawn (19)	
2-123	Dependent care exemption status 273.7 (f)	12-14-78	Indexed	79-83

Control Number	Subject/Reg Reference	Date	Status	New Number
2-124	Notices to disqualified households 273.13 273.7	12-20-78	Not Indexed	
2-125	Not released			
2-126	Fulfilling notice requirements for transient households 273.3	12-20-78	Indexed	79-84
2-127	"Regular" participation in drug program 273.7 (b)	1-25-79	Not Indexed	
2-128	Not released			
2-129	Verification of alien status at recertification 273.2 (f)	12-15-78	Indexed	79-85
2-130	Migrant camps & communal dining 273.1 (a)	12-15-78	Indexed	79-86
2-131	Care homes as institutions 273.1 (e)	12-15-78	Not Indexed	
2-132	Groups of persons living in noncommercial boarding houses 273.1 (b)	12-15-78	Not Indexed	
2-133	Tax dependency - fault for delay in verification 273.2 (f)(2)(iii)	12-15-78	Withdrawn (20)	
2-134	Self-employment income 273.11 (a)	12-15-78	Not Indexed	
2-135	Work registration & correspondence courses 273.7 (b)	12-4-78	Withdrawn (21)	
2-136	Claim verification 273.18	1-5-79	Indexed	79-87
2-137	Past due bills 273.10 (d)	12-15-78	Indexed	79-88
2-138	Work registration & correspondence courses 273.7 (b)	12-14-78	Indexed	79-89
2-139	Late student funds 273.10 (e)	1-18-79	Indexed	79-90
2-140	Self-employment income 273.11 (a)	12-13-78	Indexed	79-91
2-141	Cost of doing business 273.11 (b)	12-15-78	Indexed	79-92
2-142	Averaging student funds 273.10 (c)	12-15-78	Indexed	79-93
2-143	Reporting changes 273.12	12-27-78	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
2-144	Averaging expenses 273.10 (d)	1-5-79	Indexed	79-94
2-145	Averaging expenses 273.10 (d)	12-15-78	Indexed	79-95
2-146	Drug/alcoholic centers 273.11 (e)	12-11-78	Indexed	79-96
2-147	Handling late educational loan/grant 273.9 (c)	12-15-78	Indexed	79-97
2-148	Requesting continuation of benefits 273.15	1-9-79	Indexed	79-98
2-149	ID cards for non-participants receiving lost benefits 273.10 (g)	12-7-78	Indexed	79-99
2-150	Supplemental benefits 273.10 (e)	12-1-78	Withdrawn (22)	
2-151	Questionable utility costs 273.2 (f)	12-11-78	Indexed	79-100
2-152	Right to report changes under monthly reporting 273.12	11-29-78	Indexed	79-101
2-153	Request fair hearings after 90 days 273.17 (a)	11-29-78	Indexed	79-102
2-154	Can advocate sit in on household interview? 273.2 (e)	11-29-78	Indexed	79-103
2-155	Commingled funds 273.8 (f)	12-1-78	Indexed	79-104
2-156	Taft-Hartley Act & work registration 273.7 (j)	12-14-78	Indexed	79-105
2-157	Exemption for care of incapacitated 273.7 (b)	12-1-78	Not Indexed	
2-158	Can a form other than ES-511 be used? 273.7 (a)	12-11-78	Indexed	79-106
2-159	Households that divide 273.12	12-15-78	Indexed	79-107
2-160	Shortening certification period as a result of reported change 273.12	12-13-78	Indexed	79-108
2-161	Income averaging 273.10 (c)	12-1-78	Withdrawn (23)	
2-162	Collecting claims under $35.00 273.18	12-11-78	Indexed	79-109
2-163	Handling "table boarders" 273.1 (b)	12-10-78	Indexed	79-110

Control Number	Subject/Reg Reference	Date	Status	New Number
2-164	Handling of claim determinations 273.18	1-9-79	Withdrawn (24)	
2-165	Mandatory to have fraud hearings 273.16	1-29-79	Not Indexed	
2-166	VISTA Income 273.9 (c)	2-26-79	Withdrawn (25)	
2-167	Refunds - how to treat when household applies for food stamps 274.11	1-19-79	Not Indexed	
2-168	Replacing allotments 273.11 (f)	1-29-79	Not Indexed	
2-169	Student resources 273.10 (c)	1-23-79	Indexed	79-111
2-170	Bilingual needs for itinerant offices 272.4 (c)	1-18-79	Not Indexed	
2-171	Supplemental benefits 273.10 (e)	2-6-79	Withdrawn (26)	
2-172	Option to offset 273.18	2-12-79	Indexed	79-112
2-173	Notification of agent closure 274.9 (d)(1)	2-22-79	Indexed	79-113
2-174	Not released			
2-175	Business charitable contributions are not cost of doing business 273.11 (a)	3-12-79	Indexed	79-114
2-176	Forwarding application 273.2 (c)	3-2-79	Withdrawn (27)	
2-177	Not released			
2-178	Work registration of students 273.7 (b)	3-2-78	Indexed	79-115
2-179	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-1	Waiving transitional outreach for early implementation 272.1	10/18/78	Not indexed	
3-2	New basis of issuance tables for January 1979 272.1(g)	10/18/78	Not indexed	
3-3	Implementation checklist for EPR 272.1(g)	10/18/78	Not indexed	
3-4	EPR implementation 272.1(g)	10/30/78	Not indexed	
3-5	Conversion prior to next recertification 272.1(g)	10/31/78	Indexed	79-116
3-6	How to catch households receiving retroactive benefits in OC universe 273.2(a)	11/3/78	Withdrawn (28)	
3-7	Screening and follow-up applicant 273.2(i)	11/2/78	Not indexed	
3-8	Verification 273.12	11/27/78	Not indexed	
3-9	How to handle installment contract proceeds 233.8(e)(b)	11/3/78	Indexed	79-117
3-10	Repayments on a loan for a down payment on a home 273.9(d)(4)(i)	11/2/78	Indexed	79-118

Control Number	Subject/Reg Reference	Date	Status	New Number
3-10 adden-dum	Loan payment as shelter deduction 273.9(d)	1/18/79	Withdrawn (29)	
3-11	Disqualification if authorized representative committed fraud 273.1(f)	11/14/78	Indexed	79-119
3-12	Not released			
3-13	EPR implementation - let DMU make change 274.2	11/9/78	Withdrawn (30)	
3-14	Forms - State agency versions' approval; FNS' forms availability 273.2(h)	11/3/78	Not indexed	
3-15	Converting households whose certification period ends 12/31/78 272.1(g)	1/1/78	Not indexed	
3-16	Forms deviation approval 273.2(d)	11/3/78	Not indexed	
3-17	Advising of free legal help 273.10(e)	11/3/78	Indexed	79-120
3-18	Notice of Eligibility 273.10(j)	11/24/78	Not indexed	
3-19	Notice if PA grant changes - how does absence of notice affect fair hearing	11/29/78	Not indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
3-20	Fair hearing timeframes 273.13 273.15	12/28/79	Not indexed	
3-21	Minimum monthly allotment 273.10(e)	12/15/78	Withdrawn (31)	
3-22	Retroactive versus restored benefits 273.2(b)	1/9/79	Indexed	79-121
3-23	Tax dependency of students supported by both spouse and parents 273.5(b)	1/9/79	Indexed	79-122
3-24	After verification reported change proves incorrect 273.12	12/15/78	Indexed	79-123
3-25	Treatment of one-time only expenses 273.10(d)(3)	1/5/79	Not indexed	
3-26	Government disaster payments 273.8(e)	11/29/78	Indexed	79-124
3-27	Restoration of lost benefits 273.17	1/5/79	Indexed	79-125
3-28	Number of disqualifications 273.16	12/7/78	Indexed	79-126
3-29	Evidence to be made available to household 273.15	12/28/79	Indexed	79-127
3-30	Definition of fruad 273.16	12/11/78	Indexed	79-128
3-31	Hearing on denial of expedited service 273.15	12/11/78	Indexed	79-129
3-32	Resources of elderly disqualified member 273.11(c)	12/1/78	Indexed	79-130
3-33	Resources of elderly disqualified member 273.11(c)	12/1/78	Indexed	79-131
3-34	Not released			
3-35	Must State initiate fraud hearing when court action planned 273.16	11/27/78	Withdrawn (32)	
3-36	Sending nonfraud demand letters in fraud cases 273.18	11/24/78	Indexed	79-132
3-37	"Reasonable opportunity" to provide verification 273.2(f)	12/1/78	Indexed	79-133
3-38	Effect of regulations on current instructions	12/1/78	Not indexed	
3-39	Showing averaged income on form 273.12	12/1/78	Not indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
3-40	Income conversion options 273.10(c)	12/15/78	Indexed	79-134
3-41	Unlicensed boarding houses where licensing is required 273.1(c)	11/24/78	Indexed	79-135
3-42	Exemption for WIN registrants 273.7 (b)(3)	1/18/79	Not indexed	
3-43	Implementing lost benefits	12/1/78	Not indexed	
3-44	Status of household members out of the household 273.1(a)	2/22/79	Withdrawn (33)	
3-45	Single inverview - PA (AFDC) 273.1(j)	11/29/78	Not indexed	
3-46	Children away from home for the summer 273.1(a)	11/29/78	Indexed	79-136
3-47	Completing FNS-250 report during conversion 272.1(g)	12/15/78	Not indexed	
3-48	Establishing if person is authorized in household to look at records 272.1(c)(2)	12/28/78	Indexed	79-137
3-49	Fair hearing delays 273.15(c)	1/5/79	Not indexed	
3-50	Techniques of training reviews 272.4(e)	12/27/78	Not indexed	
3-51	Prescreening of training material by FNS 272.4(e)	12/28/78	Not indexed	
3-52	Relationships included as tax dependents 273.5(a)	1/18/79	Indexed	79-138
3-53	Not released			
3-54	Verification of incapacitation for dependent care deduction 273.7(b)(4)	2/12/79	Not indexed	
3-55	Must be agency director 273.15	1/5/79	Withdrawn (34)	
3-56	Providing copies of State agency materials free of charge 272.1(d)	1/5/79	Not indexed	
3-57	Meaning of "representative" 273.15	1/5/79	Not indexed	
3-58	"Training" defined 272.4(c)	12/27/78	Not indexed	
3-59	Substituting full-time agency staff development director 272.4(e)	12/20/78	Indexed	79-139

Control Number	Subject/Reg Reference	Date	Status	New Number
3-60	Cancelled by RO			
3-61	Scheduling reviews of training materials 272.4(e)	12/20/78	Not indexed	
3-62	Guidance to be provided on training procedures 272.4(e)	1/5/79	Not indexed	
3-63	Can State include food stamp training as part of State plan for all programs 272.4(e)	1/5/79	Not indexed	
3-64	Status of property in probate 273.8(e)(8)	2/12/79	Indexed	79-140
3-65	Claims 273.18	3/13/79	Withdrawn (35)	
3-66	Transfer of resources 273.8(i)	2/1/79	Not indexed	
3-67	Not released			
3-68	Standard utility allowance 273.9(d)(5)	1/30/79	Withdrawn (36)	
3-69	Cancelled by RO			
3-70	Cancelled by RO			
3-71	Sanction procedures against States - what policy to come 276	1/23/79	Not indexed	
3-72	Cancelled by RO			
3-73	Cancelled by RO			
3-74	Transaction of ATP by ineligible household 274.2(g)	1/23/79	Withdrawn (37)	
3-75	Cancelled by RO			
3-76	Standard utility allowance 273.9(d)(5)	3/13/79	Not indexed	
3-77	Vehicle used to go to vocational high school 273.8(h)(3)(iii)	1/5/79	Not indexed	
3-78	Appointing authorized representative during certification period	12/20/78	Not indexed	
3-79	Designation of authorized representative 273.1(f)	12/15/78	Indexed	79-141

Control Number	Subject/Reg Reference	Date	Status	New Number
3-80	Documenting evidence 273.16	1/23/79	Not indexed	
3-81	Delay in verification and change notices	12/14/78	Not indexed	
3-82	Cancelled by RO			
3-83	Reporting changes prior to approval of application 273.10(b)	1/5/79	Withdrawn (38)	
3-84	Verification of changes at certification 273.2(f)	3/23/79	Indexed	79-142
3-85	Cancelled by RO			
3-86	Restoration to nonparticipants 273.17	12/15/78	Not indexed	
3-87	Cancelled by RO			
3-88	Cancelled by RO			
3-89	Cancelled by RO			
3-90	Implementation starting date for conversion	2/12/79	Withdrawn (39)	
3-91	Determining eligibility for lost benefits 272.1(g)	1/5/79	Indexed	79-143
3-92	Claims collections 273.18	12/15/78	Withdrawn (40)	
3-93	Cancelled by RO			
3-94	Define "reasonable" 273.15	1/30/79	Not indexed	
3-95	Verification of disability thru receipt of disability payment 273.7(b)(2)	1/30/79	Not indexed	
3-96	Disqualified member moves 273.11(c)	12/14/78	Indexed	79-144
3-97	Demonstrating inaccessibility of resources 273.8(d)	1/5/79	Not indexed	
3-98	Direct and regular mail issuance in same State? 273.11(c)	1/5/79	Indexed	79-145
3-99	Mass change - how to notify DMU? 274.2(c)	2/6/79	Withdrawn (41)	

Control Number	Subject/Reg Reference	Date	Status	New Number
3-100	Cancelled by RO			
3-101	How to handle monthly educational benefits 273.9(b)(2)(iv)	1/5/79	Indexed	79-146
3-102	Reporting changes 273.12(a)(1)	1/5/79	Withdrawn (42)	
3-103	Authorized representatives 273.1(f)	1/18/79	Indexed	79-147
3-104	Initiating disqualification and notice of adverse action 273.16	1/5/79	Not indexed	
3-105	Disqualification for fraud 273.16	12/15/7[illegible]	Not indexed	
3-106	Fair hearing timeliness 273.15	1/23/79	Withdrawn (43)	
3-107	Cancelled by RO			
3-108	Utility standard in public housing 273.9(d)	12/28/7[illegible]	Indexed	79-148
3-109	Cancelled by RO			
3-110	Not released			
3-111	Handling incomplete application form 273.2	12/27/7[illegible]	Not indexed	
3-112	Misuse of coupons by authorized representative 273.1(f)	1/1/79	Not indexed	
3-113	Florida's conversion proposal 272.1(g)	2/22/79	Not indexed	
3-114	How to handle installment contract if not for sale of land or buildings 273.8(e)(6)	3/23/79	Indexed	79-149
3-115	Time limit on coupon nondelivery reporting 274.3(c)	1/5/79	Withdrawn (44)	
3-116	Not released			
3-117	Not released			
3-118	Volunteers - problem with disclosure of household information 273.2(i)	1/18/79	Not indexed	
3-119	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-120	Cancelled by RO			
3-121	Cancelled by RO			
3-122	Cancelled by RO			
3-123	Cancelled by RO			
3-124	Disqualification 273.16	1/30/79	Indexed	79-150
3-125	Notification on repaying rights 273.16	2/1/79	Indexed	79-151
3-126	Prosecution under old regs. 273.16	3/13/79	Indexed	79-152
3-127	Can State agency shorten certification period 273.12	2/6/79	Withdrawn (45)	
3-128	Fraud 273.16	3/12/79	Not indexed	
3-129	How to handle recipient claims 273.13	2/12/79	Withdrawn (46)	
3-130	Conversion and eligibility for lost benefits	2/1/79	Indexed	79-153
3-131	Delivery of notices 273.13	1/29/79	Indexed	79-154
3-132	Implementation - pending applications from old regs 272.1(g)	1/25/79	Not indexed	
3-133	Cancelled by RO			
3-134	Computer issued notice of adverse action 273.13	1/18/79	Not indexed	
3-135	Cancelled by RO			
3-136	How to handle sales contract for sale of farm machinery 273.8(e)(6)	3/23/79	Not indexed	
3-137	Use of Florida-designed application	3/2/79	Not indexed	
3-138	Not released			
3-139	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-140	Application for food stamps and unemployment compensation at the same time 273.7(b)	2/22/79	Not indexed	
3-141	Not released			
3-142	Certification periods 273.10(f)	3/12/79	Indexed	79-155
3-143	Retention of claims records at State agency level 272.1(f)	3/13/79	Indexed	79-156
3-144	Cancelled by RO			
3-145	Cancelled by RO			
3-146	Section 14 of Act - when regs on administrative review	1/23/79	Withdrawn (47)	
3-147	New application when household head is disqualified 273.16	2/12/79	Withdrawn (48)	
3-148	Handling fraud disqualification 273.16	3/23/79	Indexed	79-157
3-149	Continuation of benefits when PA reduced 273.2(j)	1/30/79	Withdrawn (49)	
3-150	Not released			
3-151	Release of information over phone or in writing 272.1(c)(2)	2/8/79	Indexed	79-158
3-152	Not released			
3-153	Advance notice of fraud hearing forms	1/1/79	Not indexed	
3-154	Release of addresses to the parent locator service 272.1 (c)(1)	3/23/79	Not indexed	
3-155	Preamble - can it be referenced in State agency handbooks	2/15/79	Not indexed	
3-156	Congressional phone inquiries 272.1(c)	2/22/79	Indexed	79-159
3-157	Vehicle used for subsistence hunting and fishing 273.8(h)(1)(iv)	3/23/79	Not indexed	
3-158	Service for PA applicants who aren't PA and should go to NA office 273.2(e)	2/22/79	Not indexed	
3-158A	PA/FS joint processing 273.2(i)	2/26/79	Indexed	79-160

Control Number	Subject/Reg Reference	Date	Status	New Number
3-158B	Mississippi PA application 273.2(e) and (j)	2/22/79	Not indexed	
3-158C	Not released			
3-158D	Not released			
3-158E	Certification periods 273.10(f)	3/2/79	Not indexed	
3-158F	Reclassification as PA - nofification 273.2(i) and (j)	3/13/79	Indexed	79-161
3-159	Handling $1, $3, and $5 supplemental allowances	2/22/79	Withdrawn (50)	
3-160	Treatment of expired ATP cards on the FNS-250 274.8(a)	3/12/79	Indexed	79-162
3-161	Application - signature 273.2	2/22/79	Not indexed	
3-162	Standard utility in public housing 273.9(d)	2/22/79	Indexed	79-163
3-163	Not released			
3-164	Cancelled by RO			
3-165	Cancelled by RO			
3-166	Cancelled by RO			
3-167	Cancelled by RO			
3-168	Not released			
3-169	Start of disqualification for transfer of resources 273.8(i)	3/13/79	Not indexed	
3-170	Not released			
3-171	Not released			
3-172	Cancelled by RO			
3-173	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-174	Not released			
3-175	Cancelled by RO			
3-176	Retroactive benefits report 273.17	3/12/79	Not indexed	
3-177	Not released			
3-178	Restoring benefits to broken-up households 273.17	3/16/79	Indexed	79-164
3-179	Claims when majority of household cannot be found 273.18	3/13/79	Withdrawn (51)	
3-180	Cancelled by RO			
3-181	Not released			
3-182	FNS-256 report 274.4(a)(6)	3/13/79	Not indexed	
3-183	Status of household when disqualified member leaves before receiving adverse action notice 273.7(h)	3/13/79	Indexed	79-165

Control Number	Subject/Reg Reference	Date	Status	New Number
3-184	Procedures for signing PA/NA applications 273.2(c)	3/23/79	Withdrawn (52)	
3-185	Not released			
3-186	Not released			
3-187	Returning coupons issued by cashier error 273.18	3/16/79	Not indexed	
3-188	Time limit on replacement allotments	3/16/79	Withdrawn (53)	
3-189	Not released			
3-190	Delay in tax dependency verification 273.2(h)	3/23/79	Not indexed	
3-191	PA and FS certification periods 273.10(f)	3/13/79	Indexed	79-166
3-192	Single notice of adverse action 273.12(f)(4)(i)	3/12/79	Not indexed	
3-193	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-194	Cancelled by RO			
3-195	Cancelled by RO			
3-196	Cancelled by RO			
3-197	Cancelled by RO			
3-198	Not released			
3-199	Not released			
3-200	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-201	Recertification provisions - How are they applied? 273.14	3-23-79	Not Indexed	
3-202	Not released			
3-203	Aliens admitted for work purposes 273.4	3-16-79	Not Indexed	
3-204	Cancelled by RO			
3-205	Notice of Adverse Action to NA household before it becomes PA.	3-23-79	Indexed	79-167
3-206	Not released			
3-207	Not released			
3-208	Not released			
3-209	Not released			
3-210	Separate food stamp households 273.1 (a)	3-23-79	Indexed	79-168

Control Number	Subject/Reg Reference	Date	Status	New Number
3-211	Not released			
3-212	Cancelled by RO			
3-213	Exemption for lot if rented by owner 273.8 (e)	3-23-79	Indexed	79-169
3-214	Cancelled by RO			
3-215	Cancelled by RO			
3-316	Cancelled by RO			
3-217	Not released			
3-218	Court ordered payment to third party sent through household 273.9 (c) (1)	3-23-79	Not Indexed	
3-219	Treatment of convicted felon in relation to citizenship requirement 273.4	3-23-79	Indexed	79-170
3-220	How handle retroactive benefits on FNS-256 274.8(a)	3-23-79	Withdrawn (54)	

Control Number	Subject/Reg Reference	Date	Status	New Number
3-221	Cancelled by RO			
3-222	Not released			
3-223	Not released			
3-224	Cancelled by RO			
3-225	Not released			
3-226	Not released			
3-227	Not released			
3-228	Not released			
3-229	Not released			
3-230	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-231	Not released			
3-232	Individuals who eat with but do not reside with the household 273.1 (a)	3-29-79	Withdrawn (55)	
3-233	Not released			
3-234	Separate household status 273.1 (a)	3-23-79	Indexed	79-171
3-235	Cancelled by RO			
3-236	Not released			
3-237	Not released			
3-238	Not released			
3-239	Not released			
3-240	Verification of loans - noncooperation 273.3 (f) (3)	3-23-79	Not Indexed	
3-241	Not released			
3-242	Handling deduction for property taxes and insurance	3-29-79	Indexed	79-172
3-243	Not released			
3-244	Not released			
3-245	Verification of coal bills	3-23-79	Not indexed	
3-246	Not released			
3-247	Cancelled by RO			
3-248	Cancelled by RO			
3-249	Cancelled by RO			
3-250	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-251	Notification of DMU - method for mass change? 274.2	3-23-79	Not indexed	
3-252	Not released			
3-253	Interruptions of VISTA employment 273.9 (c)(10)(iii)	3-23-79	Withdrawn (56)	
3-254	Not released			
3-255	Implied contracts for tenured teachers 273.10 (c) (3) (ii)	3023079	Indexed	79-173
3-256	Not released			
3-257	Posting of utility standard 272.1 (g) (1) (vi)	3-23-79	Not indexed	
3-258	Requesting FNS-286 after household moves 273.19	3-23-79	Indexed	79-174
3-259	Not released			
3-260	Continuation of benefits after non-compliance with work requirements 273.7	3-29-79	Not indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
3-261	Not released			
3-262	Not released			
3-263	Cancelled by RO			
3-264	Cancelled by RO			
3-265	Not released			
3-266	Cancelled by RO			
3-267	Cancelled by RO			
3-268	Cancelled by RO			
3-269	Cancelled by RO			
3-270	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-271	Not released			
3-272	Not released			
3-273	Not released			
3-274	Cancelled by RO			
3-275	Cancelled by RO			
3-276	Cancelled by RO			
3-277	Not released			
3-278	Not released			
3-279	Cancelled by RO			
3-280	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-281	Not released			
3-282	Not released			
3-283	Not released			
3-284	Not released			
3-285	Not released			
3-286	Not released			
3-287	Not released			
3-288	Cancelled by RO			
3-289	Cancelled by RO			
3-290	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-291	Not released			
3-292	Not released			
3-293	Not released			
3-294	Not released			
3-295	Not released			
3-296	Not released			
3-297	Not released			
3-298	Not released			
3-299	Not released			
3-300	Not released			
3-301	Not released			
3-302	Cancelled by RO			
3-303	Not released			
3-304	Not released			
3-305	Not released			
3-306	Not released			
3-307	Not released			
3-308	Not released			
3-309	Not released			
3-310	Cancelled by RO			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-311	Not released			
3-312	Not released			
3-313	Not released			
3-314	Not released			
3-315	Not released			
3-316	Not released			
3-317	Not released			
3-318	Not released			
3-319	Not released			
3-320	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-321	Not released			
3-322	Not released			
3-323	Not released			
3-324	Not released			
3-325	Not released			
3-326	Not released			
3-327	Not released			
3-328	Not released			
3-329	Not released			
3-330	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
3-331	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
4-1	Early implementation of EPR in Minnesota 272.1 (g)	10-30-78	Not Indexed	
4-2	Conversion to EPR-how to replace pre-EPR ATPs 274.6	10-30-78	Not Indexed	
4-3	Emergency representative-verification of HIR issuance 274.2 (f)	11-1-78	Indexed	79-175
4-4	State agency review of FNS-250 274.8 (a)	11-8-78	Indexed	79-176
4-5	Time limit for coupon replacement 274.3 (c)	11-14-78	Not Indexed	
4-6	Definition of State agency 271.2	11-8-78	Not Indexed	
4-7	Refunds-need for claimant's name on request 274.11 (b)(2)	11-8-78	Withdrawn (57)	
4-8	Direct delivery system-ATPs 274.2 (e)	11-8-78	Not Indexed	
4-9	Put OTC and mail issuance on same FNS-250 report? 274.8 (a)	11-17-78	Indexed	79-177
4-9 (Addendum)	" "	3-23-79	Indexed	79-178

Control Number	Subject/Reg Reference	Date	Status	New Number
4-10	Hotline use-allowing Minnesota to use recording as hotline 272.6 (f)	11-24-78	Withdrawn (58)	
4-11	Mail loss affidavit-attach to FNS-250? 274.3 (c)	11-8-78	Indexed	79-179
4-12	Not released			
4-13	Must participant have a local level hearing first 273.15	11-15-78	Not Indexed	
4-14	Tracking oral request for hearing 273.15	12-1-78	Indexed	79-180
4-15	Conference on denial of expedited service 273.15	11-17-78	Withdrawn (59)	
4-16	Information free legal representation 273.15	11-15-78	Indexed	79-181
4-17	Review procedures for issuance offices 274.1 (c)	11-15-78	Withdrawn (60)	
4-18	Claims under $35.00 273.18	11-15-78	Withdrawn (61)	
4-19	75 percent reimbursement 273.16	11-14-78	Not Indexed	
4-20	Completing old claims 273.18	12-1-78	Not Indexed	
4-21	Claim on ATP 273.18	11-14-78	Indexed	79-182
4-22	Interviews for PA conversion 272.1 (g) 273.14	11-14-78	Not Indexed	
4-23	Illegal strikes and eligibility 273.7 (j)	11-17-78	Indexed	79-183
4-24	Work registration requirements for households certified for less than 6 months 273.7 (a)	11-17-78	Not Indexed	
4-25	Minor as emergency authorized representative 273.1 (f)	11-15-78	Indexed	79-184
4-26	Parental control defined 273.1 (b)	11-24-78	Indexed	79-185
4-27	"Not warranted" seasonal variations in utility standards 273.9 (d)	11-17-78	Indexed	79-186
4-28	Verification of unemployment compensation 273.7 (b)(6)	1-23-79	Not Indexed	
4-29	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
4-30	Instructions on developing outreach plans 272.6 (f)	11-17-78	Withdrawn (62)	
4-31	Boarders paying vendor payments 273.1 (b)	11-24-78	Indexed	79-187
4-32	Report of lost benefits 273.17	12-11-78	Not Indexed	
4-33	Converting ATP's for 1-1-79 273.13	12-11-78	Indexed	79-188
4-34	Ending current claim procedures 272.1 (g)	12-7-78	Not Indexed	
4-35	Monthly claim determination report 273.18	12-7-78	Not Indexed	
4-36	When to implement procedures on claims 273.18	12-7-78	Not Indexed	
4-37	Processing changes 273.12	12-27-78	Not Indexed	
4-38	Loss of anticipated benefit check 273.12 (c)	1-9-79	Not Indexed	
4-39	Not released			
4-40	Cancelled by RO			
4-41	Michigan's change notice -want deviation	12-28-78	Not Indexed	
4-42	National guidelines on utility allowance - Development 273.9(d)(5)	1-15-79	Not Indexed	
4-43	Student verification 273.2(f)	1-5-79	Not Indexed	
4-44	Mailing coupons late in month - need identify? Procedure? 274.3	3-2-79	Not Indexed	
4-45	Determining need for bilingual service 272.1	3-5-79	Indexed	79-189
4-46	Waiver of daily reconciliation requirement 274.2(e)	1-15-79	Not Indexed	
4-47	Not released			
4-48	Cancelled by RO			
4-49	Treatment of BEOG grants 273.9 (b)	1-9-79	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
4-50	Averaging educational grants 273.10 (c)	1-18-79	Not Indexed	
4-51	Conversion to new regulations 272.1 (g)	2-6-79	Indexed	79-190
4-52	Implementation peneling applications from old regulations 272.1 (g)	2-1-79	Not Indexed	
4-53	Work registration exemption of other members because one is receiving workmen's compensation 273.7(b)	3-13-79	Withdrawn (63)	
4-54	Submit mail loss affidavit with FNS-250 274.8(a)(4)	3-13-79	Withdrawn (64)	
4-55	Rounding supplemental allotments and retroactive benefits 274.8(b)	2-8-79	Withdrawn (65)	
4-56	Notification on fraud penalties 273.16	1-25-79	Indexed	79-191
4-57	Base area for bilingual service surveys 272.4 (c)	2-22-79	Withdrawn (66)	
4-58	Pre-screening for destitute households 273.2(i)	2-1-79	Indexed	79-192
4-59	Not released			
4-60	Collateral contact-need for signed release 273.2 (f)	2-22-79	Not Indexed	
4-61	Not released			
4-62	Major experience for students 273.7 (i)	2-22-79	Indexed	79-193
4-63	Cost of hearing record 273.15	3-3-79	Withdrawn (67)	
4-64	Not released			
4-65	Not released			
4-66	Not released			
4-67	Consideration of eligibility when applicant filed for subsequent month 273.2 (c)	3-23-79	Not Indexed	
4-68	Not released			
4-69	Reporting claims 273.18	3-13-79	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
4-70	Income averaging 273.10 (c)	3-23-79	Not Indexed	
4-71	Meaning of "able-bodied" parent 273.7 (b)	3-13-79	Indexed	79-194
4-72	Consideration of past bills 273.10 (d)	3-29-79	Not Indexed	
4-73	Form FNS-256 Participation report 274.8 (a)(6)	3-23-79	Not Indexed	
4-74	Form FNS-250 - Handling overages in transfers 274.8 (a) (2)	3-23-79	Not Indexed	
4-75	Not released			
4-76	Effective date of change 273.12	3-23-79	Not Indexed	
4-77	Not released			
4-78	Separate utility standards implementation 273.9 (d) (5)	3-13-79	Indexed	79-195
4-79	12 months plus month of discovery 273.18	5-13-79	Withdrawn (68)	

Control Number	Subject/Reg Reference	Date	Status	New Number
4-80	Not released			
4-81	Not released			
4-82	Not released			
4-83	Not released			
4-84	Not released			
4-85	Not released			
4-86	Not released			
4-87	Not released			
4-88	Not released			
4-89	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
4-90	Not released			
4-91	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
5-1	Minimum monthly allotment 273.10(e)	11-15-78	Indexed	79-196
5-2	Suspension of ATPs when returned undelivered 274.2 (e)	11-17-78	Withdrawn (69)	
5-3	Households reporting changes over hotlines 272.6(f)	11-15-78	Indexed	79-197
5-4	Handling complaints received by hotlines 272.6(r)	11-15-78	Not indexed	
5-5	Period of eligibility 273.10(a)	12-4-78	Not Indexed	
5-6	Approval of Forms deviations	11-24-78	Indexed	79-198
5-7	Monthly outreach reports required 273.6	11-22-78	Not Indexed	
5-8	Disqualification of household of student during vacation for work registration 273.7 (f)	11-15-78	Not Indexed	
5-9	Meaning of "consistent with fair market value" 273.8 (e)	12-11-78	Indexed	79-199
5-10	Junk vehicles 273.8 (c)	11-24-78	Indexed	79-200

Control Number	Subject/Reg Reference	Date	Status	New Number
5-11	Required "proof" for bilingual waivers 272.4 (c)	12-1-78	Indexed	79-201
5-12	Time limits - "day one" 273.2(h)	11-17-78	Withdrawn (70)	
5-13	Expedited Service 273.10 (e)	12-7-78	Indexed	79-202
5-14	Handling FNS-256 report 274.8 (a)(6)	11-24-78	Not Indexed	
5-15	Getting info. from ES on benefits - how? 273.2 (f)	12-15-78	Not Indexed	
5-16	Averaging income over period application 273.10 (a)	11-27-78	Not indexed	
5-17	Reclassification NPA to PA 273.2 (i)	11-27-78	Withdrawn (71)	
5-18	Tax table for tax dependency 273.5 (b)	11-24-78	Withdrawn (72)	
5-19	Multi -program hotlines 272.6 (f)	12-7-78	Not indexed	
5-20	Reasonably certain 273.10 (c)	12-28-78	Indexed	79-203
5-21	Replacement of partial Mail Losses - 274.3 (c)	12-28-78	Not Indexed	
5-22	Allowances from "Recognized" programs 273.9 (b)	12-15-78	Indexed	79-204
5-23	Fraud cases pending & Decision to prosecute 273.16	12-15-78	Not Indexed	
5-24	Identification of emergency representative by household member 274.2 (e)	12-8-78	Not Indexed	
5-25	Cancelled by RO			
5-26	Military Quarters and meals 273.9 (c)	12-20-78	Indexed	79-205
5-27	Pursuing collection action on claims over 12 months 273.18	1-23-79	Indexed	79-206
5-28	Bills coming due 273.10 (d)	12-20-78	Indexed	79-207
5-29	How to count 1st day 273.2 (h)	12-14-78	Not Indexed	
5-30	Number of authorized reps allowed 273.1 (f) 274.2 (e)	1-5-79	Indexed	79-208

Control Number	Subject/Reg Reference	Date	Status	New Number
5-31	Submission of forms for approval 273.2 (b)	12-15-78	Not Indexed	
5-32	Forms 273.18	1-1-79	Not Indexed	
5-33	Treatment of liquid reasources-self employed households 273.8	1-18-79	Not Indexed	
5-34	Certification periods 273.10 (f)	1-9-79	Indexed	79-209
5-35	HIR system - staggering issuance 274.2(e)	1-5-79	Indexed	79-210
5-36	Application form - scheduling based on tear-off portion 273.2	12-20-78	Not Indexed	
5-37	Preparation of FNS-250 by State agencies waiver sought 274.8 (a)(2)	1-5-79	Indexed	79-211
5-38	Hearing official 273.15	12-27-78	Indexed	79-212
5-39	Effective date of 75 percent matching for fraud investigations 273.16	1-23-79	Not Indexed	
5-40	Handling changes discovered during desk reviews 272.1(g) 273.9(c)	2-22-79	Indexed	79-213
5-41	Fraud investigation for misuse of coupons by participants 271.5 (a)	1-9-79	Not Indexed	
5-42	Requesting replacement allotments 273.11 (f)	1-23-79	Indexed	79-214
5-43	Title XX households & single interview 273.2(j)	1-30-79	Indexed	79-215
5-44	Requesting material to determine if fair hearings needed 272.1 (c) (2)	2-1-79	Indexed	79-216
5-45	Standard excess shelter table 273.9 (d) (4)	2-22-79	Indexed	79-217
5-46	Dismissing request for fair hearing 273.15	1-18-79	Indexed	79-218
5-47	Fair hearing requests 273.15(a) 273.18	1-23-79	Not Indexed	
5-48	Expedited certification - verification of alien status 273.2(i)	2-12-79	Indexed	79-219
5-49	State representative at fair hearing 273.15	1-30-79	Not Indexed	
5-50	Coupons in repayment of claims 273.18	2-6-79	Withdrawn (73)	

Control Number	Subject/Reg Reference	Date	Status	New Number
5-51	Use of "certified" v "Registered" Mail 274.3 (c)	2-22-78	Not Indexed	
5-52	Replacement of lost/stolen ATP 274.2 (g)	2-22-79	Not Indexed	
5-53	Counting of semiannual clothing allowance from BIA 273.9(b)	2-22-79	Not Indexed	
5-54	Not released			
5-55	Recertification of hh members after disqualification of hh member - determining of eligibility 273.16(b)	3-16-79	Indexed	79-220
5-56	Value of "customized" van 273.8(g)	3-22-79	Indexed	79-221
5-57	Cancelled by RO			
5-58	Not released			
5-59	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
6-01	Roomer/Boarder payments are earned income 273.9(a)	12-1-78	Indexed	79-222
6-02	Prepaid Burial Plans 273.8(e)	12-4-78	Indexed	79-223
6-03	Non-Disaster Restoration Funds 273.8(e)	12-1-78	Indexed	79-224
6-04	Prorating Income & Commingling 273.8(e)	12-29-79	Withdrawn (74)	
6-05	Equity value of unlicensed vehicles on Indian reservations 273.8(c)	12-1-78	Indexed	79-225
6-06	Exclusion of monies received under P.L. 94-540 273.8(e)	12-1-78	Indexed	79-226
6-07	Determining value of cars not listed in "Blue Book" 273.8(g)	11-29-78	Indexed	79-227
6-08	Criteria for inaccessible funds 273.8(e)	12-1-78	Indexed	79-228
6-09	Money paid jointly to household & non-household members 273.9(c)	12-13-78	Indexed	79-229
6-10	Title XX Payments 273.9(c)	11-24-78	Indexed	79-230

Control Number	Subject/Reg Reference	Date	Status	New Number
6-11	Incentive Payments 273.9(b)	11-24-78	Indexed	79-231
6-12	Utility costs of centers 273.9(d)	11-27-78	Indexed	79-232
6-13	Fair market test of contracts 273.8(e)	12-1-78	Indexed	79-233
6-14	Disqualified member income 273.11(d)	12-7-78	Withdrawn (75)	
6-15	Alcoholic/Drug Treatment 273.11(e)	11-27-78	Withdrawn (76)	
6-16	Want tolerance limit for mail losses to push corrective action 274.3(c)	12-15-78	Not Indexed	
6-17	Boarding house licensing 273.1(c)	11-22-78	Indexed	79-234
6-18	Is a fraud disqualification binding on all States 273.16	12-15-78	Not Indexed	
6-19	Interest on excluded funds 273.8(f)	11-24-78	Indexed	79-235
6-20	Costs of doing business 273.11(a)	11-22-78	Indexed	79-236
6-21	Self employed income 273.11(a)	11-24-78	Indexed	79-237
6-22	PA redeterminations & food stamp certification periods 273.10(f)	2-1-79	Withdrawn (77)	
6-23	Conversion period beginning date 272.1(g)	12-5-78	Withdrawn (78)	
6-24	Handling "table boarders" 273.1(b)	11-24-78	Indexed	79-238
6-25	Sending notices to households after 60 days 273.2(g)	12-11-79	Indexed	79-239
6-26	Sending denial notice after 60 days 273.2(g)	12-7-79	Not Indexed	
6-27	Standard procedure - denying or pending status of case after 30 days 273.2(g)	11-27-78	Indexed	79-240
6-28	Pending verification 273.2(g)	11-24-78	Indexed	79-241
6-29	Delays in verifying hh. eligibility 273.2(g)-(i)	11-24-78	Indexed	79-242
6-30	Pending citizenship verification what if household transfers to another P/A? 273.2	1-05-79	Withdrawn (79)	

Control Number	Subject/Reg Reference	Date	Status	New Number
6-31	Reporting acquisition of licensed vehicle 273.12	12-1-78	Indexed	79-243
6-32	Exemption from work registration because one household member has received workman's comp. 273.7(b)	12-21-78	Indexed	79-244
6-33	Use of FNS-286 273.2	12-13-78	Withdrawn (80)	
6-34	RO never used			
6-35	Required proof for bilinqual waivers 272.4(c)	12-1-78	Withdrawn (81)	
6-36	Implementation of eligibility standards, etc. 273.2	12-27-78	Not Indexed	
6-37	Offsetting retroactive benefits of households with unbroken participation 273.17(d)	12-14-78	Withdrawn (82)	
6-38	Must a participant have a local level hearing first 273.15	3-12-79	Withdrawn (83)	
6-39	Student work registration 273.7(b)	12-7-78	Not Indexed	
6-40	Conversion period beginning date 272.1	1-9-79	Withdrawn (84)	
6-41	Provision of less than monthly allotment for expedited 273.2(i)	12-28-78	Not Indexed	
6-42	Expedited Service 273.2(i)	12-28-78	Indexed	79-245
6-43	Does participation in action programs exempt one from work registation 273.7(b)	1-5-79	Indexed	79-246
6-44	Bendex-need signed release 273.2(f)	2-12-79	Indexed	79-247
6-45	Vista Income 273.9(c)	2-15-79	Withdrawn (85)	
6-46	Vehicle used to go to & from high school 273.8(h)	1-15-79	Withdrawn (86)	
6-47	EHAP Payments 273.9(c)	1-19-79	Not Indexed	
6-48	Reporting Prosecutions 273.16	1-25-79	Not Indexed	
6-49	Single notice of adverse action 273.12	2-1-79	Indexed	79-248
6-50	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
6-51	Handling groups in non-commercial boarding houses 273.1(b)	1-29-79	Not Indexed	
6-52	Repayment of claims with coupons 273.18	1-30-79	Withdrawn (87)	
6-53	Time limitations on certification	1-30-79	Withdrawn (88)	
6-54	Tax dependency status of married students 273.5	2-12-79	Indexed	79-249
6-55	Notices to voluntarily terminated households 273.13	2-6-79	Not Indexed	
6-56	Not released			
6-57	Not released			
6-58	Down payments as shelter costs 273.9	3-5-79	Withdrawn (89)	
6-59	Not released			
6-60	Not released			
6-61	Commuting time & Suitable employment 273.7(i)	2-26-79	Not Indexed	
6-62	Tax dependency net income when parents live in Alaska or Hawaii and student lives elsewhere 273.5(b)	3-12-79	Indexed	79-250
6-63	Migrants vehicles & long distance travel 273.8(h)	2-22-79	Not Indexed	
6-64	Disqualification for refusing to continue suitable employment 273.7(h)	3-23-79	Not Indexed	
6-65	Student receiving "Gifts" of money 273.9(b)	3-2-79	Not Indexed	
6-66	Loans - Repayment schedule 273.2(f)	3-5-79	Indexed	79-251
6-67	Work registation differences between FNS & ES 273.7	2-22-79	Not Indexed	
6-68	Not released			
6-69	Eligibility of Aliens 273.4(b)	3-13-79	Not Indexed	
6-70	Uncompensated work as part of training 273.7	3-29-79	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
6-71	Calculating net income 273.10	3-12-79	Indexed	79-252
6-72	Utility bills & Public housing 273.12	3-23-79	Not Indexed	
6-73	Recoupment 273.9	3-24-79	Not Indexed	
6-74	Not released			
6-75	Rounding 273.10	3-16-79	Not Indexed	
6-76	Not released			
6-77	Mother with children who is tax dependent student 273.9	3-23-79	Not Indexed	
6-78	Money "deemed" for non-household member 273.9(c)	3-23-79	Not Indexed	
6-79	Not released			
6-80	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
6-81	Not released			
6-82	Not released			
6-83	Not released			
6-84	RO never used			
6-85	Not released			
6-86	Not released			
6-87	Not released			
6-88	Not released			
6-89	Not released			
6-90	Not released			

Control Number	Subject/Reg Reference	Date	Status	New Number
7-1	Eligibility when moving from a cash out State to non-cash out State 273.6	10-30-78	Not Indexed	
7-2	Programs under Domestic Volunteer Services Act 273.9(c)	10-30-78	Indexed	79-253
7-3	Down payments & closing costs 273.9(d)	10-30-78	Indexed	79-254
7-4	Self-employed 273.11	11-3-78	Withdrawn (90)	
7-5	Costs of doing business 273.11	11-1-78	Withdrawn (91)	
7-6	Liquid resources 273.11	10-30-78	Indexed	79-255
7-7	Normal issuance cycle 273.14	10-30-78	Indexed	79-256
7-8	Documenting entitlement to lost benefits 273.17	10-30-78	Not Indexed	
7-9	"Initial" allotment 273.17	10-31-78	Indexed	79-257
7-10	Transferring lost benefits via FNS-286 273.17	10-31-78	Withdrawn (92)	
7-11	Benefits can be restored for a 13 month period 273.17	10-30-78	Not Indexed	
7-12	Schedule for sending non-fraud demand letters 273.18	10-30-78	Not Indexed	
7-13	Self-employment income 273.11(a)	10-13-78	Withdrawn (93)	
7-14	Voiding expired ATP's presented for transaction 274.2(e)	11-8-78	Indexed	79-258
7-15	Anticipated income concept 273.12	11-9-78	Not Indexed	
7-16	Disqualification based on confession 273.16	11-8-78	Not Indexed	
7-17	Coupons in payment of claims 273.18	11-6-78	Withdrawn (94)	
7-18	Determination of ability of repay 273.18	11-8-78	Not Indexed	
7-19	Eligibility of household when disqualified member leaves 273.7(h)	11-8-78	Indexed	79-259
7-20	Non-cooperation of disqualified member 273.8	11-15-78	Not Indexed	

Control Number	Subject/Reg Reference	Date	Status	New Number
7-21	PA & FS Cert. Periods 273.10(f)	11-15-78	Withdrawn (95)	
7-22	Charge for medical evaluation at fair hearings 273.15	11-17-78	Not Indexed	
7-23	Suspension of ATP's still allowed? 274.2(e)	11-22-78	Not Indexed	
7-24	Minimum monthly allotment 273.10(e)	11-24-78	Withdrawn (96)	
7-25	Supplemental allotments 273.12	11-27-78	Withdrawn (97)	
7-26	With EPR, is semi-monthly issuance permitted? 274.3	11-27-78	Not Indexed	
7-27	Bilingual needs survey 272.4(c)	12-28-78	Indexed	79-260
7-28	Handling transition to EPR in fiscal month system 274.2(e)	11-27-78	Not Indexed	
7-29	Table for tax dependency 273.5(b)	11-24-78	Not Indexed	
7-30	Format for 6-month report 272.4(c)	12-15-78	Not Indexed	
7-31	Reimbursements in CETA grants 273.9 (c)	12-15-78	Not Indexed	
7-32	Actual costs when States have standard for each utility 273.9(d)	12-11-78	Indexed	79-261
7-33	Migrant hearing time standards 273.15	12-28-78	Indexed	79-262
7-34	Requirement for SSN's? 273.2	12-28-78	Not Indexed	
7-35	Silva v. Levi decision's application to new regs. 273.4	2-6-79	Indexed	79-263
7-36	INS Form I-181-A 273.4(a)	1-15-79	Indexed	79-264
7-37	Reimbursements for work-related expenses 273.9(b)	1-8-79	Indexed	79-265
7-38	Full time bilingual staff 272.4(c)	12-28-78	Indexed	79-266
7-39	Reimbursements & vendor payment & shelter costs 273.9(c)	1-29-79	Not Indexed	
7-40	Providing lost benefits if households can't be located 272.1	2-1-79	Withdrawn (98)	

Control Number	Subject/Reg Reference	Date	Status	New Number
7-41	Implementation schedule clarified 272.1(g)	2-6-79	Indexed	79-267
7-42	Adult foster care 273.1(c)	2-13-79	Not Indexed	
7-43	Expedited service at re-certification 273.2(i)	3-12-79	Not Indexed	
7-44	Hearing time standards 273.15	3-12-79	Indexed	79-268
7-45	Not released			
7-46	Not released			
7-47	Not released			
7-48	Not released			
7-49	Not released			
7-50	Not released			

Footnotes

(1)	1-3	Superseded by 272.6(b)(8)	(11/6/79)
(2)	1-16	Superseded by 273.11(a)(2)	(6/18/79)
(3)	1-23	Superseded by 273.15(r)(2)	(6/8/79)
(4)	1-25	To be pubished in Federal Register (F.R.)	
(5)	1-36	Superseded by 273.9(c)(10)(iii)	(6/8/79)
(6)	2-15	Replaced by 2-167	
(7)	2-18	Replaced by 2-18 (correction)	
(8)	2-25	To be published in F. R.	
(9)	2-34	Replaced by 3-108	
(10)	2-63	To be published in F. R.	
(11)	2-69	To be published in F. R.	
(12)	2-81	Incorrect	
(13)	2-83	To be published in F. R.	
(14)	2-85	Incorrect	
(15)	2-88	Replaced by 7-23	
(16)	2-100	Replaced by 7-18	
(17)	2-116	Replaced by 2-114	
(18)	2-116 (correction)	Replaced by 2-114	
(19)	2-122	Replaced by 3-41	
(20)	2-133	Replaced by 3-190	
(21)	2-135	Replaced by 2-138	

(22)	2-150	Superseded by 274.2(h)	(6/8/79)
(23)	2-161	To be published in F.R.	
(24)	2-164	To be published in F.R.	
(25)	2-166	Superseded by 273.9(c)(10)(iii)	(6/8/79)
(26)	2-171	Replaced by 4-55	
(27)	2-176	Superseded by 273.2(c)(2)(ii)	(6/8/79)
(28)	3-6	Superseded by 275.12(b)(1)	(8/13/79)
(29)	3-10 (addendum)	Incorrect	
(30)	3-13	Superseded by 272.1(g)(1)(iii)	(3/30/79)
(31)	2-21	Replaced by 5-1	
(32)	3-35	Replaced by 5-23	
(33)	3-44	To be published in F. R.	
(34)	3-55	Replaced by 2-112	
(35)	3-65	To be published in F. R.	
(36)	3-68	Replaced by 2-26	
(37)	3-74	To be published in F. R.	
(38)	3-83	To be published in F. R.	
(39)	3-90	To be published in F. R.	
(40)	3-92	To be published in F. R.	
(41)	3-99	Replaced by 3-351	
(42)	3-102	To be published in F.R.	
(43)	3-106	Replaced by 3-20	
(44)	3-115	Replaced by 4-5	
(45)	3-127	To be published in F. R.	
(46)	3-129	To be published in F. R.	
(47)	3-146	Superseded by 276.6	(6/8/79)
(48)	3-147	Replaced by 5-55	
(49)	3-149	Incorrect	
(50)	3-159	Superseded by 274.2(h)	(6/8/79)
(51)	3-179	To be published in F. R.	
(52)	3-184	To be published in F. R.	
(53)	3-188	Replaced by 5-42	
(54)	3-220	Replaced by 5-14	
(55)	3-232	Replaced by 2-163	
(56)	3-253	Superseded by 273.9(c)(10)(iii)	(6/8/79)
(57)	4-7	Incorrect	
(58)	4-10	Superseded by 272.6(b)(8)	(11/6/79)
(59)	4-15	To be published in F. R.	
(60)	4-17	Superseded by FNS Handbook 301, Section 9111	
(61)	4-18	Incorrect	
(62)	4-30	Superseded by 272.6(b)(8)	(11/6/79)
(63)	4-53	Replaced by 6-32	
(64)	4-54	Superseded by 274.2(h)	(6/8/79)
(65)	4-55	Superseded by 274.2(h)	(6/8/79)
(66)	4-57	Superseded by 272.4(c)(3)(i)	(6/8/79)
(67)	4-63	Replaced by 2-65	
(68)	4-79	Incorrect	
(69)	5-2	Replaced by 7-23	
(70)	5-12	To be published in F. R.	

(71)	5-17	To be published in F. R.
(72)	5-18	Replaced by 7-29
(73)	5-50	To be published in F. R.
(74)	6-4	Superseded by 273.8(f) (6/8/79)
(75)	6-14	To be published in F. R.
(76)	6-15	To be published in F. R.
(77)	6-22	To be published in F. R.
(78)	6-23	To be published in F. R.
(79)	6-30	To be published in F. R.
(80)	6-33	To be published in F. R.
(81)	6-35	Replaced by 5-11
(82)	6-37	Incorrect
(83)	6-38	Replaced by 4-13
(84)	6-40	To be published in F. R.
(85)	6-45	Superseded by 273.9(c)(10)(iii) (6/8/79)
(86)	6-46	Incorrect
(87)	6-52	To be published in F. R.
(88)	6-53	To be published in F. R.
(89)	6-58	Incorrect
(90)	7-4	To be published in F. R.
(91)	7-5	To be published in F. R.
(92)	7-10	Superseded by 273.15(r)(2) (6/8/79)
(93)	7-13	To be published in F. R.
(94)	7-17	To be published in F. R.
(95)	7-21	To be published in F. R.
(96)	7-24	Replaced by 5-1
(97)	7-25	Superseded by 274.2(h) (6/8/79)
(98)	7-40	Superseded by 272.1(g)(1)(iv)(B) (9-18-79)

BILLING CODE 3410-30-C

Appendix B

These notices embody either interpretations of the Food Stamp Act of 1977, the regulations implementing the Act or statements of policy which are of major importance or general applicability. Prior to implementing this procedure of publishing "notices of general applicability" in the **Federal Register**, responses to the policy questions contained herein were disseminated to FNS Regional Offices, State agencies, and to other interested groups and individuals. They are now being published for public knowledge. In addition, we are publishing Policy Interpretation 80–5, which is a response to questions brought to the Department's attention by State agencies and advocacy groups independent of policy memoranda submitted by FNS Regional Offices. These policy interpretations will become effective 60 days from the date of publication.

Policy Interpretation 80–1

Regulation Citation: Section 273.9(b)(1)(i).

Subject: Treatment of Sick Pay (former 2–25).

Question: Section 273.9(b)(1)(i) of the regulations states that earned income shall include all wages and salaries of an employee. Does all sick pay, whether taxable or not, count as earned income?

Response: The criteria for determining how to count "sick pay" is dependent upon whether the person receiving the "sick pay" is going to return to work when recovered and is still considered as an employee by his employer. If the person receiving this benefit is not considered an employee while collecting the "sick pay", it cannot be counted as earned income. (See § 273.9(b)(2)(ii).) If the "sick pay" is received for time off while working (i.e., short term illness) it should be counted as earned income.

Policy Interpretation 80–2

Regulation Citation: Various provisions of Section 273.

Subject: Time limits "day one" (former 5–12, 6–53).

Question: Time limits are imposed in the regulations for certifying/denying cases, sending notices of action, reporting changes, conducting fair hearing/fraud hearings, etc. At what point in time will "day one" of these time limits begin, and will this policy be consistent throughout the regulations? If not, what will the exception be?

Response: With the exception of those portions of the regulations which specify working days, the "clocking of time limitations" begins the first calendar day following the day the triggering of the time limit occurred. The minor variations used in the regulations, such as "by the 30th day," "on the 30th day," or "after the 30th day," are not significant for clocking time limitations. For example, State agencies are required to provide households with an opportunity to participate within 30 days of the date applications are filed. If a household files a recognizable application with a food stamp office on Friday, July 21, "day one" of the 30-day time limit period for providing an opportunity to participate will be Saturday, July 22. Where working days are specified in the regulations, the time limits begin the first working day following the day the triggering of the time limit occurred.

Policy Interpretation 80–3

Regulation Citation: Section 273.11(e).

Subject: Alcoholic/Drug Treatment Centers (former 6–15).

Question: In recent months we have encountered drug/alcoholic treatment centers which, as a plan of treatment, enroll the nonaddicted family members and house them in the treatment center. This is an effort to treat the total environment of the addict.

Can the whole family be certified for food stamps and, if so, are other family members to be considered as one-person household or as a group?

Response: Under § 273.11(e) of the regulations, resident addicts and alcoholics in treatment and rehabilitation centers must be certified as one-person households. The drug addict/alcoholic treatment center must apply on behalf of each addict or alcoholic and receive and spend the coupon allotment for food prepared for and served to the certified addict or alcoholic. Eligibility of other family members is governed by §§ 273.1(e) and 273.1(a). The other family members are ineligible to receive food stamps if the institution provides them with a majority of their meals as part of its normal services. If, however, the other family members purchase and prepare their own meals separate and apart from the meals provided by the institution, they may apply for food stamp benefits as a separate household and be certified to receive such benefits if all prescribed eligibility criteria are met.

Policy Interpretation 80–4

Regulation Citation: Section 273.11(a)(1).

Subject: Self-employment Income (former 7–13).

Question: There is confusion here as to the period over which income from self-employment should be averaged when the duration of self-employment is less than a full year. The following is illustrative of situations commonplace in Alaska, and perhaps other coastal States: A commercial fisherman is self-employed, fishing from July through September. For this purpose he has a boat of substantial value, in which he may or may not have substantial equity and 40 to 70 percent of his annual income is devoted to operating expenses. Following the end of the fishing season, his net income is dissipated rapidly, and he resorts to odd jobs, exchange of labor for subsistence goods and/or food stamp benefits to meet his needs. For food stamp purposes, would his self-employment income be annualized as indicated in § 273.11(a)(1) paragraph (1) or would paragraph (iii) apply, which provides for averaging of that income over the three months only since he may be "supplementing" his income during the remaining months by odd jobs and/or performance of labor for goods. Central to this choice, according to the language of this Section is intent, i.e., whether the income for self-employment is "intended to support the (household) on an annual basis" (i) or "intended to meet the household's needs for only part of the year" (iii). Ascertaining intent, however, has some inherent difficulties, and they increase as the interval widens between the point in time when that intention is established and the time of application for FSP benefits. The preamble to the Regulations (p. 47871) notes that the "State agency, in consultation with the household", shall determine the period of time that the income is intended to support the household, while the body of the Regulations fails to provide for this joint decision and states only that the State agency shall assign a certification period appropriate for the household's circumstances.

Response: The basic question is how do you ascertain whether self-employment income is intended to support the household on an annual basis as opposed to a portion of the year?

We agreed that there are inherent difficulties in determining "intent" when making a determination as to the period of time for which self-employment income is intended to support a household. In an effort to make such a judgment, however, other factors, in addition to the household's own statement, that could provide some indication as to how long the household could sustain itself on such income would have to be examined and evaluated. Such factors would include, but would not be limited, previous year's business and personal expenses,

tax records, anticipated expenses for the current year, income received from other sources during the previous year, income expected to be received from other sources during the coming year, and so on. Such factors, when compared with the income from seasonal self-employment, would provide a basis for making a determination as to how long the income is intended to support the household. For example, if the previous year's expenses were proportionate to the household's income from self-employment, it could be an indication that the income would sustain the household for a year, therefore the household's income could be annualized. If expenses were not proportionate with the income, it could be assumed that such income could not sustain the household for a year, therefore, income would be averaged over the period of time for which such income is received.

Further, although the period of time for which the income is intended to cover would be a factor in determining the length of the household's certification period, all household circumstances would have to be evaluated. Additionally, although information obtained by the household would provide some indication as to the appropriate certification period to be assigned, the responsibility for establishing the appropriate certification period remains that of the State agency.

Policy Interpretation 80–5

Regulation Citations: Sections 273.1, 273.2, 273.3, 273.8, 273.9.

Subject: Residents of shelters for battered spouses and other group living arrangements.

Question: Shall State agencies certify residents of shelters for battered spouses and other group settings?

Response: Current food stamp regulations do not prohibit the certification of persons residing in such facilities under certain conditions. For instance, if such persons customarily purchase and prepare meals for home consumption, they may qualify for food stamp eligibility if they meet other criteria for participation. The major factors to consider in such situations include special provisions on institutions; residence; resources and income. Other relevant provisions to consider are provisions on expedited services; out-of-office interviews; authorized representatives and the consideration of food stamp benefits as income.

The current Food Stamp Regulations describe the certification of residents of institutions. For purposes of the Food Stamp Program, residents of institutions are individuals who receive most of their meals as a normal service of an unauthorized institution. Two groups of institutional residents may be eligible for food stamps—residents of addiction and alcoholism centers and residents of some federally subsidized housing for the elderly. All other residents of institutions are categorically ineligible to participate. Residents of abuse shelters who furnish their own meals, receive fewer than half of their meals from the abuse shelters or do not receive their meals as part of the shelter's normal services may be eligible to participate in the Program. Shelter residents who meet the definition of institutional residents are ineligible to participate.

Any individual or group of individuals meeting the definition of a household as described in § 273.1 of the food stamp regulations constitute a household. In some instances individuals residing in abuse shelters or other similar group living arrangements will have children or other dependents with them and will qualify for food stamp benefits as a group. Household composition shall be verified only when questionable and in accordance with these definitions (Section 273.2(f)). Such considerations as the storage of food or the sharing of living space shall not be used to determine household membership.

Households must apply for eligibility in the project area in which they reside. The duration of residence in a project area is not a criterion for eligibility (Section 273.3)).

Persons residing in such facilities must meet the same uniform national reource standards applied to all other households. Those resources to be included in the determination are individual and jointly owned resources that are accessible. A jointly owned resource is inaccessible if the other owner(s) will not allow the household access to the resource's value and the resource cannot be divided. Resources which are inaccessible or which are owned solely by nonhousehold members shall not be considered (Section 273.8(d)).

Only the income of the applicant may be considered in the eligibility determination. The income of relatives or other persons customarily in the resident's household is not considered in the determination of eligibility unless such income, or a portion thereof, is paid directly to the resident of the facility.

Because of the absence of income, persons residing in shelters for battered spouses or other facilities may be entitled to expedited service, according to § 273.2(i). Some may even be entitled to interviews outside the food stamp office, according to § 273.2(e).

Some residents of shelters for battered spouses are reluctant to leave the shelters, fearing for their safety. Section 273.1(f) provides for the designation of an authorized representative, who may be an employee of the shelter, another resident or anyone else who is knowledgeable about the applicant's circumstances. Under all circumstances, the applicant must designate the authorized representative in writing. An authorized representative may apply for the program on the household's behalf, obtain its coupons and buy its food with the coupons.

According to the Food Stamp Act of 1977, Section 8(b), food stamp benefits may not be considered as income or resources for any purpose under Federal, State or local laws. Therefore, any governmental funding these shelters or other group living facilities receive cannot be reduced because of food stamp benefits received by residents.

[FR Doc. 79-39209 Filed 12-21-79; 8:45 am]
BILLING CODE 3410-30-M

CIVIL AERONAUTICS BOARD

[Docket No. 37278]

American Airlines, Inc., New York-San Juan Cargo Service; Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Marvin H. Morse. Future communications should be addressed to Judge Morse.

Dated at Washington, D.C., December 18, 1979.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 79-39369 Filed 12-21-79; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Domestic Violence; Phoenix Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that public hearings of the U.S. Commission on Civil Rights will begin on February 12, 1980 in the Exhibit Hall of the Adams Hotel at Central and Adams Streets, Phoenix, Arizona. An executive session not open to the public may be convened at any appropriate time before or during the hearings.

The purpose of the hearings is to collect information within the jurisdiction of the Commission, particularly concerning the response of

the legal system to the needs of women victims of domestic violence.

The Commission is an independent bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Dated at Washington, D.C., December 18, 1979.

Arthur S. Flemming,

Chairman.

[FR Doc. 79-39327 Filed 12-21-79; 8:45 am]

BILLING CODE 6335-01-M

COMMUNITY SERVICES ADMINISTRATION

Senior Executive Service Performance Review Board; List of Members

AGENCY: Community Services Administration.

ACTION: Listing of personnel serving as members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Public Law 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of those individuals currently serving as members of this Agency's PRB:

1. Ivan Ashley, Regional Director, Region I, Boston Massachusetts
2. David M. Cohen, Deputy Associate Director for Economic Development, Office of Economic Development
3. Ben T. Haney, Regional Director, Region VI, Dallas, Texas
4. Laird F. Harris, Director for Regional Operations, Office of Community Action
5. C. Anthony Jackson, Director for Program Development, Office of Community Action
6. W. Astor Kirk, Regional Director, Region III, Philadelphia, Pennsylvania
7. Glenwood A. Johnson, Regional Director, Region V, Chicago, Illinois
8. Thomas J. Mack, Deputy General Counsel, Office of Legal Affairs and General Counsel
9. N. Dean Morgan, Regional Director, Region X, Seattle, Washington
10. Gerrold K. Mukai, Associate Director for Economic Development, Office of Economic Development
11. Josephine Nieves, Regional Director, Region II, New York, New York
12. R. Thomas Rollis, Controller, Office of Management
13. Alphonse Rodriquez, Regional Director, Region IX, San Francisco, California
14. Wayne Thomas, Regional Director, Region VII, Kansas City, Missouri
15. David E. Vanderburgh, Regional Director, Region VIII, Denver, Colorado
16. William S. Walker, Regional Director, Region IV, Atlanta, Georgia
17. Mary P. Valentino (Executive Secretary), Director of Personnel, Community Services Administration

FOR FURTHER INFORMATION CONTACT: Mary P. Valentino, (202) 254-6170.

Graciela (Grace) Olivarez,

Director.

[FR Doc. 79-39151 Filed 12-21-79; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 150]

Resolution and Order Approving Application of the County of Suffolk, N.Y., for a Foreign-Trade Zone in the Township of Islip, N.Y.

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the County of Suffolk, state of New York, filed with the Foreign-Trade Zones Board (the Board) on May 2, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Islip, New York, adjacent to the New York City Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves an industrial park type zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in the Township of Islip, County of Suffolk, New York

WHEREAS, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States:

WHEREAS, the County of Suffolk (the Grantee) has made application (filed May 21, 1979) in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone in the Township of Islip, County of Suffolk, New York adjacent to the New York City Customs port of entry;

WHEREAS, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

WHEREAS, the Board has found that the requirements of the Act and the Board's Regulations (15 CFR Part 400) are satisfied;

NOW, THEREFORE, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone in the Township of Islip, County of Suffolk, New York, designated on the records of the Board as Zone No. 52, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout

the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

IN WITNESS WHEREOF, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 13th day of December 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Luther H. Hodges, Jr.,

Acting Chairman and Executive Officer.

[FR Doc. 79-38131 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 151]

Resolution and Order Approving the Application of the City of Tulsa-Rogers County Port Authority for a Foreign-Trade Zone Within the Tulsa Port of Catoosa, Rogers County, Oklahoma

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Tulsa-Rogers County Port Authority (the Port Authority), filed with the Foreign-Trade Zones Board (the Board) on June 29, 1979, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone at the Tulsa Port of Catoosa, Oklahoma, within the Tulsa Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves an industrial park type zone that envisages the possible construction of buildings by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and maintain a Foreign-Trade Zone Within the Tulsa Port of Catoosa, Rogers County, Oklahoma

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of Tulsa-Rogers County Port Authority (the Grantee) has made application (filed June 29, 1979) in due and proper form to the Board, requesting the establishment, operation and maintenance of a foreign-trade zone at the port terminal and industrial park complex of the Tulsa Port of Catoosa in Rogers County, which is within the Tulsa Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's Regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 53, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 7th day of December 1979, pursuant to Order of the Board.

Foreign-Trade Zones Board.

C. L. Haslam,

Acting Chairman and Executive Officer.

[FR Doc. 79-39347 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Economic Advisory Board; Renewal

In accordance with the provisions of the Federal Advisory Committee Act 5 U.S.C. App. 1976 and the Office of Management and Budget Circular A–63 of March 1974, and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the Economic Advisory Board is in the public interest.

The Advisory Board was first established by the Secretary of

Commerce on January 12, 1967. Its purpose is to advise the Secretary of Commerce on economic policy issues. It has discharged this mission regularly by convening quarterly to discuss various specific industry situations in terms of consumer spending, capital spending, and inventory status; the near-term outlook and policies; and the outlook, in terms of output and employment, for the forthcoming several quarters.

In renewing the Advisory Board, the Secretary has reaffirmed the importance of the timely and accurate information it has provided concerning business conditions and the current state of the economy. The Secretary has also requested for the 1980 meetings that members of the Advisory Board, in addition to presenting their individual forecasts, also provide their analyses of specific economic issues as designated by the chairperson, the Chief Economist for the Department of Commerce.

As initially chartered under the Federal Advisory Committee Act in January 1973, the Economic Advisory Board will continue with a balanced representation of 16 members, with the Chief Economist for the Department of Commerce serving as chairperson, and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Virginia R. Marketti, Office of the Chief Economist, Room 4848, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-3523.

Dated: December 17, 1979.

Guy W. Chamberlin, Jr.,

Assistant Secretary for Administration.

[FR Doc. 79-39333 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a New Official of the Government of Colombia Authorized To Issue Export Visas and Exempt Certifications for Textile Products From Colombia

December 18, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: A new official of the Government of Colombia has been authorized to issue export visas and exempt certifications for certain cotton, wool and man-made fiber textile products from Colombia.

SUMMARY: The Government of Colombia has notified the United States Government that Luis Felipe Erazo-Cordoba is being added to the previously published list of officials who are authorized to issue export visas and certifications for exemption for cotton, wool and man-made fiber textile products exported to the United States from Colombia (See 43 F.R. 4670). A complete list of Colombian officials currently authorized to issue export visas and exempt certifications accompanies this notice.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, Office of Textitles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On July 26, 1976 a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the Federal Register (41 FR 30707), which established an export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Colombia. The Government of Colombia has requested that a new official be recognized as authorized to issue export visas and certifications for exemption. The list that follows this notice includes the names of all Colombian officials currently authorized to issue export visas and certifications for exemption of cotton, wool and man-made fiber textile products exported to the United States.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Officials Authorized by the Government of Colombia To Issue Export Visas and Exempt Certifications for Textile Products Exported to the United States

Soledad Acevedo Fonseca
Maria Cristina Acosta-Mesa
Maria Cristina Aquirre
Hernando Arciniegas-Serna
Julia Emma de Buitrago
Luis Felipe Erazo-Cordoba
Desiderio Caceres Rondon
Silivio Castro Lamprea
Julian Contreras Trivino
Eduardo Forero-Peralta
Joaquin Gutierrez Isaza
Gloria Maria Lopez Naranjo
Dora Luz de Cobo
Martha Cecilia Munoz de Gomez
Jaime Neria Baena
Elizabeth Ordonoz L.
Jaime Ospina Duque
Norma Parra-Cardona
Joffe Pelaez-Mejia
Manuel Arturo Posada Gutierrez
Rafaela Vergara Echavez
Enrique White Salazar

[FR Doc. 79-39260 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products From Mexico; Effective January 1, 1980

December 18, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products imported from Mexico, effective on January 1, 1980.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, between the Governments of the United States and Mexico, establishes specific levels of restraint for certain cotton, and man-made fiber textile products, among others, in Categories 338/339, 347/348, 633, 634/635, 638/639, 641, 647/648, and 649, produced or manufactured in Mexico and exported during the twelve-month period beginning on January 1, 1980. The agreement also establishes consultation levels for certain categories, such as Categories 359 and 604 (only T.S.U.S.A. 310.5049), which are not subject to specific ceilings and which may be increased during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint. The level of restraint for Category 641 has been adjusted to account for overshipments in 1977 and 1978 amounting to 47,119 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,
Acting Chairman, Committee for the Implementation of Textile Agreements.
U.S. Department of Commerce,
Industry and Trade Administration,
Washington, D.C.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1980 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Mexico, in excess of the indicated twelve-month levels of restraint:

Category	12-mo level of restraint
338/339	393,820 dozen.
347/348	563,490 dozen of which not more than 338,094 dozen shall be in Cat. 347 and not more than 338,094 dozen shall be in Cat. 348.
359	152,174 pounds.
604 (only T.S.U.S.A. No. 310.5049)	853,659 pounds.
633	50,248 dozen.
634/635	286,450 dozen of which not more than 171,870 dozen shall be in Cat. 634 and not more than 171,870 dozen shall be in Cat. 635.
638/639	13,774,573 square yards equivalent of which not more than 459,152 dozen shall be in Cat. 638 and not more than 550,983 dozen shall be in Cat. 639.
641	236,669 dozen.
647/648	1,400,828 dozen of which not more than 840,497 dozen shall be in Cat. 647 and not more than 840,497 dozen shall be in Cat. 648.
649	2,437,500 dozen.

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in Mexico, which have been exported prior to January 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of February 26, 1979, between the Governments of the United States and Mexico, provide, in part, that: (1) specific limits or specific sublimits may be exceeded by not more than seven percent in any agreement period; (2) these same limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administratrive arrangements or adjustnments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773), September 5, 1978 (43 F.R. 39408), January 2, 1979 (44 F.R. 94), March 22, 1979 (44 F.R. 17545), and April 12, 1979 (44 F.R. 21843).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton and man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-39261 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

Further Adjusting the Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products From Macau

December 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing the levels of restraint for men's and boy's cotton knit shirts in Category 338, cotton trousers in Category 347/348, and man-made fiber coats in Category 633/634/635 by the application of swing; (2) increasing the import level for cotton coats in Category 333/334/335 by the application of swing, carryforward and an agreed increase of 9,108 dozen, and reducing the level by half of the 1978 overshipment amounting to 6,814 dozen (the remaining half of the 1978 overshipment in Category 333/334/335 will be used to reduce the level for 1980); and (3) adjusting the levels of restraint for men's and boys' woven cotton shirts in Category 340, cotton trousers in Category 347/348 and wool sweaters in Category 445/446 to account for overshipments charged to current-year levels. All changes affect the levels established for the indicated categories during the agreement year which began on January 1, 1979.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 294), March 2, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's levels (carryforward). Pursuant to the terms of the bilateral agreement, the import levels for Categories 333/334/335, 338, and 633/634/635 from Macau are being adjusted for the twelve-month period which began on January 1, 1979. Levels already established for Categories 340, 347/348 and 445/446 are being adjusted for overshipments previously made to the levels for the current agreement year:

Category:	Amount of deduction
340	2,292 dozen.
347/348	5,306 dozen.
445/446	9,907 dozen.

EFFECTIVE DATE: December 26, 1979.

SUPPLEMENTARY INFORMATION: On January 2, 1979, there was published in the Federal Register (44 FR 91) a letter dated December 27, 1978, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specific categories of cotton, wool and man-made fiber textle products, produced or manufactured in Macau, which may be entered into the United States for consumption or withdrawal from warehouse for consumption during

the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint previously established for Categories 338, 333/334/335, 340, 347/348, 445/446 and 633/634/635 to the designated amounts.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1979.

U.S. Department of Commerce,
Industry and Trade Administration,
Washington, D.C.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 27, 1978, the Chairman, Committee for the Implementation of Textile Agreement, directed you to prohibit entry during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979 of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 26, 1979 and for the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber products in Categories 333/334/335, 338, 340, 347/348, 445/446 and 633/634/635, produced or manufactured in Macau, in excess of the following amounts:

Category	Adjusted 12-mo level of restraint [1]	
333/334/335	90,000	dozen.
338	110,530	dozen.
340	101,958	dozen.
347/348	261,943	dozen.
445/446	74,639	dozen.
633/634/635	184,753	dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1978.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreement to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-39262 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Restraint Levels for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Yugoslavia

December 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products imported from Yugoslavia, effective on January 1, 1980.

SUMMARY: The Bilateral Textile Agreement of October 26 and 27, 1978, between the Governments of the United States and the Socialist Republic of Yugoslavia, establishes levels of restraint for certain wool and man-made fiber textile products in Category 443/643, produced or manufactured in Yugoslavia and exported during the twelve-month period beginning on January 1, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Category 443/643 in excess of the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Textile Agreement of October 26 and 27, 1978, as amended, between the Governments of the United States and the Socialist Republic of Yugoslavia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1980 and for the twelve-month period extending through December 31, 1980, entry into the United States for consumption, and withdrawal from warehouse for consumption of wool and man-made fiber textile products, in Category 443/643, in excess of the following level of restraint:

Category	12-mo level of restraint
443/643	14,270 dozen of which not more than 7,855 dozen shall be in Cat. 443.

In carrying out this directive, entries of wool and man-made fiber textile products in Category 443/643, produced or manufactured in Yugoslavia, which have been exported prior to January 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of October 26 and 27, 1978, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, which provide, in part, that: (1) Within the

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

group limit the specific limit may be exceeded by no more than five percent in any agreement period: and (2) the group limit may be exceeded for carryover and carryforward not to exceed 11 percent of the applicable limit.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884) as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843).

In carrying out the avbove directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of wool and man-made fiber textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 79-39323 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

Announcing Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From the Republic of the Philippines, Effective on January 1, 1980

December 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton, wool and man-made fiber textile products imported from the Philippines, effective on January 1, 1980.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines establishes specific ceilings for cotton, wool and man-made fiber textile products in Categories 340, 341pt., 442, 445/446, 459, 604, 631, 636pt., 640, 641, 645/646 pt., and 649, among other categories, during the agreement year which begins on January 1, 1980 and extends through December 31, 1980. In the letter published below the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of textile products in the foregoing categories, produced or manufactured in the Philippines and exported during the twelve-month period which begins on January 1, 1980, in excess of the designated levels. The level for Category 645/646 has been reduced by 5,000 dozen to account for prior years' overshipments.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), Jnauary 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1980 and for the twelve-month period extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 340, 341pt., 442, 445/446, 459, 604, 631, 636pt., 640, 641, 645/646pt. and 649, produced or manufactured in the Philippines, in excess of the following level of restraint:

Category	12-mo level of restraint	
340	220,492	dozen.
341pt.[1]	80,689	dozen.
442	6,452	dozen.
445/446	17,421	dozen.
459	116,138	pounds.
604	2,033,116	pounds.
631	1,511,948	dozen pairs.
636pt.[2]	40,249	dozen.
640	93,054	dozen.
641pt.[3]	62,872	dozen.
641pt.[4]	163,344	dozen.
645/646pt.[5]	84,264	dozen.
649	3,607,489	dozen.

[1] In Category 341, only T.S.U.S.A. numbers 382.0039, 382.3302, 382.3305, and 382.3309.

[2] In Category 636, only T.S.U.S.A. numbers 382.0413, 382.0416, 382.7832, 382.7834, 382.0466, 382.0469, 382.8173 and 382.8174.

[3] In Category 641, only T.S.U.S.A. numbers 382.0460 and 382.8139.

[4] In Category 641, only T.S.U.S.A. numbers 382.0459, 382.0461, 382.8133, 382.8137, 382.8143, and 382.8144.

[5] In Category 645/646, all T.S.U.S.A. numbers except 382.0427 and 382.7870.

In carrying out this directive entries of textile products in the foregoing categories, except Category 442, which have been exported to the United States prior to January 1, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Wool textile products in Category 442, exported prior to January 1, 1980, shall not be subject to this directive.

Textile products in Category 442 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that: (1) Three percent growth shall be applied to certain specified ceilings during the second and each successive agreement year; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), and April 12, 1979 (44 FR 21843)

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile

products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-39324 Filed 12-21-79; 8:45 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Priorities for Commission Action; General Statement of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of policy.

SUMMARY: This notice lists, with brief descriptions, CPSC priority projects for fiscal year 1980. The list is divided into two parts. The first part lists those hazard-related projects designated for priority attention; the second part concerns longer range commitments of the Commission to improve the Commission's regulatory processes. Both support the Commission's efforts to reduce or eliminate unreasonable risks of injury, illness, or death associated with consumer products. This priority list is for general information to the public and Commission guidance to the staff. The list does not include all activities of the Commission. It may change when the Commission believes that revised priorities are appropriate or that other projects require Commission priority attention.

EFFECTIVE DATE: Policy now in effect.

FOR FURTHER INFORMATION CONTACT: Charles R. Casper, Deputy Director, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. (301-492-6554).

SUPPLEMENTARY INFORMATION: On July 10, 1978 (43 FR 29744), the Commission published a listing of 24 priority projects for fiscal year 1979. The projects were selected based on the Commission policy for establishing priorities for Commission action (16 CFR 1009.8, 41 FR 27960, July 8, 1976). This policy states that the following criteria will be considered in establishing priorities for Commission action: frequency and severity of injuries; causality of injuries; chronic illness and future injuries; costs and benefits of Commission action; unforeseen nature of the risk of injury; vulnerability of the population at risk; probability of exposure to the hazard; and, where appropriate, additional factors known to the staff and believed to warrant Commission attention. Those 24 projects were grouped into major categories describing general Commission activities such as litigation, enforcement, product specific regulatory development, voluntary standards development, and information and education.

In this document the Commission establishes priority projects for fiscal year 1980. (A proposal was made to include in the list of priority projects two additional projects: (1) reviewing the petitions process, and (2) reviewing the Commission's Freedom of Information Act an Sunshine Act regulations. The Commission decided, by a vote of 4-1, with Commissioner Statler dissenting, not to include these additional items in the priorities list.) These projects were selected in accordance with the criteria described above. Several new projects have been added to this year's listing. Others which appeared on the fiscal 1979 list have been dropped either because they are complete or because they no longer warrant priority attention. Because of limited resources, the Commission must carefully focus its activities on the most serious hazards which it can effectively address.

The fiscal year 1980 listing is divided into two sections. The first section lists on an individual hazard or product basis those products of particular concern to the Commission. The second section lists longer range commitments of the Commission to improve CPSC regulatory processes. While the Commission believes a product-by-product approach to safety is essential in protecting consumers from unreasonable risks of injury, the Commission also believes it must evaluate mechanisms for increasing the overall impact of CPSC on product safety. The second part of the priority listing, then, is intended to focus the attention of the Commission and the staff on those general areas which will enable the Commission to better fulfill its mission of reducing injuries and deaths to consumers.

The order of projects or categories appearing below does not reflect the priority of one project or category as compared to another. In addition, the projects reflect the Commission's judgment of important activities, but should not be taken to be a complete list of all activities of the Commission. The Commission works in many other areas, including enforcing existing regulations and developing material for possible new regulations, conducting research, and monitoring the marketplace for new or unsuspected product hazards.

The Commission issues the following priority projects for fiscal year 1980:

A. Hazard-Related Projects

Aluminum Wiring. The Commission believes that some aluminum wiring installed in 1.5 million homes between 1965 and 1973 could overheat and cause fires. The Commission has asked a Federal court to declare that such aluminum wiring presents an imminent hazard and to compel aluminum wiring manufacturers to notify homeowners of the potential hazards and to correct them.

Cellulose Insulation. The Commission has issued a safety standard to address the flammability and corrosiveness of cellulose insulation. CPSC has also issued a rule requiring labeling to tell consumers how to properly install cellulose insulation to avoid fire hazards. The Commission will continue to inform industry of its obligation to enforce the standard and labeling rules and to educate the public.

Unvented Gas-Fired Space Heaters. At least 70 deaths a year have been attributed to carbon monoxide poisoning from unvented gas-fired space heaters commonly used in American homes. The Commission will decide whether to propose a mandatory heater standard requiring the use of an oxygen depletion shut-off device.

Coal and Wood Burning Stoves. Coal and wood burning stoves may present a fire hazard if improperly installed by the seller or homeowner. the commission will consider a mandatory labeling rule regarding proper installation and maintenance of these stoves.

Upholstered Furniture. The Commission estimates that every year upholstered furniture fires caused by smoldering cigarettes kill at least 500 people and seriously injure an additional 1700. The upholstered furniture industry has recently developed a voluntary program to reduce furniture flammability. The Commission will assess the effectiveness of the industry program and decide whether a mandatory or voluntary approach is appropriate.

Cribs. Since the Commission's crib regulation went into effect in 1974, infant deaths from strangulations associated with hazardous cribs have fallen by half, about 85 lives saved each year. The Commission is considering a proposal to amend the crib regulation to further reduce head and neck entrapment hazards that may be associated with certain crib designs.

CB Antennas. More than 200 people a year have been electrocuted when base station antennas they were installing or removing touched overhead power lines. The Commission will continue in-house development of a mandatory standard for omnidirectional CB antennas to protect consumers from severe electrical hazards during installation and removal of these CB antennas.

Projectile Toys. An estimated 950 persons were treated in hospital emergency rooms in 1978 for eye injuries associated with propelled toys. With the intention of reducing these injuries, the Commission will consider alternatives, including a possible mandatory standard, to address the hazards of projectile toys.

Plastics Flammability. The use of plastic materials in homes has grown dramatically in recent years. Many different types of plastics are used in manufacturing furniture, appliances, carpeting and insulation materials. The Commission will examine the combustibility of selected plastic consumer products, as well as the toxicity of their combustion products.

Tap Water Scalds. An estimated 2,600 burns and serious scalds are caused each year by excessively hot tap water. The majority of accident victims are children and the elderly. The Commission will work with industry to develop warning labels on water heaters and lower factory pre-set temperatures on water heaters and will consider whether mandatory requirements are necessary.

Formaldehyde Toxicity. Respiratory problems, headaches, and eye and skin irritation are reported to be caused by formaldehyde gas released from some consumer products. The Commission will evalute the possible acute and chronic toxicity of formaldehyde and consider appropriate action for specific products, particularly urea-formaldehyde (UF) foam insulation. As part of its investigation of formaldehyde in products, the Commission will conduct regional hearings in 4 cities focusing on UF foam insulation.

Benzidine Dyes. Research has indicated that certain benzidine-based dyes produce cancer in laboratory animals. The Commission will evaluate toxicity data, assess bioavailability, determine exposure, and develop control options for certain types of benzidine dyes as well as consider a reporting rule for certain dyes.

Asbestos. Consumer products containing inhalable asbestos fibers may be associated with a risk of lung cancer in humans. The Commission has published an advance notice of proposed rulemaking to gather information on asbestos use in consumer products and to set forth a possible regulatory approach to asbestos in consumer products. The Commission will evaluate the information received and will test specific products for possible hazards.

Chain Saws. In 1977 alone, an estimated 40,000 people were treated in hospital emergency rooms for chain saw related injuries. The Commission will consider voluntary and/or mandatory action to address chain saw kickback, the biggest single cause of chain saw injuries.

B. *Programs to Improve Regulatory Processes*

Strengthening the chronic hazards program to increase the Commission's ability to deal with substances that may cause long-term chronic injury or illness, especially cancer.

Considering voluntary standards as an alternative or supplement to mandatory regulation.

Increasing the use of section 15 of the Consumer Product Safety Act (CPSA) to remove substantially hazardous products from the marketplace quickly.

Exploring ways in which the effectiveness of product recalls might be improved, to ensure that consumers receive adequate notice of and protection from substantially hazardous products.

Surveying the Commission's basic injury data needs and exploring new methods and sources of data collection.

Improving the Commission's outreach to minorities, low income consumers, the elderly, and other special populations and more clearly explaining our role and impact to the general public.

Expanding the use of the Commission Hotline and consumer complaints to help identify emerging hazards.

Promoting greater cooperation with state and local agencies in areas of mutual concern such as smoke detectors, burn prevention, and amusement rides.

Reviewing existing Commission product safety standards, bans, and other regulations to ensure that they are still serving important public safety goals.

The priority listings constitute general guidance for the Commission staff in planning and executing their tasks. The list is subject to continuing review for additions or modifications that may be made necessary by more recent information, and the emergence of presently unforeseen hazards.

The Commission staff will prepare work schedules detailing the progress of work on approved hazard projects and programs to improve regulatory processes and will periodically report the status of work to the Commission. Some of the priority projects represent a commitment to ongoing activities and obviously will not be completed in one year.

An important reason for publishing this information is to advise the public that, given the limited resources available to it, Commission action will focus on the project priorities discussed in this notice, although the Commission works in other areas as well. The Commission believes that this information will enable the public to understand and follow Commission actions more easily. However, these priority listings should not discourage persons from calling the Commission's attention to other consumer products that may present risks of injury to the public.

Dated: December 19, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-39335 Filed 12-21-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

National Waterways Study; Announcement of Technical Workshops; Open Meeting

Technical Workshops on the National Waterways Study (NWS) will be held January 30, 1980, at Humphreys Hall, Building 247, Ft. Belvoir, Virginia. The workshops will be conducted from 8:00 AM to 5:00 PM.

The workshops are designed to provide for in-depth discussions between the public and NWS team specialists from the Corps of Engineers and the study contractors, A. T. Kearney, Inc., Data Resources, Inc., and Louis Berger Associates.

Workshop topics include:

Scenarios and commodity flow forecasts
System capacity
Evaluation measures
Strategies
Environmental considerations
Policy and institutional issues
National defense and emergency
Multiple use conflicts
Intermodal relationships
Others (specify) ———————

Persons interested in attending are requested to respond in writing by 7 January 1980 and to provide the following registration information: Name, Organization, Mailing Address, Business Telephone and the names of

the workshops you would like to attend. This information will be used in arranging topical sessions, meeting facilities and insuring the availability of appropriate NWS team specialists.

Please submit registration information to National Waterways Study, Water Resources Support Center, Institute for Water Resources, Kingman Building, Ft. Belvoir, Virginia 22060. For further information phone (202) 325–7141.

Dated: December 16, 1979.

Maximilian Imhoff,

Colonel, CE, Commander and Director, Water Resources Support Center.

[FR Doc. 79–39336 Filed 12–21–79; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet January 16–17, 1980, at the Pentagon, Washington, D.C. Sessions each day will be held from 8 a.m. to 5 p.m. All sessions will be closed to the public.

The entire agenda for the meeting will consist of a review of intelligence developments, strategic planning, and naval force structure. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest or national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Commander Robert B. Vosilus, U.S. Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 N. Beauregard Street, Room 392, Alexandria, VA 22311. Telephone No. (703) 756–1205.

Dated: December 19, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79–39329 Filed 12–21–79; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

A. P. Green Refractories Co.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

[ERA Docket No. 79–CERT–100]

A. P. Green Refractories Company (A. P. Green) filed an application for certification of an eligible use of natural gas to displace fuel oil at its refractories manufacturing plant located in Mexico, Missouri, with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on October 4, 1979. Notice of that application was published in the **Federal Register** (44 FR 65431, November 13, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed A. P. Green's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that A. P. Green's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C., on December 17, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy,
Washington, D.C.

Re ERA Certification of Eligible Use, ERA Docket No. 79-CERT-100 A. P. Green Refractories Company.

Mr. Kenneth F. Plumb,
Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E, Washington D.C.

Dear Mr. Plumb: Pursuant to the provision of 10 CFR Part 595, I am hereby transmitting to the Commission the enclosed certification of an eligible use of natural gas to displace fuel oil. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F. As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, N.W., Room 4126, Washington, D.C. 20461, telephone (202) 254–8202. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–100.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the A. P. Green Refractories Company—ERA Docket No. 79–CERT–100

Application for Certification

Pursuant to 10 CFR Part 595, A. P. Green Refractories Company (A. P. Green) filed an application for certification of an eligible use of 410,000 Mcf of natural gas per year at its refractories manufacturing plant located in Mexico, Missouri with the Administrator of the Economic Regulatory Administration (ERA) on October 4, 1979. The application states that the eligible seller of the gas is the Michigan Consolidated Gas Company (Consolidated) and the gas will be transported by the Panhandle Eastern Pipeline Company. The application indicates that the use of natural gas is estimated to displace 2,993,000 gallons of No. 2 fuel oil (0.3 percent sulfur) for the period November 1, 1979 to June 1, 1980 at the Mexico plant. The application also indicates that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the ERA hereby certifies, pursuant to 10 CFR Part 595, that the use of 410,000 Mcf of natural gas at A. P. Green's Mexico plant purchased from Consolidated is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. It is effective during this period of time for the use of up to the same certified volume of natural gas at the same facility purchased from the same eligible seller.

Issued in Washington, D.C., on December 17, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79–39257 Filed 12–21–79; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 50126-9062-21-41]

Atlantic City Electric Co.; Decision and Order Granting an Exemption

In the matter of Atlantic City Electric Company petition for temporary public interest exemption.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Atlantic City Electric Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on June 27, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the July 20, 1979, Federal Register (44 FR 42756) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemption.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Deepwater (Pennsgrove, N.J.).	CT "A"	118.4	0.0

This powerplant will burn an estimated 237,439 MCF of natural gas annually which will result in an estimated displacement of 118.4 barrels of middle distillate fuel oil per day (43,200 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

Duration of Temporary Exemption

ERA grants this temporary public interest exemption for a period of five years. The temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the Federal Register, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progess in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39360 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 50496-3442-21-41]

Central Power & Light Co.; Decision and Order Granting an Exemption

In the matter of Central Power and Light Company petition for temporary public interest exemption.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public

interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Central Power and Light Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 18, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the July 20, 1979, **Federal Register** (44 FR 42756) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the Central Power and Light Company proposed order.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
La Palma (San Benito, Tex.).	CT 1	178.1	0.7

This powerplant will burn an estimated 382,200 MCF of natural gas annually which will result in an estimated displacement of 178.1 barrels of middle distillate fuel oil per day (65,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

Duration of Temporary Exemption

ERA grants this temporary public interest exemption for a period of five years. The temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five-year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-38358 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 50631-2123-08-41, and 50631-2123-21-41]

Columbia Water & Light Department; Decision and Order Granting Exemptions

In the matter of Columbia Water and Light Department petition for temporary public interest exemptions.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Columbia Water and Light Department (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing

Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 2, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the July 20, 1979, **Federal Register** (44 FR 42756) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the Columbia Water and Light Department proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur contents
Columbia Municipal (Columbia, Mo.).	No. 8	90.9	0.3
	CT 1	10.9	0.3

These powerplants will burn an estimated 89,181 MCF of natural gas annually which will result in an estimated displacement of 41.9 barrels of middle distillate fuel oil per day (15,287 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39363 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 51209-1394-01-41]

Gulf States Utilities Co.; Decision and Order Granting an Exemption

In the matter of Gulf States Utilities Company petition for temporary public interest exemption.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Gulf States Utilities Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 7, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the July 20, 1979 **Federal Register** (44 FR 42756) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the

requested temporary public interest exemption.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Willow Glen (St. Gabriel, La.).	No. 1.....	221.1	0.5

This powerplant will burn an estimated 468,004 MCF of natural gas annually which will result in an estimated displacement of 221.1 barrels of middle distillate fuel oil per day (80,690 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301 (a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternative fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

Duration of Temporary Exemption

ERA grants this temporary public interest exemption for a period of five years. The temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the Federal Register, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39354 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 54015-2393-21-41, 54015-2393-22-41, 54015-2393-23-41, and 54015-2393-24-41]

Jersey Central Power & Light Co.; Decision and Order Granting Exemptions

In the matter of Jersey Central Power and Light Company petition for temporary public interest exemptions.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Jersey Central Power and Light Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on April 19, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the May 11, 1979, Federal Register (44 FR 27668) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act.

These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Gilbert (Milford, N.J.)	CT 1	24.7	0.3
	CT 2	24.7	0.3
	CT 3	24.7	0.3
	CT 4	24.7	0.3

These powerplants will burn an estimated 208,000 MCF of natural gas annually which will result in an estimated displacement of 98.6 barrels of middle distillate fuel oil per day (36,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner had demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the Federal Register, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39355 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 51685-2511-21-41, et al.]

Long Island Lighting Co.; Decision and Order Granting Exemptions

In the matter of Long Island Lighting Company petition for temporary public interest exemptions; ERA Docket Nos. 51685-2511-21-41, 51685-2511-22-41, 51685-2511-24-41, 51685-2511-25-41, 51685-2511-26-41, 51685-2511-27-41, 51685-2511-28-41, 51685-2511-29-41, 51685-2511-30-41, 51685-2511-31-41, 51685-2511-32-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Long Island Lighting Company (petitioner).

The petitioner filed for these temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 7, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the May 11, and June 1, **Federal Register** (44 FR 27668) and (44 FR 31677) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount

and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
E. F. Barrett (Island Park, N.Y.).	CT 1	0.5	0.37
	CT 2	0.5	0.37
	CT 4	0.8	0.37
	CT 5	0.8	0.37
	CT 6	0.8	0.37
	CT 7	0.8	0.37
	CT 8	0.8	0.37
E. F. Barrett (Island Park, N.Y.).	CT 9	43.8	0.37
	CT 10	43.8	0.37
	CT 11	46.6	0.37
	CT 12	46.6	0.37

These powerplants will burn an estimated 419,400 MCF of natural gas annually which will result in an estimated displacement of 186.0 barrels of middle distillate fuel oil per day (67,900 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the Federal Register, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39352 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 54020-3115-24-41,54020-3113-23-41, and 54020-3113-24-41]

Metropolitan Edison Co.; Decision and Order Granting Exemptions

In the matter of Metropolitan Edison Company petition for temporary public interest exemptions.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Metropolitan Edison Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on June 19, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the July 20, 1979, Federal Register (44 FR 42756) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be

displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Titus (Reading, Pa.)	CT 4	39.2	0.3
Portland (Portland Pa.)	CT 3	18.5	.3
	CT 4	25.3	.3

These powerplants will burn an estimated 171,720 MCF of natural gas annually which will result in an estimated displacement of 83.0 barrels of middle distillate fuel oil per day (30,286 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decsion and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the Federal Register, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39359 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 51948-0900-05-41]

Mount Carmel Public Utility Co.; Decision and Order Granting An Exemption

In the matter of Mt. Carmel Public Utility Company petition for temporary public interest exemption.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a temporary public interest exemption from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Mt. Carmel Public Utility Company (petitioner).

The petitioner filed for this temporary public interest exemption pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 28, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the July 20, 1979 Federal Register (44 FR 42756) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the Mt. Carmel Public Utility Company proposed order.

Based on the information provided by the petitioner, the powerplant listed in the table below is either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. This temporary exemption will allow this unit to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Mt. Carmel (Mt. Carmel, Ill.).	No. 5	70.3	0.2

This powerplant will burn an estimated 140,000 MCF of natural gas annually which will result in an estimated displacement of 70.3 barrels of middle distillate fuel oil per day (25,643 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in this powerplant will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that this powerplant, for which it is requesting a temporary exemption, is an existing unit that is either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitoner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplant for which this temporary exemption is issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting this temporary exemption.

Duration of Temporary Exemption

ERA grants this temporary public interest exemption for a period of five years. The temporary exemption is subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by this exempted powerplant between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemption granted under this Decision and Order is conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a systemwide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39356 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of Orders Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on December 17, 1979, it issued orders granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.68 and 10 CFR 508, from the probibitions of Section 301(a) (2) and (3) of the Act to the following powerplants:

Docket No.	Owner	Generating station location	Powerplant identification	Daily middle distillate displacement (barrels)
51685-2511-21-41	Long Island Lighting Co	E. F. Barrett (Island Park, N.Y.).	CT 1	0.5
51685-2511-22-41			CT 2	0.5
51685-2511-24-41			CT 4	0.8
51685-2511-25-41			CT 5	0.8
51685-2511-26-41			CT 6	0.8
51685-2511-27-41			CT 7	0.8
51685-2511-28-41			CT 8	0.8
51685-2511-29-41			CT 9	43.8
51685-2511-30-41			CT 10	43.8
51685-2511-31-41			CT 11	46.6
51685-2511-32-41			CT 12	46.6
52927-9041-22-41	The Toledo Edison Co	Richland (Defiance, Ohio)	CT 2	59.4
52927-9041-23-41			CT 3	59.4
54015-2393-21-41	Jersey Central Power & Light Co	Gilbert (Milford, N.J.)	CT 1	24.7
54015-2393-22-41			CT 2	24.7
54015-2393-23-41			CT 3	24.7
54015-2393-24-41			CT 4	24.7
51209-1394-01-41	Gulf States Utilities Co	Willow Glen (St. Gabriel, La.)	No. 1	221.1
52970-9039-21-41	Tucson Electric Power Co	Irvington (Tucson, Ariz.)	CT 1	25.9
52970-9039-22-41			CT 2	25.9
52970-9039-23-41			CT 3	26.0
52970-6088-21-41		North Loop (Tucson, Ariz.)	CT 1	26.0
52970-6088-22-41			CT 2	26.0
52970-6088-23-41			CT 3	26.0
52970-6088-24-41			CT 4	26.0
50631-2123-08-41	Columbia Water & Light Department	Columbia Municipal (Columbia, Mo.).	No. 8	30.9
50631-2123-21-41			CT 1	10.9

Docket No.	Owner	Generating station location	Power-plant identification	Daily middle distillate displacement (barrels)
53010-0970-02-41	University of Illinois	Abbott (Champaign, Ill.)	No. 2	173.8
53010-0970-03-41			No. 3	173.8
53010-0970-04-41			No. 4	173.8
52414-1406-25-41	Public Service Electric & Gas Co	Linden (Linden, N.J.)	CT 5	2.7
52414-1406-26-41			CT 6	2.7
52414-1406-27-41			CT 7	1.9
52414-1406-28-41			CT 8	0.8
52414-2400-21-41		Edison (Edison, N.J.)	CT 1	49.3
52414-2400-22-41			CT 2	27.4
52414-2400-23-41			CT 3	41.1
52414-2404-30-41		Kearny (Kearny, N.J.)	CT 10	5.5
52414-2404-31-41			CT 11	8.2
52414-2403-23-41		Hudson (Jersey City, N.J.)	CT 3	1.9
52414-2402-29-41		Essex (Newark, N.J.)	CT 9	8.2
52414-2402-30-41			CT 10	24.7
52414-2402-31-41			CT 11	43.8
52414-2402-32-41			CT 12	68.5
52414-2411-26-41		Sewaren (Sewaren, N.J.)	CT 6	0.8
51948-0900-05-41	Mt. Carmel Public Utility Co	Mt. Carmel (Mt. Carmel, Ill.)	No. 5	70.3
54020-3115-24-41	Metropolitan Edison Co	Titus (Reading, Pa.)	CT 4	39.2
54020-3113-23-41		Portland (Portland, Pa.)	CT 3	18.5
54020-3113-24-41			CT 4	25.3
52997-0913-01-41	Union Electric Co	Venice (Venice, Ill.)	No. 1	171.0
52997-0913-02-41			No. 2	199.5
52997-0913-03-41			No. 3	512.9
52997-0913-04-41			No. 4	512.9
52997-0913-05-41			No. 5	726.6
52997-0913-06-41			No. 6	474.0
50496-3442-21-41	Central Power & Light Co	La Palma (San Benito, Tex.)	CT 1	178.1
50126-8062-21-41	Atlantic City Electric Co	Deepwater (Pennsgrove, N.J.)	CT "A"	118.4

Petitions were received and filed pursuant to CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) with ERA for temporary public interest exemptions for the use of natural gas as a primary energy source. Notices of the petitions and the proposed orders granting these temporary exemptions were published in the **Federal Register** on May 11, June 1, and July 20, 1979, (44 FR 27668, 44 FR 31677, and 44 FR 42756). Written comments were requested on the proposed orders. All comments were considered by ERA.

A general comment from Allied Chemical Corporation expressed concern that the chemical industry has experienced production curtailments and plant shutdowns due to inadequate gas supplies for nonsubstitutable feedstock and process needs at the same time that DOE has concluded that excess supplies of natural gas are available. The Allied Chemical Corporation comment did not refer to any specific region nor did it specify impacts resulting from any particular petition or proposed order.

The State of New Jersey Department of Environmental Protection supports ERA's decision, stating, "Besides representing a positive response to the Nation's need to reduce it demand for imported petroleum products and related problems, ERA's action will result in a net air quality benefit . . . ."

The Louisiana Air Control Commission is in favor of the use of natural gas as a primary energy source. One of its reasons is that "the use of natural gas as a primary fuel in these units will enable Louisiana's oil industry to provide more distillate and residuum to other parts of the country."

The State of New York Department of Environmental Conservation is "in favor of the use of natural gas wherever possible, since the environmental benefits are obvious. . . ."

All comments that referred to specific petitions were supportive of them. However, not all the petitions listed received specific comments.

These temporary exemptions will allow the above-named units to burn an estimated total of 9,784,978 MCF of natural gas annually, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, displacing an estimated 4,703.5 barrels of middle distillate fuel oil per day (1,716,776 barrels annually).

The orders granting these temporary exemptions shall become effective sixty calendar days following their publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. Owners of the above-named powerplants have each received the Decision and Order by certified mail. The individual orders are set forth following this notice. These temporary exemptions shall be in effect, subject to the terms and conditions stated in each order, for a period of five years and may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, N.W., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Existing Facilities Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254–7442.

Issued in Washington, D.C., on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39365 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of Proposed Remedial Orders issued to the following firms, charging them with pricing violations, connected with the retail sale of gasoline during the time periods stated:

Firm and location	Amount	Audit period
James Bulloch, Inc., 439 Beach 129 St., Belle Harbor, N.Y.	$2,583	8/1/79-10/5/79
Dynamic Exxon Service Center, 606 Northern Blvd. & Lakeville Rd., Great Neck, N.Y. 11020	9,569	8/1/79-11/8/79
Terzakis Bros., Inc., 112 Rantoul St., Beverly, Mass.	1,145	8/1/79-10/18/79
Louise Calabrese, P.O. Box 237, Wildwood, N.Y. 08260	1,559	8/1/79-9/25/79
Bay Shore Marina, E. Public Dock, Erie, Pa. 16510	1,875	8/26/79-8/28/79
Wolf Run Marina, P.O. Box 667, Warren, Pa. 16365	1,042	8/1/79-8/30/79
Alfred Romeo, d.b.a. Romeo's Service Station, 3458 Merrick Rd., Seaford, N.Y.	1,912	8/1/79-11/30/79
Ronald Geraci, d.b.a. Mrs. Center, 106 Old Country Road, Mineola, N.Y. 11501	3,072	8/1/79-12/3/79

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Edward F. Momorella, Program Manager for Product Retailers, Department of Energy, Northeast Enforcement District, 1421 Cherry Street, 10th Floor, Philadelphia, Pa. 19102. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office

of Hearings and Appeals, 2000 "M" Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR Section 205.193.

Issued in Philadelphia, Pennsylvania, on the 17th day of December 1979.

Herbert M. Heitzer,

District Manager, Northeast District Enforcement.

[FR Doc. 79-39366 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 52414-1406-25-41, et al.]

Public Service Electric and Gas Co.; Decision and Order Granting Exemptions Pursuant To Section 311 of the Powerplant And Industrial Fuel Use Act of 1978

In the matter of Public Service Electric and Gas Company petition for temporary public interest exemptions; ERA Docket No. 52414-1406-25-41, 52414-1406-26-41, 52414-1406-27-41, 52414-1406-28-41, 52414-2400-21-41, 52414-2400-22-41, 52414-2400-23-41, 52414-2404-30-41, 52414-2404-31-41, 52414-2403-23-41, 52414-2402-29-41, 52414-2402-30-41, 52414-2402-31-41, 52414-2402-32-41, 52414-2411-26-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Public Service Electric and Gas Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 15, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Linden (Linden, N.J.)	CT 5	2.7	0.2
	CT 6	2.7	0.2
	CT 7	1.9	0.2
	CT 8	0.8	0.2
Edison (Edison, N.J.)	CT 1	49.3	0.1
	CT 2	27.4	0.1
	CT 3	41.1	0.1
Kearny (Kearny, N.J.)	CT 10	5.5	0.2
	CT 11	8.2	0.2
Hudson (Jersey City, N.J.)	CT 3	1.9	0.1
Essex (Newark, N.J.)	CT 9	8.2	0.2
	CT 10	24.7	0.2
	CT 11	43.8	0.2
	CT 12	68.5	0.2
Sewaren (Sewaren, N.J.)	CT 6	0.8	0.1

These powerplants will burn an estimated 618,000 MCF of natural gas annually which will result in an estimated displacement of 287.7 barrels of middle distillate fuel oil per day (105,000 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-

wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39361 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 52927-9041-22-41, 52927-9041-23-41]

Toledo Edison Co.; Decision and Order Granting Exemptions

In the matter of the Toledo Edison Company petition for temporary public interest exemptions.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Toledo Edison Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 4, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petition and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant the requested temporary public interest exemptions.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Sectin 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Richland (Defiance, Ohio).	CT 2	59.4	0.3
	CT 3	59.4	0.3

These powerplants will burn an estimated 249,622 MCF of natural gas annually which will result in an estimated displacement of 118.8 barrels of middle distillate fuel oil per day (43,344 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, expecially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing

the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39353 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 52970-9039-21-41, et al.]

Tucson Electric Power Co.; Decision and Order Granting Exemptions

In the matter of Tucson Electric Power Company petition for temporary public interest exemptions; ERA Docket No. 52970-9039-21-41, 52970-9039-22-41, 52970-9039-23-41, 52970-6088-21-41, 52970-6088-22-41, 52970-6088-23-41, 52970-6088-24-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Tucson Electric Power Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 3, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the June 1, 1979, **Federal Register** (44 FR 31677) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the Tucson Electric Power Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Irvington (Tucson, Ariz.)	CT 1	25.9	0.5
	CT 2	25.9	0.5
	CT 3	25.9	0.5
North Loop (Tucson, Ariz.).	CT 1	25.9	0.5
	CT 2	25.9	0.5
	CT 3	25.9	0.5
	CT 4	25.9	0.5

These powerplants will burn an estimated 358,162 MCF of natural gas annually which will result in an estimated displacement of 181.7 barrels of middle distillate fuel oil per day (66,326 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39364 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 52997-0913-01-41; et al.]

Union Electric Co.; Decision and Order Granting Exemptions

In the matter of Union Electric Company petition for Temporary public interest exemptions; ERA Docket No. 52997-0913-01-41, 52997-0913-02-41, 52997-0913-03-41, 52997-0913-04-41, 52997-0913-05-41, 52997-0913-06-41.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* this Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the Union Electric Company (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on May 15, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the July 20, 1979, **Federal Register** (44 FR 42756) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the Union Electric Company proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited form using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Venice (Venice, Ill)	No. 1	171.0	0.3
	No. 2	199.5	0.3
	No. 3	512.9	0.3
	No. 4	512.9	0.3
	No. 5	726.6	0.3
	No. 6	474.0	0.3

These powerplants will burn an estimated 5,333,750 MCF of natural gas annually which will result in an estimated displacement of 2,596.7 barrels of middle distillate fuel oil per day (947,800 barrels annually.

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39357 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 53010-0970-02-41, 53010-0970-03-41, 53010-0970-04-41]

University of Illinois; Decision and Order Granting Exemptions

In the matter of University of Illinois petition for temporary public interest exemptions.

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR 508 to the University of Illinois (petitioner).

The petitioner filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule) with ERA on June 8, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the July 20, 1979, **Federal Register** (44 FR 42756) with a request for public comments relating to the petition and the proposed order. No comments were received specifically addressing the University of Illinois proposed order.

Based on the information provided by the petitioner, the powerplants listed in the table below are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil. The estimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate fuel oil (barrels)	Percent sulfur content
Abbott (Champaign, Ill.)	No. 2	173.8	0.26
	No. 3	173.8	0.26
	No. 4	173.8	0.26

These powerplants will burn an estimated 1,110,000 MCF of natural gas annually which will result in an estimated displacement of 521.4 barrels of middle distillate fuel oil per day (190,300 barrels annually).

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum, especially middle distillate petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited form using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions issued.

By establishing these facts the petitioner has met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for a period of five years. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**, February 24, 1980, in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by these exempted powerplants between May 8, 1979, the effective date of FUA and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, these temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the five-year system-wide fuel conservation plan.

Issued in Washington, D.C. on December 17, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79-39362 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

Warren Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective: August 31, 1979; Comments by: February 6, 1980.

ADDRESS: Send comments to: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114 617–223–5265.

SUPPLEMENTARY INFORMATION: "On August 31, 1979, the Office of Enforcement of the ERA executed a Consent Order with Warren Oil Company of Providence, Rhode Island. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. THE CONSENT ORDER

Warren Oil Company, with its home office located in Providence, Rhode Island, is a firm engaged in the sale of No. 2 heating Oil, Kerosene, No. 4 Fuel Oil and No. 6 Fuel Oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Warren Oil Company, the Office of Enforcement, ERA, and Warren Oil Company entered into a Consent Order, the Significant terms of which are as follows:

1. The Consent Order settles all issues involved in Warren Oil Company's sales of No. 2 Heating Oil, Kerosene, No. 4 Fuel Oil and No. 6 Fuel Oil during the period November 1, 1973 through April 30, 1974.

2. The ERA alleges that Warren Oil Company sold the above covered products at prices in excess of those permitted under 10 CFR 212.93, as preceded by 6 CFR 150.359.

3. Warren Oil Company in executing the Consent Order does not admit to having violated the price regulations nor does DOE make a finding that Warren has violated the regulations, but in order to resolve all issues without expensive and time consuming litigation Warren agrees to refund $90,000 as specified in the Consent Order.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. DISPOSITION OF REFUNDED OVERCHARGES

In this Consent Order, Warren Oil Company 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 $90,000 on or before September 1, 1982 as follows:

1. Within 120 days of the effective date of this Consent Order, Warren shall issue a credit memorandum or check to American Hoechst Corporation of Coventry, Rhode Island in the amount of $21,318.18.

2. The balance of refunded overcharges of $68,681.82 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 refunded overcharges 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. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. SUBMISSION OF WRITTEN COMMENTS

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites intersted persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Arthur H. Shaw, Deputy District Manager of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–5275.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Warren Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time on February 6, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, PA on the 17th day of December 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79-39367 Filed 12-21-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00008; FRL 1380-3]

Interagency Toxic Substances Data Committee; Change of Meeting Date

AGENCY: Environmental Protection Agency (EPA), Council on Environmental Quality (CEQ).

ACTION: Change of date of Open Meeting.

SUMMARY: The date of the January meeting of the Interagency Toxic Substances Data Committee has been changed to January 8, 1980. The meeting will be held in Room 2010, New Executive Office Building, 17th Street and Pennsylvania Avenue, NW., Washington, D.C. 20006 at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Ms. Nan Fremont, Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticide and Toxic Substances (TS-793), EPA, 401 M Street, SW., Washington, D.C. 20460, Telephone: 202/755-8040.

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of each month at 9:30 a.m. The meetings are held in the New Executive Office Building at the address given above, and are open to the public. The date has been changed only for the January meeting. The next meeting of the Interagency Toxic Substances Data Committee will take place on February 5, 1980.

Dated: December 19, 1979.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 79-39328 Filed 12-21-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1379-7]

Water Quality Standards: Navigable Waters of the State of Nevada

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of State Water Quality Standards Approval.

SUMMARY: The Environmental Protection Agency has approved water quality standards revisions adopted by the State of Nevada. These revisions become part of the State's water quality standards contained in the document "Nevada Water Pollution Control Regulation."

FOR FURTHER INFORMATION CONTACT: Nevada Branch, Water Division, Environmental Protection Agency Region IX, 215 Fremont Street, San Francisco, CA 94105, FTS 556-2575; (415) 556-2575.

SUPPLEMENTAL INFORMATION: Two revisions were approved by EPA, Region IX on Oct. 2, 1979; (1) Nevada Water Pollution control regulation Table 43A Water Quality Standards for Toxic Materials applicable to Table 39-41 (Truckee River) adopted by the State Environmental Commission on Dec. 14, 1978. (2) Nevada Water Pollution Control Regulations Article 4.1.3.1 Heavy Metals Limits applicable to tables 22, 23, 55, 56; and Article 4.1.3.3. Pesticide Limits for Intended Beneficial Uses applicable to tables 1-23, 45-56, adopted by the State Environmental Commission on December 12, 1978.

These revisions were taken in accordance with section 303(c) of the Clean Water Act (33 U.S.C. 1313(c)). They are consistent with the Clean Water Act as interpreted in the Agency's Water Quality Standards regulations at 40 CFR 35.1550.

AVAILABILITY: Free copies of the revisions may be obtained from the Nevada Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710.

(Section 303(c) of the Clean Water Act, as amended (33 U.S.C. 1313(c)))

Dated: December 15, 1979.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management (WH-556).

[FR Doc. 79-39332 Filed 12-21-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

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, on or before January 7, 1980. 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 accomplished 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.: 10064-3.

Filing Party: J. Alton Boyer, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10064-3 modifies the basic agreement of the Flota Mercante Grancolombiana S. A./Lykes Bros. Steamship Co., Inc. Equal Access Agreement to extend the duration of the agreement for an interim period of sixty days through March 24, 1980.

Dated: December 19, 1979.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-39325 Filed 12-21-79; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., 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 January 14, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is

contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 8090–17.

Filing Party: Jeffrey F. Lawrence, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 8090–17, entered into by the member lines of the Mediterranean North Pacific Coast Freight Conference, would amend the scope of the basic agreement for the purpose of authorizing inter-modal (minibridge) services via U.S. Atlantic and Gulf Coast ports.

Agreement No.: 9355–7.

Filing Party: Howard A. Levy, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9355–7, Atlantic and Gulf American-Flag Berth Operators, modifies the first paragraph of the first article of the basic agreement, FMC No. 9355, to add new language, to read as follows:

"* * * other matters relating to the payment and collection of freight, *such as time for and currency of payment, currency conversion rules, credit conditions including security requirements and suspension and restoration of credit privileges, handling of delinquent accounts and notice to members with respect to all such matters,* for cargoes of household goods * * *"(new language italicized).

Dated: December 19, 1979.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-39326 Filed 12-21-79; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

Regional Technical Assistance Workshop for Prospective Applicants to the Adolescent Pregnancy Prevention and Services Projects Grant Program

The Assistant Secretary for Health announces a two-day technical assistance workshop to be held on January 24–25, 1980. This workshop is being scheduled to accommodate the overflow of requests for attendance to the Regional Technical Assistance Workshops for Prospective Applicants to the Adolescent Pregnancy Prevention and Services Grants Program as published in the **Federal Register**, Vol. 44, no. 230, page 68035, on Wednesday, November 28, 1979.

Purpose: This workshop will provide technical assistance to prospective applicants for grants under Title VI of Pub. L. 95–626. During the workshop the participants will be presented with information and guidance on grant application criteria, eligibility requirements, use of grant funds, allowable project cost and program development criteria for appropriate comprehensive health, education, and social services to eligible adolescents. In addition, the workshop will provide interested persons an opportunity to receive in-depth consultation of the program legislation (Title VI, Pub. L. 95–626) and the Federal regulations published in the **Federal Register** on July 23, 1979 (44 FR page 43226).

The workshop will be held at the following address: Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Auditorium, Lobby Level, Washington, DC.

The workshop will begin each day at 9:00 a.m. and end at 5:00 p.m.

The workshop will be limited to those individuals who submit the Office of Adolescent Pregnancy Programs registration form. Registration forms and further information may be obtained from the following address: Lulu Mae Nix, Ed.D., Director, Office of Adolescent Pregnancy Programs, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Room 725H, Washington, DC 20201, (202) 472–9093.

(Catalog of Federal Domestic Assistance Number 13.975, Adolescent Pregnancy Prevention and Services)

Dated: December 17, 1979.

Lulu Mae Nix,

Director, Office of Adolescent Pregnancy Programs.

[FR Doc. 79-39334 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-85-M

Office of Education

Advisory Council on Developing Institutions; Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held January 10 and 11, 1980, from 9:00 a.m. to 4:30 p.m. in the Commissioner's Conference Room, F.O.B. 6, Room 3000, 400 Maryland Ave., SW., Washington, D.C. 20202.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92–463). The Council shall assist the Commissioner in identifying developing institutions through which the purposes of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

(1) Overview of Recent Initiatives To Strengthen the Management of the Title III Program and the Status of the FY 1980 Funding Process.

(2)Current Organization and Responsibilities of the Title III Staff.

(3) Reauthorization of Title III.

(4) Advisory Council Review of Policy and Procedure Manuals Recently Developed by the Title III Staff.

(5) Advisory Council Review and Discussion of Critical Title III Issues.

Issues:

(a) Eligibility Criteria for Designation as a Developing Institution

(b) The role of the Title III Staff in the Application Review Process

(c) The Development of Program Guidelines-Parameters Regarding Title III Funding Strategies, e.g.

—multi-year awards

—size and length of awards

—funding levels for specific activities

(d) The use of Title III funds to support Desegregation Issues

(6) Report from the National Advisory Committee on Black Higher Education and Black Colleges and Universities.

(7) Swearing-in of new members on the Advisory Council on Developing Institutions.

(8) Schedule for Future Meetings.

(9) Establishment of Advisory Council Subgroups.

(10) Discussion of National Conference for Title III Coordinators.

(11) Instructions to New Members of the Advisory Council.

Records shall be kept in the form of the Council's Annual Report. Copies of the Annual Report will be available to the public at a later date at the Office of the Executive Director of the Title III Advisory Council located in Room 3905, ROB–3, 7th and D Streets, S.W.

Signed at Washington, D.C. on December 20, 1979.

Paul Carnell,

Executive Director.

[FR Doc. 79-39380 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-02-M

National Institutes of Health

Committee on Cytology Automation; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the

Committee on Cytology Automation, National Cancer Institute, February 7 and 8, 1980, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20205. Except as noted below, this meeting will be open to the public on February 7 and 8, 1980, from 8:30 a.m. to 5:00 p.m., to review interagency agreements and contract progress reports from: Block Engineering, University of Chicago, Los Alamos Science Laboratory, Lawrence Livermore Laboratory, Johns Hopkins University, University of Miami, Jet Propulsion Laboratory, Research Foundation, SUNY, University of Rochester, Pennsylvania State University, and Rush-Presbyterian St. Luke's Medical Center. 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 Public Law 92–463, the meeting will be closed to the public approximately eleven times during the two days for approximately thirty minutes each time to discuss personnel information concerning individuals associated with each contract, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide a summary of the meeting and a roster of committee members, upon request.

Dr. Bill Bunnag, Executive Secretary, National Cancer Institute, Westwood Building, Room 10A10, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7147) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.394, National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39312 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Review Subcommittee); Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer, Review Committee, (Pancreatic Review Subcommittee), National Cancer Institute, January 17, 1980, the Whitehall Hotel, 1700 Smith Street, Houston, Texas. The meeting will be open to the public on January 17, from 8:30 a.m. to 10:00 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 Public Law 92–463, the meeting will be closed to the public on January 17, from 10:00 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. Marjorie F. Early, 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. William E. Straile, Executive Secretary, National Cancer Institute, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7195) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Number 13.393, 13.394, 13.395, National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39313 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, January 31–February 1, 1980, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public on January 31 from 9:00 a.m. until 9:30 a.m., and from 1:30 p.m. until 5:00 p.m.; on February 1 from 9:00 a.m. until 11:00 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 Public Law 92–463, the meeting of the Council will be closed to the public on January 31 from 9:30 a.m. until their respective recesses for meetings of the NAAIDC Allergy and Immunology Subcommittee, the NAAIDC Bacterial and Viral Diseases Subcommittee, and the NAAIDC Molecular Microbiology and Parasitology Subcommittee; on February 1 from 11:00 a.m. until 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.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39310 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Council on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Aging, National Institute on Aging, which was published in the **Federal Register** on Monday, December 17, 1979, 41 FR 73162.

This meeting was to have been open to the public from 9:00 a.m. until adjournment on January 28, and again from 9:00 a.m. until adjournment on January 29, but will now be closed to the public at 4:00 p.m. on January 29 for the review of applications. The dates and meeting place remain the same—January 28–30, 1980, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

This meeting will be closed to the public from 9:00 a.m. until adjournment on January 30, 1980.

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39307 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, January 31 and February 1, 1980, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on January 31, 1980, from 9 a.m. to 3 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on January 31, 1980, from 3 p.m. to 5 p.m. and on February 1, 1980, from 9 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.

Mr. Paul Deming, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone: 301, 496-7301 will provide a summary of the meeting and a roster of council members.

Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496-5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39308 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Arthritis, Metabolism, and Digestive Diseases Advisory Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council and its subcommittees on January 23-25, 1980, in Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting of the Subcommittees will be open to the public on January 23 from 10:00 a.m. to about mid-day and on January 24 the full Council meeting will be open to the public from 8:30 a.m. to 12:30 p.m. to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

The first day will be devoted to meetings of the subcommittee as follows: Digestive Diseases; Arthritis, Bone and Skin Diseases; Diabetes, Endocrine, and Metabolic Diseases; and the Kidney, Urologic and Blood Diseases. The exact location of each subcommittee meeting will be announced later.

In accordance with provisions set forth in Section 552b(c)(4) and 552(c)(6), Title 5, US Code and Section 10(d) of P.L. 92-463, the closed portions of the subcommittees and the full Council will be on January 23 from 1:30 p.m. to closing, and on January 24 from 1:30 p.m. to adjournment on January 25, for the review, discussion and evaluation of individual grant applications. These applications and 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.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Metabolism, and Digestive Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496-7277.

Mr. James N. Fordham, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20205, (301) 496-3583, will provide summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.846-850, National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39308 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute; Meetings for the Review of Grant Applications

Pursuant to Public Law 92-563, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Marlyland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of committee: Cancer Research Manpower Review Committee.
Dates: January 31, 1980, February 1-2, 1980.
Place: Building 31A; Conference Room 4, National Institutes of Health.
Times: Open, February 2, 9:00 a.m.-adjournment; Closed, January 31, 9:00 a.m.-adjournment, February 1, 9:00 a.m.-adjournment.
Closure reason: To review grant applications.
Executive Secretary: Leon J. Niemiec, Ph. D., Westwood Building; Room 10A18, National Institutes of Health, 301/496-7803.

(Catalog of Federal Domestic Assistance Number 13.398 National Institutes of Health)

Name of committee: Clinical Cancer Education Committee.
Dates: February 27-28, 1980.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open, February 27, 8:30 a.m.-9:30 a.m.; Closed, February 27, 9:30 a.m.-5:00 p.m., February 28, 8:30 a.m.-adjournment.
Closure reason: To review grant applications.

Executive Secretary: Dr. Margaret H. Edwards, Westwood Building, Room 10A18, National Institutes of Health, 301/496–7761.

(Catalog of Federal Domestic Assistance Number 13.398 National Institutes of Health)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39311 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee, Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute on February 7, 8, and 9, 1980, National Institutes of Health, Building 31, Conference Room 10, at 9:00 a.m.

This meeting will be open to the public on February 7 from 9:00 a.m. to approximately 4:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be held February 6, 1980, at 8:00 p.m. in Building 31, Conference Room 9 and 10, respectively.

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 P.L. 92–463, the meeting of the Council will be closed to the public on February 7 from 4:00 p.m. until recess, and on February 8 from 9:00 a.m. to adjournment on February 9 for the review, discussion and evaluation of individual grant applications. The Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. adjournment on February 6, also 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.

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, (301) 496–4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A17, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839, National Institutes of Health.)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39314 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

National Library of Medicine; Meeting of the Board of Regents

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on January 24–25, 1980, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center and National Medical Audiovisual Center Subcommittee on the preceding day, January 23, 1980, from 2:00 to 4:00 p.m., in Conference Room "B of the Library, and from 4:00 to 6:00 p.m., in Room M–140 of the Library, respectively.

The meeting of the Board will be open to the public from 9:00 to 5:00 p.m. on January 24 and from 9:00 a.m. to 11:00 a.m. on January 25 for administrative reports and program discussions. The entire meeting of the Lister Hill Center and National Medical Audiovisual Center Subcommittee will be open to the public for the discussion and review of Lister Hill Center programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the entire meeting of the Extramural Programs Subcommittee on January 23 will be closed to the public, and the regular Board meeting on January 25 will be closed from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion 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.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13–879—National Institutes of Health.)

Dated: December 17, 1979.

Suzanne Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39315 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

Neurological Disorders Program-Project Review A Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institutes of Health, February 23–25, 1980, in the Harley Hotel, 151 E. Washington Street, Orlando, FL 32801.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on February 23rd, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on February 24th from 8:30 a.m. to adjournment on February 25th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39306 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National

Institutes of Health, February 14–16, 1980, in the Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, MD 20014.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on February 14th, to discuss program planning and program acomplishements. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on February 15th from 8:30 a.m. to adjournment on February 16th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr.Herbert Yellin, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated December 17, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-39305 Filed 12-21-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: U.S. Fish and Wildlife Service, Region 6, P.O. Box 25486, Denver, Colorado 80225.

The applicant requests a permit to capture or disturb individuals of some twelve endangered species in the states of Wyoming, Montana, North Dakota, South Dakota, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri for scientific purposes, for the enhancement of propagation or survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–4030. Interested persons may comment on this application by January 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 19, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-39337 Filed 12-21-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Sean B. Furniss, Refuge Manager, Caribbean National Wildlife Refuge, U.S. Fish and Wildlife Refuge, P.O. Box 510, Boqueron, Puerto Rico 00622.

The applicant requests a permit to take (capture, band, and release) yellow-shouldered blackbirds (*Agelaius xanthomus*) inadvertently captured during scheduled trapping operations of shiny or glossy cowbirds (*Molothrus bonariensis*) and to monitor the use of artificial nest boxes by yellow-shouldered blackbirds on Cabo Rojo National Wildlife Refuge in southwestern Puerto Rico for enhancement of survival and scientific research. The applicant also requests authorization to take (capture, mark, and release) St. Croix ground lizards (*Ameiva polops*) on Green Cay Island to determine the present population status of this species for enhancement of survival and scientific research.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–4990. Interested persons may comment on this application by January 25, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 17, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-39338 Filed 12-21-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Tom J. Cade, Peregrine Fund, Inc., 159 Sapsucker Woods Road, Ithaca, New York 14850.

The applicant requests a permit to capture peregrine falcons (*Falco peregrinus p., anatum & tundrius*) in the Eastern U.S. for research and propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–4992. Interested persons may comment on this application by January 25, 1980, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 17, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-39339 Filed 12-21-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: LSU Medical Center, 1542 Tulane Avenue, New Orleans, Louisiana 70112.

The applicant requests a permit to import blood and tissue samples of various species of the Order Crocodilia for scientific purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2–2996. Interested

persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 14, 1979.

Larry LaRochelle,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-39340 Filed 12-21-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: U.S. Forest Service, Institute of Pacific Islands Forestry, 1151 Punchbowl Street, Honolulu, Hawaii 96813.

The applicant requests an amendment to his permit for research and propagation work with Hawaiian crows (*Corvus tropicus*) to allow capture of wild birds on Hawaii for banding, taking of 1cc blood samples and treatment of detectable disease.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4002. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: December 19, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-39341 Filed 12-21-79; 8:45 am]

BILLING CODE 4310-55-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 December 14, 1979. Pursuant to section 60.13 of 36 CFR Part 60, 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 or a request for additional time to prepare comments should be submitted by January 7, 1980.

Carol Shull,

Acting Chief, Registration Branch.

FLORIDA

Escambia County

Warrington vicinity, *Perdido Key Historic District,* S of Warrington on Perdido Key.

Collier County

Carnestown vicinity, *Halfway Creek Site.*

GEORGIA

Fulton County

Atlanta, *Fire Station No. 11,* 30 North Ave.
Atlanta, *Wilson, Judge William A., House,* 501 Fairburn Rd., SW.

Irwin County

Irwinville vicinity, *Davis, Jefferson, Capture Site,* N of Irwinville.

Lowndes County

Valdosta, *Barber-Pittman House,* 416 N. Ashley St.

IDAHO

Bannock County

McCammon, *Harkness, H.O., Stable Building,* 111 S. Railroad St.

Custer County

Challis, *Challis Brewery Historic District,* Challiss Creek Rd.

ILLINOIS

Pike County

Hull vicinity, *Sny Island Archeological District.*

IOWA

Appanoose County

Centerville, *Porter Hall,* 706 Drake Ave.

Cass County

Anita, *Church of Christ, Scientist,* Cherry and 3rd Sts.

Des Moines County

Burlington, *Darwin, Mary, House,* 537 Summer St.
Burlington, *Dodge, Augustus Caesar, House,* 829 N. 5th St.
Burlington, *Mason, Charles, House,* 931 N. 6th St.

Dickinson County

Spirit Lake, *Spirit Lake Public Library,* 1801 Hill Ave.

Dubuque County

Sherrill vicinity, *Haberkorn House and Farmstead,* W of Sherrill.

Floyd County

Charles City, *Hart, Charles Walter, House,* 800 3rd Ave.
Charles City, *Parr, Charles Henry, House,* 100 W. Hulin St.

Poweshiek County

Grinnell, *Spencer, Charles H., House,* 611 6th Ave.

Story County

Story City, *Grand Auditorium and Hotel Block,* Broad St.

Winneshiek County

Decorah, *Cooley-Whitney House,* 305 Grove St. Decorah, *Steyer Opera House,* 102-104 W. Water St.
Decorah vicinity, *Washington Prairie Methodist Church,* SE of Decorah.

Louisiana

Caddo Parish

Shreveport, *Shreveport Water Works Company Pump Station,* Off LA 3036.

MARYLAND

Baltimore (independent city)

Erlanger Buildings, 519-531 W. Pratt St.
Heisser, Rosenfeld, and Strauss Buildings, 32-42 W. Paca St.

NEW HAMPSHIRE

Strafford County

Rollinsford, *Salmon Falls Mill Historic District,* Front St.

NEW YORK

Suffolk County

Mastic Beach, *Old Mastic House (William Floyd Estate)* 20 Washington Ave.

PENNSYLVANIA

Lackawanna County

Scranton, *Crawford, James L., House (Lackawanna House of Detention)* 313 Monroe Ave.

Lancaster County

Bowmansville, *Good, John B., House,* PA 625.

Lycoming County

Muncy, *Muncy Historic District,* Roughly bounded by Ridell Lane, Sherman, Washington, and Mechanic Sts.

Monroe County

East Stroudsburg, *East Stroudsburg Railroad Station,* Crystal St.
Hamilton Square, *Christ Hamilton United Lutheran Church and Cemetery,* Bossardsville Rd.

Montgomery County

Glenside, *Gray Towers (William Welsh Harrison House)* Easton Rd. and Limekiln Pike.
Huntingdon Valley, *Lady Washington Inn,* 2225 Huntingdon Pike.

Northampton County

Easton, *Mixsell, Jacob, House,* 101 S. 4th St.

Philadelphia County

Philadelphia, *City Park Brewery (Louis Bergdoll Brewing Company)* Roughly bounded by Pennsylvania Ave., 28th, 30th and Poplar Sts.
Philadelphia, *Fisher's Lane,* E. Logan St.
Philadelphia, *Packard Motor Corporation Building,* 317–321 N. Broad St.
Philadelphia, *Rafsnyder-Welsh House,* 1923 Spruce St.
Philadelphia, *Royal Theater,* 1524–1534 South St.
Philadelphia, *South, George W., Memorial Protestant Episcopal Church of the Advocate,* 18th and Diamond St.

Schuylkill County

Pine Grove, *Nutting Hall,* 205 S. Tulpehocken St.

Somerset County

Meyersdale, *Meyers Mansion,* Meyers Ave.

Union County

UNION COUNTY COVERED BRIDGES THEMATIC RESOURCES. Reference—see individual listings under Union County.
Mifflinburg, *Hasseplug Bridge (Union County Covered Bridges Thematic Resources)* N. 4th St.
Mifflinburg vicinity, *Hayes Bridge (Union County Covered Bridges Thematic Resources)* W of Mifflinburg.
Millmont vicinity, *Millmont Red Bridge (Union CountyCovered Bridges Thematic Resources)* SW of Millmont.
White Deer vicinity, *Factory Bridge (Union County Covered Bridges Thematic Resources)* 1 mi. W of White Deer.

Williamsburg County

Kingstree, *Brockington-Scott House,* W. Railroad Ave.

SOUTH DAKOTA

NORTHERN AND CENTRAL TOWNSHIPS OF YANKTON MULTIPLE RESOURCE AREA (Partial Inventory) This area includes: Irene, *Gordon House,* SR 1; *Ingebrigtsen-Hinseth Farmstead;* Lesterville, *Kremer House; Lasek, Mathias. House; Ripple House; Walloch Farmstead;* Mission Hill, *Larson-Simonson House; Olson, Lewis, Log House,* SR 1; *Peterson, Mathias, Homestead; Simonson Farmstead,* SR 1; *United Church of Christ; Van Osdel House; Vangen Church;* Tabor, *Stribral Homestead and Farmstead,* SR 2; Utica, *DeJong House. Machacek Homestead; Martin's Evangelical Church; Mueller Homestead; St.Agnes Church,* SR 1; *Utica Depot; Utica Public School;* Volin, *Brockmueller Barn,* SR 1; *ES Volin Farmstead,* SR 1; *Gorsett Farmstead; Gustad, Bernt, House,* SR 1; *Hoxnerg Farmstead; Marindahl Post Office,* SR 1; *Marindahl. Township Hall; Sloan, John, Homestead; Smith, Jessie, Farmstead; Volin, Louis, House; Volin School; Volin Town Hall, Zion Lutheran Church;* Yankton, *Gunderson, Endre B., Farmstead,* SR 2; *Henjna Farmstead,* SR 1; *Human Services Center; Jencks Farmstead,* SR 2; *Kietzman Farmstead,* SR 2; *McGregor. Walker, Farmstead; Merk, Nels, Farmstead; Old Catholic Church; Schaffer Farmstead,* SR 2; *Walshtown School,* SR 1.

WEST VIRGINIA

Jackson County

Ripley, *Armstrong House,* 315 North St.

Kanawha County

Malden, *Malden Historic District,* Roughly bounded by RR tracks, Kanawha River, Georges Dr. and U.S. 60.

Ohio County

Wheeling, *Monroe Street East Historic District,* 12th and Byron Sts.

[FR Doc. 79-39095 Filed 12-21-79; 8:45 am]
BILLING CODE 4310-03-M

Bureau of Land Management

[AA-6669-A through AA-6669-J]

Alaska Native Claims Section

Correction

In FR Doc. 79–37370, appearing in the issue of Wednesday, December 5, 1979, at page 69995, make the following corrections:

(1) On page 69996, the first column, under the heading of **State Selection AA–21725,** the fourth line is corrected to read:

"T. 10 S., R 37 W.,"

(2) On page 69997, the first column, the fifth line down is corrected to read "6069 Parcel A and the Kvichak River;"

BILLING CODE 1505-01-M

Office of the Secretary

Outer Continental Shelf Advisory Board Policy Committee, Pacific and Alaska Regions; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A–63, Revised.

The Pacific and Alaska Regional OCS policy Committees will meet on January 17, 1980, from 9:30 a.m. to 3:30 p.m. in the Seattle Federal Office Building, Room 2886, 915 2nd Avenue, Seattle, Washington.

The meeting will cover the following principal subjects:

1. Transportation of Alaska and OCS Oil
2. Federal Consistency Review of OCS Sales
3. Tanker Loading Air Emissions
4. Regional Oil Spill contingency Plans.

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made by January 10, 1980, to either of the Chairpersons: Deni Greene, Office of Planning and Research, 1400 10th Street, Sacramento, California 95814 (916/445–0232) or Robert LeResche, Department of Natural Resources, Pouch M, Juneau, Alaska 99811 (907/465–2400).

The States of California, Oregon and Washington serve on the Pacific Regional Committee.

Minutes of the meeting will be available for public inspection and copyng 8 weeks after the meeting at the Office of OCS Program Coordination, Room 5150, Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240.

Alan D. Powers
Director, Office of OCS Program Coordination.
December 14,1979.

[FR Doc. 79-39321 Filed 12-21-79; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Competitive Research Grant on Government Benefit Programs: Approaches to Controlling Fraud and Abuse; Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant on "Government Benefit Programs: Approaches to Controlling Fraud and Abuse." The purpose is to study various mechanisms that can be used at the time a benefit program is being planned to prevent fraud and abuse. Another objective focuses on effective enforcement approaches in handling these problems. The findings and recommendations of the research will be of utility in enforcement and benefit program design. There will be one grant award with a maximum funding level of $250,000 for a project of not more than 24 months in duration.

The solicitation requests the submission of preliminary proposals by organizations with research experience and appropriate background, including public administration, law, political and social science.

All preliminary proposals must be postmarked not later than March 1, 1980.

A copy of the solicitation may be obtained by sending a self addressed *mailing label* to:

Solicitation Request, Government Benefit Programs, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: December 17, 1979.

Harry M. Bratt,

Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-39322 Filed 12-21-79; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Notice is hereby given that on 1/19/79, Mallinckrodt, Inc., Department C. B., Mallinckrodt & Second Streets, St. Louis, MO 63147 made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Raw Opium (9600)	II
Poppy Straw (Opium Plant Form) (9650)	II
Concentrate of Poppy Straw (9670)	II

Any comments or objections may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 28, 1980.

December 18, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-39317 Filed 12-21-79; 8:45 am]

BILLING CODE 4410-09-M

Manufacture of Controlled Substances; Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on 1/19/79, Mallinckrodt Inc., Dept. CB, Mallinckrodt and Second Streets, St. Louis, MO 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Methadone-Inter. (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium Extracts (9610)	II
Opium Fluid Extracts (9620)	II
Opium Tinctures (9630)	II
Opium Powders (9639)	II
Opium Granulated (9640)	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 28, 1980.

Dated: December 18, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-39318 Filed 12-21-79; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Anthropology—Systematic (Museum) Collections.

Date and Time: January 21-22, 1980; 9:00-5:00 p.m.

Place: National Science Foundation, 1800 G Street, N.W., Room 628, Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Ms. Mary W. Greene, Associate Program Director for Anthropology NSF, Room 320, Washington, D.C. 20550 (202) 632-4208.

Purpose of Subcommittee: To provide advice and recommendations concerning support for improvement of systematic anthropological research collections.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-39371 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Engineering and Applied Science; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science.

Date: January 24 and 25, 1980.

Place: 1800 G Street, NW., Room 540, Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Ms. Mary F. Chezmar, Executive Secretary, Advisory Committee for Engineering and Applied Science, Room 537, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-5820.

Summary Minutes: Committee Management Coordination Staff, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of Advisory Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering and Applied Science activities and programs.

Agenda: Will include:

January 24:
9:00 a.m.—Introductory Remarks;
9:45 a.m.—Structure of the EAS Advisory Committee and its Subcommittees;
10:30 a.m.—Remarks by Advisory Committee Chairperson;
11:00 a.m.—Overview of EAS Divisions;
12:15 p.m.—Lunch;
1:30 p.m.—Discussion of Task Group Assignments;
3:15 p.m.—Individual Task Group Meetings;
5:15 p.m.—Adjourn.

January 25:
9:00 a.m.—General Discussion;
9:30 a.m.—Individual Task Group Meetings;
12:15 p.m.—Lunch;
1:30 p.m.—Preliminary Reports of Task Groups and Redefinition of Issues;
3:00 p.m.—Adjourn.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-39376 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science

Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.
Date and Time: January 10, 1980—9:00 a.m. to 4:30 p.m.; January 11, 1980—9:00 a.m. to 1:00 p.m.
Place: January 10, 1980—Room 540; January 11, 1980—Room 543; National Science Foundation, 1800 G Street, NW, Washington, DC 20550.
Type of Meeting: Open.
Contact Person: Mrs. Sharon Lemon, Division of Policy Research and Analysis, Directorate for Scientific, Technological, and International Affairs, Room 1233, National Science Foundation, Washington, DC 20550. Telephone (202) 632–5990. Anyone who plans to attend should contact Mrs. Lemon by January 7, 1980.
Summary Minutes: May be obtained from the contact person, Mrs. Lemon, at the above address.
Purpose of Committee: To provide advice, recommendations, and oversight concerning program emphases and directions of the Divisions of PRA and SRA.
Agenda:
Thursday, January 10, 1980:
9:00 a.m.—Plenary Session;
10:00 a.m.—General Session;
1:15 p.m.—Subcommittee Meetings—Scientific and Technical Personnel, Innovation Processes, Output Indicators, and Dissemination, Distribution, and Publication;
Friday, January 11, 1980:
9:00 a.m.—Subcommittee Meetings—Environment, Energy, and Resources and Technology Assessment and Risk Analysis;
11:00 a.m.—Presentation of Committee's Findings;
1:00 p.m.—Adjournment.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-39374 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Council Steering Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting.

Name: Steering Committee of the NSF Advisory Council.
Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Date and Time: January 14, 1980—9 a.m. to 5 p.m.
Type of Meeting: Open.
Contact Person: Mr. Bruce Darling, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone (202) 632–4384.
Purpose of Steering Committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.
Summary Minutes: May be obtained from the contact person at above stated address.
Agenda: To review with cognizant NSF staff the issues being studied by the four task groups and other issues of general concern.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-39372 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Ecological Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecological Sciences of the Advisory Committee for Environmental Biology.
Date and Time: January 16, 17 and 18, 1980; 8:30 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Persons: Dr. David W. Johnston, Program Director, Ecology Program (202) 632–7324, and Dr. Melvin I. Dyer, Program Director, Ecosystem Studies Program (202) 632–5854, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in ecological sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

December 19, 1979.

[FR Doc. 79-39373 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.
Date and Time: January 23, 24 and 25, 1980; 7:00 p.m. to 10:00 p.m. on January 23, 1980 and 8:30 a.m. to 5:00 p.m. on January 24 and 25, 1980.
Place: Room 338, National Science Foundation, 1800 G St NW, Washington, D.C. 20550.
Type of Meeting: Part Open—Open January 23, 1980, 7:00 p.m. to 10:00 p.m.; Closed—January 24, 1980 and January 25, 1980, 8:30 a.m. to 5:00 p.m.
Contact Person: Dr. John H. Beaman, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5846.
Summary Minutes: May be obtained from contact person, Dr. Beaman, at above stated address.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in systematic biology. Open part of the meeting to discuss long-range plans for the Systematic Biology Program.
Agenda: Closed—To review and evaluate research proposals and projects as part of the selection process for awards. Open—January 23, 1980, 7:00 p.m. Discussion to include long-range plans for the Systematic Biology Program.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Mangement Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 79-39370 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

Advisory Council Meeting Task Group No. 12

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group No. 12 of the NSF Advisory Council.
Place: Room 523, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Date: Thursday, January 10, 1980.
Time: 9:00 a.m. until 5:00 p.m.
Type of Meeting: Open.
Contact Persons: Dr. J. D. Eveland or Dr. Trudy L. Solomon, NSF Liaisons, Task Group No. 12 of the NSF Advisory Council, National Science Foundation, Room 1229, 1800 G Street, N.W., Washington, D.C. 20550. Telephone (202) 632–7804.
Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.
Summary Minutes: May be obtained from the contact person at above stated address.
Agenda: The Task Group is asked to study how scientific information should be made available to groups responsible for setting public policy, including what kind of information is needed, what roles scientific societies and universities should play, and what NSF's role should be.

Dated: December 19, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 79-39375 Filed 12-21-79; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-79-175]

National Boating Safety Advisory Council Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Wednesday and Thursday, January 16 and 17, 1980, at the Fontainebleau/Hilton Hotel in Miami Beach, Florida, beginning at 9:30 a.m. on both days. The meeting is scheduled to recess at 5:00 p.m. on Wednesday, January 16, 1980, and adjourn at noon on Thursday, January 19, 1980. The agenda for the meeting will be as follows:

1. Review of action taken at the twenty-third Meeting of the Council.
2. Executive Directors Report.
3. Visual Distress Signal Subcomittee Report.
4. Discussion and Update on Research of Level Flotation for Inboards.
5. Update on COLREGS and Unified Rules—Discussion on location of Masthead Light.
6. Presentation on the Functions of the Canadian Marine Safety Council's Small Craft Committee.
7. Presentation on Regional Harmonization of Buoyage.
8. Tour Visit of Bertram Yacht Plant.
9. Briefing on Sound Signals.
10. Discussion on Horsepower Weight Table.
11. American Boat & Yacht Concil's Safe Powering Update.
12. Office of Boating Safety Report.
13. Presentation on Bridge Regulations for Intra-Coastal Waterways.
14. Members Items.
15. Chairman's Session.
16. Sailboarding Demonstration (Weather permitting).

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Advisory Council, U. S. Coast Guard (G-BA), Washington, D.C. 20593, or by calling (202) 426-1080.

Issued in Washington, D.C., December 11, 1979.

B. E. Thompson,

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

[FR Doc.79-39316 Filed 12-21-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 80-3]

Recordation of Trade Name; Xylogics, Inc.

On November 9, 1979, there was published in the **Federal Register** (44 F.R. 65229) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name XYLOGICS, INC. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "XYLOGICS, INC." is hereby recorded as the trade name of Xlogics, Inc., a corporation organized under the laws of the State of Delaware located at 42 Third Avenue, Burlington, Massachusetts 01803, when applied to electronic data processing equipment, including central processing units, memory devices, controllers, interfaces and tape drives, disc drives, terminals, and other perepheral input and output equipment, manufactured in England and the United States. Zylogics International, Ltd., Lyton House, Mill Lane, Gerrards Cross, Bucks SL98AY, Great Britain is authorized to use the trade name.

Dated: December 14, 1979.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 79-39343 Filed 12-21-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. 8-658]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application by Gulf Oil Corp.

In FR Doc. 79-38793 appearing in the issue of Wednesday, December 19, 1979, in the third column, in the twelfth and thirteenth lines from the bottom, the protests date now reading "December 26, 1979" should have read "December 28, 1979."

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 248
Wednesday, December 26, 1979

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

	Items
Civil Aeronautics Board	1, 2
Federal Communication Commission	3
Federal Election Commission	4
International Trade Commission	5
National Credit Union Administration	6, 7
Parole Commission	8

1

[M–261, Amdt. 2; Dec. 18, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the December 20, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 3. Docket 31400, *Colorado Ski Points*—Instructions to staff.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: Item 3 is being deleted from the December 20, 1979, agenda because workload considerations require that the staff request additional time to consider the recommendations to the Board. Accordingly, the following Members have voted that Item 3 be deleted from the December 20, 1979, agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–2470–79 Filed 12–19–79; 4:47 pm]

BILLING CODE 6320–01–M

2

[M–261, Amdt. 3; Dec. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the December 20, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Addition: 3a. Docket 36418, Proposed plan of Alaska Airlines, Alaska Northwest Properties, Inc., Ronald F. Cosgrave, Bruce Kennedy, and Keith J. Kennedy (the Alaska Parties) to divest their stock holdings in Wien Air Alaska. (BCP, BDA)

Addition: 25a. Sharing of Federal Governments and their Political Subdivisions. (BDA)

Deletion: 6. Docket 35046, NACA petition to review prior authorization procedures for charters by foreign air carriers. (Memo 9370, BIA, OGC, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

SUPPLEMENTARY INFORMATION: The issues involved in staff recommendation to the Board are exceedingly complex and have required extensive research and many staff meetings to resolve. The order itself has been revised substantially on several occasions. Since the order was not even completed until December 18th, it could not have been submitted to the Minutes Section one week in advance of the Board's meeting. The present situation urgently needs resolution and cannot await the Board meeting following the meeting of the 20th. The respondents in Docket 36418 and Household Finance Corporation are locked in a takeover battle to acquire Wien Air Alaska. Until further direction of the Board, Item 3a cannot be resolved and the future of Wien will remain in doubt. Furthering the important pro-competitive policies of the Federal Aviation Act calls for prompt Board action. Item 25a must be placed on the December 20, 1979 calendar for Board consideration in order to meet a statutory deadline of January 1, 1980. Revisions requested by the Chairman were only completed in final form on December 19. Item 6 is being deleted because the staff needs additional time for coordination. Accordingly, the following Members have voted that Items 3a and 25a be added to the December 20, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Accordingly, the following Members have voted that Item 6 be deleted from the December 20, 1979 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S–2475–79 Filed 12–20–79; 2:45 pm]

BILLING CODE 6320–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, December 19, 1979.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: Additional item to be considered.

Agenda, Item No., and Subject

Television—2—Application filed on behalf of seven communities in Alaska for authority to construct television translator stations (Mini-TV stations). Petitions to deny the applications filed by the Alaska Cable Television Association and cable television operators in each of the communities involved.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: December 19, 1979.

[S–2472–79 Filed 12–20–79; 2:54 pm]

BILLING CODE 6712–01–M

4

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, December 20, 1979, at 10:00 a.m.

FEDERAL REGISTER NO: 2345.

CHANGE IN MEETING: Due to extraordinary circumstances, the Commission held an executive session (closed to the public) to discuss compliance and audit policy—materiality thresholds continued from December 19, 1979.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–2474–79 Filed 12–20–79; 2:54 pm]

BILLING CODE 6715–01–M

5

[USITC SE–8–1]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Thursday, January 3, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints: None.
5. Certain fish (Inv. TA–201–41)—Briefing and vote on injury.
6. Rotary scraping tools (Inv. 337–TA–62)—Briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–2473–79 Filed 12–20–79; 2:54 pm]

BILLING CODE 7020–02–M

6

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Change in Subject of Meeting

The National Credit Union Administration Board has determined that its business requires that the previously announced closed meeting on December 20, 1979, include an additional item which will be closed to public observation: Agency action in light of district court ruling on 701.38 (Borrowed Funds from Natural Persons).

Earlier announcement of this change was not possible.

The previously announced items are:

1. Personnel Actions. Closed pursuant to exemptions (2) and (6).
2. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemption (8) and (9)(A)(ii).
3. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
4. Monthly review of the 1980 Budget. Closed pursuant to exemption (9)(B).

The meeting will be held at 11:00 a.m. in the Board's offices at 1776 G St., N.W., Washington, D.C. Information may be obtained from Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Chairman Lawrence Connell and Board Members P. A. Mack and Harold Alonza Black voted unanimously to accept this addition to the agenda.

[S–2476–79 Filed 12–20–79; 3:58 pm]

BILLING CODE 7535–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 3 p.m., December 27, 1979.

PLACE: 1776 G Street, N.W., Washington, D.C., Board Room, 7th Floor.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Applications for charters, amendments to charters, bylaw amendments, mergers, conversions and insurance as may be pending at that time.

RECESS: 3:15 p.m.

TIME AND DATE: 3:30 p.m., December 27, 1979.

PLACE: 1776 G Street, N.W., Washington, D.C., Board Room, 7th Floor.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemption (8) and (9)(A)(ii).
2. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
3. Partial Waiver of Investment Valuation Reserve Requirement. Closed pursuant to exemption (9)(A)(ii).
4. Any item carried forth from a previously announced closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–2477–79 Filed 12–20–79; 3:58 pm]

BILLING CODE 7535–01–M

8

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining Offices at Washington, D.C. Headquarters).

TIME AND DATE: Friday, December 21, 1979, at 11:30 a.m.

PLACE: Room 826A, 320 First Street, N.W., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSONS FOR MORE INFORMATION: A. Ronald Peterson, Analyst: (202) 724–3094.

[S–2471–79 Filed 12–20–79; 10:32 am]

BILLING CODE 4410–01–M

Sunshine Act Meetings

CONTENTS

CIA Advisory Board 1, 2
Federal Communications Commission 2
Federal Election Commission 2
International Trade Commission 3
National Credit Union Administration 3, 7
Parole Commission 3

1

[M-281, Amdt. 3, Dec. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the December 20, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2. Docket 31487, Columbia/Pacific—Instructions to staff.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary [202] 673–5068.

SUPPLEMENTARY INFORMATION: Item 2 is being deleted from the December 20, 1979, agenda because workload considerations require that the staff request additional time to consider the recommendations to the Board. Accordingly, the following Members have voted that Item 2 be deleted from the December 20, 1979, agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

2

[M-281, Amdt. 2, Dec. 19, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the December 20, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., December 20, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Compal Limited Liability Pricing Proposals.

2. Application for Certificate Authority, Docket 32244.

3. Application for Certificate Authority, Docket 32245.

4. Application for Certificate Authority, Docket 32246.

5. Application for Certificate Authority, Docket 32247.

6. Application for Certificate Authority, Docket 32248.

federal register

Wednesday
December 26, 1979

Part II

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Regulations Governing United States Savings Bonds, Series EE and HH

Dept. Circular, Public Debt Series No. 3-80

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

31 CFR Part 353

Regulations Governing United States Savings Bonds, Series EE and HH

AGENCY: Fiscal Service, Department of the Treasury.

ACTION: Final regulations.

SUMMARY: The Department of the Treasury issues final regulations governing United States Savings Bonds of Series EE and HH which are to be placed on sale January 2, 1980. The Department has determined that, for the sake of clarity, some minor modifications should be made in several provisions of the regulations as previously published for comment. The regulations which are now published as a final rule incorporate the clarifying changes which are explained below.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles A. Guerin, Assistant Chief Counsel, Bureau of the Public Debt, 202–376–0243.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury announced earlier this year that the sale of savings bonds of Series E and H would be terminated. Beginning in January 1980, two new series of bonds, Series EE and HH, will be offered.

On June 28, 1979, the Department of the Treasury published in proposed form, the regulations that would govern the United States Savings Bonds of Series EE and HH. The public was invited to submit written comments on these regulations; the period for receiving comments ended on August 15, 1979. Only one response was received. It proposed that each year individuals be allowed to purchase up to $2,000 (issue price) of Series EE bonds which would be exempt from the Federal income tax if held until the purchaser's retirement. This proposal would require Congresssional action since it would involve an amendment of the Internal Revenue Code. Accordingly, it is beyond the scope of these regulations. The suggestion has been forwarded to the Treasury office responsible for tax policy.

The terms and conditions of the Series EE and HH bonds, such as their denominations, maturities, and investment yields, are found in the circulars offering the bonds for sale, i.e., Department of the Treasury Circulars, Public Debt Series Nos. 1–80 and 2–80 (31 CFR, Parts 351 and 352), respectively. Department of the Treasury Circular, Public Debt Series No. 3–80, published below as Part 353 of Title 31, Code of Federal Regulations, contains the regulations governing the two new series of bonds.

All previous series of savings bonds continue to be subject to the regulations in Department of the Treasury Circular No. 530, as revised (31 CFR, Part 315). The differences between the two sets of regulations are briefly discussed below, and minor changes that have been adopted in this final rule are explained.

Registration and Issue

In addition to the forms of registration previously authorized for savings bonds by Circular No. 530, Series EE and HH bonds may be inscribed in the name of either parent as natural guardian of a minor. This form of registration allows someone who wants to buy savings bonds for a minor, to name one parent of the child as natural guardian and, hence, the person having responsibility for the bonds.

A specific prohibition on the issuance of bonds in the furtherance of chain letter schemes has been added to the regulations. This provision reflects Treasury policy as to the propriety of purchasing savings bonds for use in chain letter and similar schemes.

Limitations on Purchases

The general limit on purchases of Series EE and HH bonds is $30,000 and $20,000 (face amount), respectively, for each calendar year. The current annual limit on Series E and H bonds is $10,000 (face amount) each. The following special annual limitations are established: $4,000 (face amount) of Series EE bonds for eligible employee thrift, savings, vacation and similar plans, and $200,000 (face amount) of Series HH bonds for gifts to tax-exempt organizations.

In the notice of proposed rulemaking published on June 28, 1979, the limitations for Series EE and HH bonds were stated in terms of the "issue price" of the bonds. In Circular No. 530, the limitations are stated in terms of "face amount." For clarity, the final regulations for Series EE and HH bonds use "face amount" as the measure for the limitations on purchases.

Relief for Loss or Theft, et cetera

Time limits have been established for servicing claims for relief that are not filed for a reasonable period after bonds have been redeemed or after the bonds have reached final maturity. If a claim is filed ten or more years after the recorded date of redemption, a copy of the paid bond will not be available for examination by the claimant. A claim filed six or more years after the final maturity of a bond will be processed only if the bond serial number is provided. These limitations will enable the Treasury to realize substantial administrative savings in the costs of maintaining records and servicing claims.

Payment

Under the terms of its offering, a Series EE bond will not be eligible for payment for a period of six months from its issue date. Otherwise, the regulations governing the payment of savings bonds are not essentially changed.

Most banks, trust companies, savings and loan associations, savings banks and other financial institutions are qualified to act as paying agents for Series E or EE bonds. Agents are authorized to pay eligible bonds only to individuals named as owners or coowners. Cases involving payment to surviving beneficiaries or to fiduciaries, organizations, etc., may be processed only by a Federal Reserve Bank or Branch, or the Bureau of the Public Debt, as these transactions often require submission of supporting evidence. If the owner is deceased or disabled, and there is no other person named on the bond who can request payment, instructions should be obtained from a Federal Reserve Bank or Branch or the Bureau of the Public Debt.

Series H and HH bonds are redeemable only at a Federal Reserve Bank or Branch or the Bureau of the Public Debt.

Powers of Attorney

The new savings bond regulations permit limited recognition of powers of attorney to cash bonds where the grantor has specifically authorized the attorney-in-fact to sell or redeem Treasury securities and the power of attorney containing such authority has been executed before a certifying officer. The more common power of attorney will be recognized only in those cases where the grantor has become mentally incompetent or physically disabled, provided the power specifically provides for this contingency. These two provisions operate independently of one another.

Reissue

The new regulations governing reissue differ from those in Circular No. 530 in that the name of a beneficiary may be removed from a Series EE or HH bond upon the registered owner's request alone. The consent of the beneficiary is not required.

In the notice of proposed rulemaking governing reissues of Series EE and HH bonds, no provision was made covering the adoptive relationship. This has been remedied by qualifying the word "blood", as used in the regulations, to include legal adoption. In addition, the provisions for reissue of bonds registered in coownership form have been rewritten for clarity.

Certifying Officer

Circular No. 530 has not required that requests for reissue or for other types of transactions of savings bonds be signed before an authorized certifying officer as are requests for payment of the bonds. This requirement appears only in the instructions on the reissue applications. To remove any doubt as to whether requests on Public Debt forms must be executed before a certifying officer, a new provision has been added stating that transaction forms must be properly certified, whenever required in the instructions on the form.

Deceased Owners

The Bureau of the Public Debt has pioneered procedures for the disposition of savings bonds belonging to the estates of deceased owners without requiring probate court proceedings. These procedures are being expanded to provide for payment of Series EE and HH bonds to the surviving relatives of a decedent pursuant to a table of precedence.

The minor changes that have been made in the text of the regulations that were published for comment on June 28, 1979, do not affect substantive rights of bondowners. Accordingly, the Fiscal Service is issuing, with the changes described above, Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353) as a final rule, effective as of January 1, 1980.

Dated: December 14, 1979.

Paul H. Taylor,

Fiscal Assistant Secretary.

Accordingly, a new Part 353 is added to Title 31 CFR to read as follows:

PART 353—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS, SERIES EE AND HH

Subpart A—General Information

Sec.
353.0 Applicability.
353.1 Official agencies.
353.2 Definitions.

Subpart B—Registration

353.5 General rules.
353.6 Restrictions on registration.
353.7 Authorized forms of registration.
353.8 Chain letters prohibited.

Subpart C—Limitations on Annual Purchases

Sec.
353.10 Amounts which may be purchased.
353.11 Computation of amount.
353.12 Disposition of excess.
353.13 Employee plans—conditions of eligibility.

Subpart D—Limitations on Transfer or Pledge

353.15 Transfer.
353.16 Pledge.

Subpart E—Judicial Proceedings

353.20 General.
353.21 Payment to judgment creditors.
353.22 Payment or reissue pursuant to judgment.
353.23 Evidence.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

353.25 General.
353.26 Application for relief—after receipt of bond.
353.27 Application for relief—nonreceipt of bond.
353.28 Recovery or receipt of bond before or after relief is granted.
353.29 Adjudication of claims.

Subpart G—Interest

353.30 Series EE bonds.
353.31 Series HH bonds.

Subpart H—General Provisions for Payment

353.35 Payment (redemption).
353.36 Payment during life of sole owner.
353.37 Payment during lives of both coowners.
353.38 Payment during lifetime of owner of beneficiary bond.
353.39 Surrender for payment.
353.40 Special provisions for payment.
353.41 Partial redemption.
353.42 Nonreceipt or loss of check issued in payment.
353.43 Effective date of request for payment.
353.44 Withdrawal of request for payment.

Subpart I—Reissue and Denominational Exchange

353.45 General.
353.46 Effective date of request for reissue.
353.47 Authorized reissue—during lifetime.
353.48 Restrictions on reissue.
353.49 Correction of errors.
353.50 Change of name.
353.51 Requests for reissue.

Subpart J—Certifying Officers

353.55 Individuals authorized to certify.
353.56 General instructions and liability.
353.57 When a certifying officer may not certify.
353.58 Forms to be certified.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, et al.

353.60 Payment to representative of an estate.
353.61 Payment after death.
353.62 Payment to minors.
353.63 Payment to a parent or other person on behalf of a minor.

Sec.
353.64 Payment, reinvestment, or exchange—voluntary guardian of an incompetent.
353.65 Payment—attorney-in-fact of an incompetent or a physically disabled person.
353.66 Reissue.

Subpart L—Deceased Owner, Coowner or Beneficiary

353.70 General rules governing entitlement.
353.71 Estate administered.
353.72 Estate not administered.

Subpart M—Fiduciaries

353.75 Payment or reissue during the existence of the fiduciary estate.
353.76 Payment or reissue after termination of the fiduciary estate.
353.77 Exchanges by fiduciaries.

Subpart N—Private Organizations (Corporations, Associations, Partnerships, etc.) and Governmental Agencies, Units and Officers

353.80 Payment to corporations or unincorporated associations.
353.81 Payment to partnerships.
353.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.
353.83 Reissue or payment on dissolution of corporation or partnership.
353.84 Payment to certain institutions.
353.85 Reissue in name of trustee or agent for reinvestment purposes.
353.86 Reissue upon termination of investment agency.
353.87 Payment to governmental agencies, units, or their officers.

Subpart O—Miscellaneous Provisions

353.90 Waiver of regulations.
353.91 Additional requirements; bond of indemnity.
353.92 Supplements, amendments, or revisions.

Authority: Sec. 22 of the Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); Sec. 8 of Act of July 8, 1937, as amended, 50 Stat. 481, as amended (31 U.S.C. 738a); 5 U.S.C. 301.

Subpart A—General Information

§ 353.0 Applicability.

The regulations in this circular, Department of the Treasury Circular, Public Debt Series No. 3–80, govern United States Savings Bonds of Series EE and Series HH. These bonds bear issue dates of January 1, 1980, or thereafter. The regulations in Department of the Treasury Circular No. 530, current revision (31 CFR Part 315), govern all other United States Savings Bonds and Savings Notes.

§ 353.1 Official agencies.

(a) The Bureau of the Public Debt of the Department of the Treasury is responsible for administering the Savings Bonds Program. Authority to process transactions has been delegated

to Federal Reserve Banks and Branches, as fiscal agents of the United States.

(b) Communications concerning transactions and requests for forms should be addressed to (1) a Federal Reserve Bank or Branch; (2) the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101; or (3) the Bureau of the Public Debt, Washington, D.C. 20226. The names and addresses of the Federal Reserve Banks and Branches are:

Federal Reserve Bank of Boston, Boston, Massachusetts 02106.

Federal Reserve Bank of New York, Federal Reserve Post Office Station, New York, New York 10045. Buffalo Branch, Federal Reserve Bank, Box 961, Buffalo, New York 14240.

Federal Reserve Bank of Philadelphia, Box 66, Philadelphia, Pennsylvania 19105.

Federal Reserve Bank of Cleveland, Box 6387, Cleveland, Ohio 44101. Cincinnati Branch, Federal Reserve Bank, Box 999, Cincinnati, Ohio 45201. Pittsburgh Branch, Federal Reserve Bank, Box 867, Pittsburgh, Pennsylvania 15230.

Federal Reserve Bank of Richmond, Box 27622, Richmond, Virginia 23261. Baltimore Branch, Federal Reserve Bank, Box 1378, Baltimore, Maryland 21203. Charlotte Branch, Federal Reserve Bank, Box 300, Charlotte, North Carolina 28230.

Federal Reserve Bank of Atlanta, Atlanta, Georgia, 30303. Birmingham Branch, Federal Reserve Bank, Box 10447, Birmingham, Alabama 35202. Jacksonville Branch, Federal Reserve Bank, Jacksonville, Florida 32203. Miami Branch, Federal Reserve Bank, Box 520847, Miami, Florida 33152. Nashville Branch, Federal Reserve Bank, Nashville, Tennessee 37203. New Orleans Branch, Federal Reserve Bank, Box 61630, New Orleans, Louisiana 70161.

Federal Reserve Bank of Chicago, Box 834, Chicago, Illinois 60690. Detroit Branch, Federal Reserve Bank, Box 1059, Detroit, Michigan 48231.

Federal Reserve Bank of St. Louis, Box 442, St. Louis, Missouri 63166. Little Rock Branch, Federal Reserve Bank, Box 1261, Little Rock, Arkansas 72203. Louisville Branch, Federal Reserve Bank, Box 32710, Louisville, Kentucky 40232. Memphis Branch, Federal Reserve Bank, Box 407, Memphis, Tennessee 38101.

Federal Reserve Bank of Minneapolis, Minneapolis, Minnesota 55480. Helena Branch, Federal Reserve Bank, Helena, Montana 59601.

Federal Reserve Bank of Kansas City, Federal Reserve Station, Kansas City, Missouri 64198. Denver Branch, Federal Reserve Bank, Box 5228, Terminal Annex, Denver, Colorado 80217. Oklahoma City Branch, Federal Reserve Bank, Box 25129, Oklahoma City, Oklahoma 73125. Omaha Branch, Federal Reserve Bank, Omaha, Nebraska 68102.

Federal Reserve Bank of Dallas, Station K, Dallas, Texas 75222. El Paso Branch, Federal Reserve Bank, Box 100, El Paso, Texas 79999. Houston Branch, Federal Reserve Bank, Box 2578, Houston, Texas 77001. San Antonio Branch, Federal Reserve Bank, Box 1471, San Antonio, Texas 78295.

Federal Reserve Bank of San Francisco, Box 7702, San Francisco, California 94120. Los Angeles Branch, Federal Reserve Bank, Box 2077, Terminal Annex, Los Angeles, California 90051. Portland Branch, Federal Reserve Bank, Box 3436, Portland, Oregon 97208. Salt Lake City Branch, Federal Reserve Bank, Box 30780, Salt Lake City, Utah 84125. Seattle Branch, Federal Reserve Bank, Box 3567, Seattle, Washington 98124.

(c) Notices and documents must be filed with the agencies referred to above and as indicated in these regulations.

§ 353.2 Definitions.

(a) "Bond" means a United States Savings Bond of Series EE or HH, unless the context indicates otherwise.

(b) "Incompetent" means an individual who is incapable of handling his or her business affairs because of a legal, mental or medical disability, except that a minor is not an incompetent solely because of age.

(c) "Issuing agent" means an organization that has been qualified under the provisions of Department of the Treasury Circular, Public Debt Series No. 4–67, current revision (31 CFR Part 317), to issue savings bonds.

(d) "Paying agent" means a financial institution that has been qualified under the provisions of Department of the Treasury Circular No. 750, current revision (31 CFR Part 321), to make payment of savings bonds.

(e) "Payment" means redemption, unless otherwise indicated by context.

(f) "Person" means any legal entity including, but without limitation, an individual, corporation (public or private), partnership, unincorporated association, or fiduciary estate.

(g) "Personal trust estates" means trust estates established by natural persons in their own right for the benefit of themselves or other natural persons in whole or in part, and common trust funds comprised in whole or in part of such trust estates.

(h) "Reissue" means the cancellation and retirement of a bond and the issuance of a new bond or bonds of the same series, same issue date, and same total face amount.

(i) "Representative of the estate of a minor, incompetent, aged person, absentee, et al." means the court-appointed or otherwise qualified person, regardless of title, who is legally authorized to act for the individual. The term does not include parents in their own right, voluntary or natural guardians, or the executors or administrators of decedents' estates.

(j) "Surrender" means the actual receipt of a bond with an appropriate request for payment or reissue by either a Federal Reserve Bank or Branch, the Bureau of the Public Debt, or, if a paying agent is authorized to handle the transaction, the actual receipt of the bond and the request for payment by the paying agent.

(k) "Taxpayer identifying number" means a social security account number or an employer identification number.

(l) "Voluntary guardian" means an individual who is recognized as authorized to act for an incompetent, as provided by § 353.64.

Subpart B—Registration

§ 353.5 General rules.

(a) *Registration is conclusive of ownership.* Savings bonds are issued only in registered form. The registration must express the actual ownership of, and interest in, the bond. The registration is conclusive of ownership, except as provided in Sec. 353.49.

(b) *Requests for registration.* Registrations requested must be clear, accurate and complete, conform substantially with one of the forms set forth in this Subpart, and include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable. The registration of all bonds owned by the same person, organization, or fiduciary should be uniform with respect to the name of the owner and any description of the fiduciary capacity. An individual should be designated by the name he or she is ordinarily known by or uses in business, including at least one full given name. The name may be preceded or followed by any applicable title, such as "Miss", "Mr.", "Mrs.", "Ms.", "Dr.", "Rev.", "M.D.", or "D.D.". A suffix, such as "Sr." or "Jr.", must be included when ordinarily used or when necessary to distinguish the owner from another member of his family. A married woman's own given name, not that of her husband, must be used; for example, "Mary A. Jones" or "Mrs. Mary A. Jones", NOT "Mrs. Frank B. Jones". The address must include, where appropriate, the number and street, route, or any other local feature, city, State, and ZIP Code.

(c) *Inscription of bonds purchased as gifts.* If the bonds are purchased as gifts, awards, prizes, etc., and the taxpayer identifying number of the intended owner is not known, the purchaser's number must be furnished. In this event, the issuing agent will inscribe the word "GIFT" and the purchaser's number on the bond. Bonds so inscribed will not be associated with the purchaser's own

holdings. The registration of a bond in the name of a purchaser with another as coowner or in the purchaser's name with another as beneficiary is not considered a gift or an award.

§ 353.6 Restrictions on registration.

(a) *Natural persons.* Only an individual in his or her own right may be designated as coowner or beneficiary along with any other individual, whether on original issue or reissue, except as provided in § 353.7(f).

(b) *Residence.* The designation of an owner or first-named coowner is restricted, on original issue only, to persons (whether individuals or others) who are:

(1) Residents of the United States, its territories or possessions, or the Commonwealth of Puerto Rico;

(2) Citizens of the United States residing abroad;

(3) Civilian employees of the United States or members of its armed forces, regardless of their residence or citizenship; and

(4) Residents of Canada or Mexico who work in the United States but only if the bonds are purchased on a payroll deduction plan and the owner provides a taxpayer identifying number.

A nonresident alien may be designated coowner or beneficiary or, on authorized reissue, owner, unless the nonresident alien is a resident of an area with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States or its agencies or instrumentalities. See Department of the Treasury Circular No. 655, current revision (31 CFR Part 211). Registration is not permitted in any form which includes the name of any alien who is a resident of any restricted area.

(c) *Minors.* (1) Minors may purchase with their wages, earnings, or other funds belonging to them and under their control bonds registered in their names alone or with a coowner or beneficiary.

(2) Bonds purchased by another person with funds belonging to a minor not under legal guardianship or similar fiduciary estate must be registered, without a coowner or beneficiary, in the name of the minor or a natural guardian on behalf of a minor.

(3) Bonds purchased with funds of another may be registered to name the minor as owner, coowner, or beneficiary. If the minor is under legal guardianship or similar fiduciary estate, the registration must include an appropriate reference to it.

(4) Bonds purchased as a gift to a minor under a gift-to-minors statute must be registered as prescribed by the statute and no coowner or beneficiary may be named.

(5) Bonds purchased by a representative of a minor's estate must be registered in the name of the minor and must include in the registration an appropriate reference to the guardianship or similar fiduciary estate. Bonds purchased by a representative of the estates of two or more minors, even though appointed in a single proceeding, must be registered in the name of each minor separately with appropriate reference to the guardianship or similar fiduciary estate.

(d) *Incompetents.* Bonds may be registered to name as owner, coowner, or beneficiary an incompetent for whose estate a guardian or similar representative has been appointed, except that a coowner or beneficiary may not be named on bonds purchased with funds belonging to the incompetent. The registration must include appropriate reference to the guardianship or similar fiduciary estate. Bonds should not be registered in the name of an incompetent unless there is a representative for his or her estate, except as provided in § 353.64.

§ 353.7 Authorized forms of registration.

Subject to any limitations or restrictions contained in these regulations on the right of any person to be named as owner, coowner, or beneficiary, bonds should be registered as indicated below. A savings bond inscribed in the form not substantially in agreement with one of the forms authorized by this Subpart is not considered validly issued.

(a) *Natural persons.* A bond may be registered in the names of individuals in their own right, but only in one of the forms authorized by this paragraph.

(1) *Single ownership form.* A bond may be registered in the name of one individual. Example:

John A. Jones 123–45–6789.

(2) *Coownership form.* A bond may be registered in the names of two individuals in the alternative as coowners. The form of registration "A and B" is not authorized. Examples:

John A. Jones 123–45–6789 or Ella S. Jones 987–65–4321.

John A. Jones 123–45–6789 or (Miss, Ms. or Mrs.) Ella S. Jones.

Ella S. Jones 987–65–4321 or John A. Jones.

(3) *Beneficiary form.* A bond may be registered in the name of one individual payable on death to another. "Payable on death to" may be abbreviated to "P.O.D." Examples:

John A. Jones 123–45–6789 payable on death to Mrs. Ella S. Jones.

John A. Jones 123–45–6789 P.O.D. Ella S. Jones 987–65–4321.

(b) *Fiduciaries (including legal guardians and similar representatives, certain custodians, natural guardians, executors, administrators, and trustees).* (1) *General.* A bond may be registered in the name of any person or persons or any organization acting as fiduciary of a single fiduciary estate, but not where the fiduciary will hold the bond merely or principally as security for the performance of a duty, obligation, or service. Registration should conform to a form authorized by this paragraph. A coowner or beneficiary may be named only in accordance with the applicable provisions of § 353.6 (c) and (d). A common trust fund established and maintained by a financial institution authorized to act as a fiduciary will be considered a single fiduciary estate within the meaning of these regulations.

(2) *Legal guardians, conservators, similar representatives, certain custodians.* A bond may be registered in the name and title or capacity of the legally appointed or authorized representative of the estate of a minor, incompetent, aged or infirm person, absentee, et al., or in the name of that individual followed by an appropriate reference to the estate. Examples:

Tenth National Bank, guardian (or conservator, trustee, etc.) of the estate of George N. Brown 123–45–6789, a minor (or an incompetent, aged person, infirm person, or absentee).

Henry C. Smith, conservator of the estate of John R. White 123–45–6789, an adult, pursuant to Sec. 633.572 of the Iowa Code.

John F. Green 123–45–6789, a minor (or an incompetent) under custodianship by designation of the Veterans Administration.

Frank M. Redd 123–45–6789, an incompetent for whom Eric A. Redd has been designated trustee by the Department of the Army pursuant to 37 U.S.C. 602.

Arnold A. Ames, as custodian for Barry B. Bryan 123–45–6789, under the California Uniform Gifts to Minors Act.

Thomas J. Reed, as custodian for Lawrence W. Reed 123–45–6789, a minor, under the laws of Georgia.

Richard A. Rowe 123–45–6789, for whom Reba L. Rowe is representative payee for social security benefits (or black lung benefits, as the case may be). (If the beneficiary is a minor, the words "a minor" should appear immediately after the social security number.)

Henry L. Green 123–45–6789 or George M. Brown, a minor under legal guardianship of the Tenth National Bank.

Henry L. Green 123–45–6789 P.O.D. George M. Brown, a minor under legal guardianship of the Tenth National Bank.

Redd State Hospital and School, selected payee for John A. Jones 123–45–6789, a Civil Service annuitant, pursuant to 5 U.S.C. 8345(e).

(3) *Natural guardians.* A bond may be registered in the name of either parent (natural and adoptive) of a minor, as natural guardian. The registration of a bond in this form is considered as establishing a fiduciary relationship. A coowner or beneficiary may be named but only if the funds used to purchase the bonds do not belong to the minor. Examples:

John A. Jones, as natural guardian for Henry M. Jones 123–45–6789.

Melba Smith, as natural guardian for Thelma Smith 123–45–6789 P.O.D. Bartholomew Smith.

(4) *Executors and administrators.* A bond may be registered in the name of the representative appointed by a court to act for an estate of a decedent, or in the name of an executor authorized to administer a trust under the terms of a will although not named trustee. The name and capacity of all the representatives as shown in the letters of appointment must be included in the registration and be followed by an adequate indentifying reference to the estate. Examples:

John H. Smith and Calvin N. Jones, executors of the will (or administrators of the estate) of Robert J. Smith, deceased, 12–3456789.

John H. Smith, executor of the will of Robert J. Smith, deceased, in trust for Mrs. Jane L. Smith, with remainder over, 12–3456789.

(5) *Trustees or life tenants under wills, deeds of trust, agreements, or similar instruments.* A bond may be registered in the name and title of the trustee of a trust estate, or in the name of a life tenant, followed by an adequate identifying reference to the authority governing the trust or life tenancy. Examples:

Thomas J. White and Tenth National Bank, trustees under the will of Robert J. Smith, deceased, 12–3456789.

Jane N. Black 123–45–6789, life tenant under the will of Robert J. Black, deceased.

Tenth National Bank, trustee under agreement with Paul E. White, dated 2/1/80, 12–3456789.

Carl A. Black and Henry B. Green, trustees under agreement with Paul E. White, dated 2/1/80, 12–3456789.

Paul E. White, trustee under declaration of trust dated 2/1/80, 12–3456789.

(i) If the trust instrument designates by title only an officer of a board or an organization as trustee, only the title of the officer should be used. Example:

Chairman, Board of Trustees, First Church of Christ, Scientist, of Chicago, Illinois, in trust under the will of Robert J. Smith, deceased, 12–3456789.

(ii) The names of all trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(A) If there are several trustees designated as a board or they are required to act as a unit, their names may be omitted and the words "Board of Trustees" substituted for the word "trustee". Example:

Board of Trustees of Immediate Relief Trust of Federal Aid Association, under trust indenture dated 2/1/80, 12–3456789.

(B) If the trustees do not constitute a board or are not required to act as a unit, and are too numerous to be designated in the registration by names and title, some or all the names may be omitted. Examples:

John A. Smith, Henry B. Jones, et al., trustees under the will of Edwin O. Mann, deceased, 12–3456789.

Trustees under the will of Edwin O. Mann, deceased, 12–3456789.

(6) *Employee thrift, savings, vacation and similar plans.* A bond may be registered in the name and title, or title alone, of the trustee of an eligible employee thrift, savings, vacation or similar plan, as defined in § 353.13(a). If the instrument creating the trust provides that the trustees shall serve for a limited term, their names may be omitted. Examples:

Tenth National Bank, trustee of Pension Fund of Safety Manufacturing Company, U/A with the company, dated March 31, 1980, 12–3456789.

Trustees of Retirement Fund of Safety Manufacturing Company, under directors' resolution adopted March 31, 1980, 12–3456789.

County Trust company, trustee of the Employee Savings Plan of Jones Company, Inc., U/A dated January 17, 1980, 12–3456789.

Trustee of the Employee Savings Plan of Brown Brothers, Inc., U/A dated January 20, 1980, 12–3456789.

(7) *Funds of lodges, churches, societies, or similar organizations.* A bond may be registered in the title of the trustees, or a board of trustees, holding funds in trust for a lodge, church, or society, or similar organization, whether or not incorporated. Examples:

Trustees of the First Baptist Church, Akron, Ohio, acting as a Board under Section 15 of its bylaws, 12–3456789.

Trustees of Jamestown Lodge No. 1000, Benevolent and Protective Order of Elks, under Section 10 of its bylaws, 12–3456789.

Board of Trustees of Lotus Club, Washington, Indiana, under Article 10 of its constitution, 12–3456789.

(8) *Investment agents for religious, educational, charitable and non-profit organizations.* A bond may be registered in the name of a bank, trust company, or other financial institution, or an individual, as agent under an agreement with a religious, educational, charitable or non-profit organization, whether or not incorporated, if the agent holds funds for the sole purpose of investing them and paying the income to the organization. The name and designation of the agent must be followed by an adequate reference to the agreement. Examples:

Tenth National Bank, fiscal agent U/A with the Evangelical Lutheran Church of the Holy Trinity, dated 12/28/80, 12–3456789.

Sixth Trust Company, Investment Agent U/A dated September 16, 1980, with Central City Post, Department of Illinois, American Legion, 12–3456789.

John Jones, Investment Agent U/A dated September 16, 1980, with Central City Post, Department of Illinois, American Legion, 12–3456789.

(9) *Funds of school groups or activities.* A bond may be registered in the title of the principal or other officer of a public, private, or parochial school holding funds in trust for a student body fund or for a class, group, or activity. If the amount purchased for any one fund does not exceed $2,500 (face amount), no reference need be made to a trust instrument. Examples:

Principal, Western High School, in trust for the Class of 1980 Library Fund, 12–3456789.

Director of Athletics, Western High School, in trust for Student Activities Association, under resolution adopted 5/12/80, 12–3456789.

(10) *Public corporations, bodies, or officers as trustees.* A bond may be registered in the name of a public corporation or a public body, or in the title of a public officer, acting as trustee under express authority of law, followed by an appropriate reference to the statute creating the trust. Examples:

Rhode Island Investment Commission, trustee of the General Sinking Fund under Title 35, Ch. 8, Gen. Laws of Rhode Island.

Superintendent of the Austin State Hospital Annex, in trust for the Benefit Fund under Article 3183C, Vernon's Civ. Stat. of Texas Ann.

(c) *Private organizations (corporations, associations, partnerships).* (1) *General.* A bond may be registered in the name of any private organization in its own right. The full legal name of the organization as set forth in its charter, articles of incorporation, constitution, partnership agreement, or other authority from which its powers are derived, must be included in the registration and may be followed by a parenthetical reference to a particular account other than a trust account.

(2) *Corporations.* A bond may be registered in the name of a business, fraternal, religious, non-profit, or other private corporation. The words "a corporation" must be included in the

registration unless the fact of incorporation is shown in the name. Examples:

Smith Manufacturing Company, a corporation, 12–3456789.
Green and Redd, Inc., 12–3456789 (Depreciation Acct.)

(3) *Unincorporated associations.* A bond may be registered in the name of a club, lodge, society, or a similar self-governing association which is unincorporated. The words "an unincorporated association" must be included in the registration. This form of registration must not be used for a trust fund, board of trustees, a partnership, or a sole proprietorship. If the association is chartered by or affiliated with a parent organization, the name or designation of the subordinate or local organization must be given first, followed by the name of the parent organization. The name of the parent organization may be placed in parentheses and, if well known, may be abbreviated. Examples:

The Lotus Club, an unincorporated association, 12–3456789.
Local 447, Brotherhood of Railroad Trainmen, an unincorporated association, 12–3456789.
Eureka Lodge 317 (A.F. and A.M.), an unincorporated association, 12–3456789.

(4) *Partnerships.* A bond may be registered in the name of a partnership. The words "a partnership" must be included in the registration. Examples:

Smith & Jones, a partnership, 12–3456789.
Acme Novelty Company, a partnership, 12–3456789.

(5) *Sole Proprietorships.* A bond may be registered in the name of an individual who is doing business as a sole proprietor. A reference may be made to the trade name under which the business is conducted. Example:

John Jones DBA Jones Roofing Company 123–45–6789.

(d) *Institutions (churches, hospitals, homes, schools, etc.).* A bond may be registered in the name of a church, hospital, home, school, or similar institution conducted by a private organization or by private trustees, regardless of the manner in which it is organized or governed or title to its property is held. Descriptive words, such as "a corporation" or "an unincorporated association", must not be included in the registration. Examples:

Shriners' Hospital for Crippled Children, St. Louis, Missouri, 12–3456789.
St. Mary's Roman Catholic Church, Albany, New York, 12–3456789.
Rodeph Shalom Sunday School, Philadelphia, Pennsylvania, 12–3456789.

(e) *States, public bodies and corporations, and public officers.* A bond may be registered in the name of a State, county, city, town, village, school district, or other political entity, public body, or corporation established by law (including a board, commission, administration, authority, or agency) which is the owner or official custodian of public funds, other than trust funds, or in the full legal title of the public officer having custody of the funds. Examples:

State of Maine.
Town of Rye, New York (Street Improvement Fund).
Maryland State Highway Administration.
Treasurer, City of Chicago.

(f) *The United States Treasury.* A person who desires to have a bond become the property of the United States upon his or her death may designate the United States Treasury as coowner or beneficiary. Examples:

George T. Jones 123–45–6789 or the United States Treasury.
George T. Jones 123–45–6789 P.O.D. the United States Treasury.

§ 353.8 Chain letters prohibited.

The issuance of bonds in the furtherance of a chain letter or pyramid scheme is considered to be against the public interest and is prohibited.

Subpart C—Limitations on Annual Purchases

§ 353.10 Amounts which may be purchased.

The amount of savings bonds of Series EE and HH which may be purchased and held, in the name of any one person in any one calendar year, is computed according to the provisions of § 353.11 and is limited as follows:

(a) *Series EE.*

(1) *General annual limitation.*

$30,000 (face amount).

(2) *Special limitation.*

$4,000 (face amount) multiplied by the highest number of employees participating in an eligible employee plan, as defined in § 353.13, at any time during the calendar year in which the bonds are issued.

(b) *Series HH.*

(1) *General annual limitation.*

$20,000 (face amount).

(2) *Special limitation.*

$200,000 (face amount) for bonds received in a calendar year as gifts by an organization which at the time of purchase was an exempt organization under the terms of 26 CFR 1.501(c)(3)–1.

§ 353.11 Computation of amount.

(a) *General.* The purchases of bonds in the name of any person in an individual capacity are computed separately from purchases in a fiduciary capacity. A pension or retirement fund, or an investment, insurance, annuity, or similar fund or trust is regarded as an entity, regardless of the number of beneficiaries or the manner in which their shares or interests are established, determined, or segregated.

(b) *Bonds included in computation.* In computing the purchases for each person, the following outstanding bonds are included:

(1) All bonds registered in the name of that person alone;

(2) All bonds registered in the name of the representative of the estate of that person; and

(3) All bonds registered in the name of that person as coowner. However, in computing the amount of bonds of each series held in coownership form, the limitation may be applied to the holdings of either of the coowners or apportioned between them.

(c) *Bonds excluded from computation.* In computing the purchases for each person, the following are excluded:

(1) Bonds on which that person is named beneficiary;

(2) Bonds to which that person has become entitled—

(i) Under § 353.70 as surviving beneficiary upon the death of the registered owner;

(ii) As an heir or a legatee of the deceased owner;

(iii) By virtue of the termination of a trust or the happening of a similar event;

(3) Bonds issued in an authorized exchange or reinvestment; and

(4) Bonds that are purchased and redeemed within the same calendar year.

§ 353.12 Disposition of excess.

If any person at any time has savings bonds issued during any one calendar year in excess of the prescribed amount, instructions should be obtained from the Bureau of the Public Debt, Parkersburg, West Virginia 26101, for appropriate adjustment of the excess. Under the conditions specified in § 353.90, the Commissioner of the Public Debt may permit excess purchases to stand in any particular case or class of cases.

§ 353.13 Employee plans—Conditions of eligibility.

(a) *Definition of plan.* Employee thrift, savings, vacation and similar plans are contributory plans established by the employer for the exclusive and irrevocable benefit of its employees or their beneficiaries. Each plan must afford employees the means of making regular savings from their wages through payroll deductions and provide for

employer contributions to be added to these savings.

(b) *Definition of terms used in this section.* (1) The term "assets" means all the employees' contributions and assets purchased with them and the employer's contributions and assets purchased with them, as well as accretions, such as dividends on stock, the increment in value on bonds and all other income; but, notwithstanding any other provision of this section, the right to demand and receive "all assets" credited to the account of an employee shall not be construed to require the distribution of assets in kind when it would not be possible or practicable to make such a distribution; for example, Series EE bonds may not be reissued in unauthorized denominations.

(2) The word "beneficiary" means (i) the person or persons, if any, designated by the employee in accordance with the terms of the plan to receive the benefits of the plan upon the employee's death or (ii) the estate of the employee.

(c) *Conditions of eligibility.* An employee plan must conform to the following rules in order to be eligible for the special limitation provided in § 353.10.

(1) *Crediting of assets.* All assets of a plan must be credited to the individual accounts of participating employees and may be distributed only to them or their beneficiaries, except as provided in subparagraph (3).

(2) *Purchase of bonds.* Bonds may be purchased only with assets credited to the accounts of participating employees and only if the amount taken from any account at any time for that purpose is equal to the purchase price of a bond or bonds in an authorized denomination or denominations, and shares in the bonds are credited to the accounts of the individuals from which the purchase price was derived, in amounts corresponding with their shares. For example, if $50 credited to the account of John Jones is commingled with funds credited to the accounts of other employees to make a total of $5,000 with which a Series EE bond in the denomination of $10,000 (face amount) is purchased in December 1980 and registered in the name and title of the trustee, the plan must provide, in effect, that John Jones' account be credited to show that he is the owner of a Series EE bond in the denomination of $100 (face amount) bearing an issue date of December 1, 1980.

(3) *Irrevocable right of withdrawal.* Each participating employee has an irrevocable right to request and receive from the trustee all assets credited to the employee's account or their value, if he or she prefers, without regard to any condition other than the loss or suspension of the privilege of participating further in the plan. However, a plan may limit or modify the exercise of any such right by providing that the employer's contribution does not vest absolutely until the employee shall have made contributions under the plan in each of not more than 60 calendar months succeeding the month for which the employer's contribution is made.

(4) *Rights of beneficiary.* Upon the death of an employee, his or her beneficiary shall have the absolute and unconditional right to demand and receive from the trustee all assets credited to the account of the employee or their value, if he or she so prefers.

(5) *Reissue or payment upon distribution.* When settlement is made with an employee or his or her beneficiary with respect to any bond registered in the name and title of the plan trustee in which the employee has a share, the bond must be paid or reissued to the extent of the share. If an employee or the beneficiary is to receive distribution in kind, bonds bearing the same issue dates as those credited to the employee's account will be reissued in the name of the employee or the employee's beneficiary to the extent entitled, in authorized denominations, in any authorized form of registration, upon the request and certification of the trustee.

(d) *Application for special limitation.* A trustee of an employee plan who desires to purchase bonds under the special limitation should submit to the Federal Reserve Bank of the district a copy of (i) the plan, (ii) any instructions issued under the plan that concern Series EE bonds, and (iii) the trust agreement, in order to establish the plan's eligibility.

(e) *Vacation plans.* Savings bonds may be purchased under certain vacation plans. Questions concerning the eligibility of these plans to purchase bonds in excess of the general limitation should be addressed to the Bureau of the Public Debt, Parkersburg, West Virginia 26101.

Subpart D—Limitations on Transfer or Pledge

§ 353.15 Transfer.

Savings bonds are not transferable and are payable only to the owners named on the bonds, except as specifically provided in these regulations and then only in the manner and to the extent so provided.

§ 353.16 Pledge.

A savings bond may not be hypothecated, pledged, or used as security for the perfomance of an obligation.

Subpart E—Judicial Proceedings

§ 353.20 General.

(a) The Department of the Treasury will not recognize a judicial determination that gives effect to an attempted voluntary transfer inter vivos of a bond, or a judicial determination that impairs the rights of survivorship conferred by these regulations upon a coowner or beneficiary. All provisions of this Subpart are subject to these restrictions.

(b) The Department of the Treasury will recognize a claim against an owner of a savings bond and conflicting claims of ownership of, or interest in, a bond between coowners or between the registered owner and the beneficiary, if established by valid judicial proceedings, but only as specifically provided in this Subpart. Section 353.23 specifies the evidence required to establish the validity of the judicial proceedings.

(c) The Department of the Treasury and the agencies that issue, reissue, or redeem savings bonds will not accept a notice of an adverse claim or notice of pending judicial proceedings, nor undertake to protect the interests of a litigant not in possession of a savings bond.

§ 353.21 Payment to judgment creditors.

(a) *Purchaser or officer under levy.* The Department of the Treasury will pay (but not reissue) a savings bond to the purchaser at a sale under a levy or to the officer authorized under appropriate process to levy upon property of the registered owner or coowner to satisfy a money judgment. Payment will be made only to the extent necessary to satisfy the money judgment. The amount paid is limited to the redemption value 60 days after the termination of the judicial proceedings. Payment of a bond registered in coownership form pursuant to a judgment or a levy against only one coowner is limited to the extent of that coowner's interest in the bond. That interest must be established by an agreement between the coowners or by a judgment, decree, or order of a court in a proceeding to which both coowners are parties.

(b) *Trustee in bankruptcy, receiver, or similar court officer.* The Department of the Treasury will pay, at current redemption value, a savings bond to a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity,

or a similar court officer under the provisions of paragraph (a) of this section.

§ 353.22 Payment or reissue pursuant to judgment.

(a) *Divorce.* The Department of the Treasury will recognize a divorce decree that ratifies or confirms a property settlement agreement disposing of bonds or that otherwise settles the interests of the parties in a bond. Reissue of a savings bond may be made to eliminate the name of one spouse as owner, coowner, or beneficiary or to substitute the name of one spouse for that of the other spouse as owner, coowner, or beneficiary pursuant to the decree. However, if the bond is registered in the name of one spouse with another person as coowner, there must be submitted either (1) a request for reissue by the other person or (2) a certified copy of a judgment, decree, or court order entered in proceedings to which the other person and the spouse named on the bond are parties, determining the extent of the interest of that spouse in the bond. Reissue will be permitted only to the extent of that spouse's interest. The evidence required under § 353.23 must be submitted in every case. When the divorce decree does not set out the terms of the property settlement agreement, a certified copy of the agreement must be submitted. Payment, rather than reissue, will be made if requested.

(b) *Gift causa mortis.* A savings bond belonging solely to one individual will be paid or reissued at the request of the person found by a court to be entitled by reason of a gift causa mortis from the sole owner.

(c) *Date for determining rights.* When payment or reissue under this section is to be made, the rights of the parties will be those existing under the regulations current at the time of the entry of the final judgment, decree, or court order.

§ 353.23 Evidence.

(a) *General.* To establish the validity of judicial proceedings, certified copies of the final judgment, decree, or court order, and of any necessary supplementary proceedings, must be submitted. If the judgment, decree, or court order was rendered more than six months prior to the presentation of the bond, there must also be submitted a certification from the clerk of the court, under court seal, dated within six months of the presentation of the bond, showing that the judgment, decree, or court order is in full force.

(b) *Trustee in bankruptcy or receiver of an insolvent's estate.* A request for payment by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by appropriate evidence of appointment and qualification. The evidence must be certified by the clerk of the court, under court seal, as being in full force on a date that is not more than six months prior to the presentation of the bond.

(c) *Receiver in equity or similar court officer.* A request for payment by a receiver in equity or a similar court officer, other than a receiver of an insolvent's estate, must be supported by a copy of an order that authorizes the presentation of the bond for redemption, certified by the clerk of the court, under court seal, as being in full force on a date that is not more than six months prior to the presentation of the bond.

Subpart F—Relief for Loss, Theft, Destruction, Mutilation, Defacement, or Nonreceipt of Bonds

§ 353.25 General.

Relief, by the issue of a substitute bond or by payment, is authorized for the loss, theft, destruction, mutilation, or defacement of a bond after receipt by the owner or his or her representative. As a condition for granting relief, the Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may require a bond of indemnity, in the form, and with the surety, or security, he considers necessary to protect the interests of the United States. In all cases the savings bond must be identified by serial number and the applicant must submit satisfactory evidence of the loss, theft, or destruction, or a satisfactory explanation of the mutilation or defacement.

§ 353.26 Application for relief—After receipt of bond.

(a) If the serial numbers of the lost, stolen, or destroyed bonds are known, the claimant should execute an application for relief on the appropriate form and submit it to the Bureau of the Public Debt, Parkersburg, West Virginia 26101.

(b) If the bond serial number is not known, the claimant must provide sufficient information to enable the Bureau of the Public Debt to identify the bond by serial number. See § 353.29(c). The Bureau will furnish the proper application form and instructions.

(c) If applicable, a defaced bond and all available fragments of a mutilated bond should be submitted to the Bureau.

(d) The application must be made by the person or persons (including both coowners, if living) authorized under these regulations to request payment of the bond. In addition:

(1) If the bond is in beneficiary form and the owner and beneficiary are both living, both will ordinarily be required to join in the application.

(2) If a minor named on a bond as owner, coowner, or beneficiary is not of sufficient competency and understanding to request payment, both parents will ordinarily be required to join in the application.

(e) If the application is approved, relief will be granted either by the issuance of a bond bearing the same issue date as the bond for which the claim was filed or by the issuance of a check in payment.

§ 353.27 Application for relief—Nonreceipt of bond.

If a bond issued on any transaction is not received, the issuing agent must be notified as promptly as possible and given all information available about the nonreceipt. An appropriate form and instructions will be provided. If the application is approved, relief will be granted by the issuance of a bond bearing the same issue date as the bond that was not received.

§ 353.28 Recovery or receipt of bond before or after relief is granted.

(a) If a bond reported lost, stolen, destroyed, or not received, is recovered or received before relief is granted, the Bureau of the Public Debt, Parkersburg, West Virginia 26101, must be notified promptly.

(b) A bond for which relief has been granted is the property of the United States and, if recovered, must be promptly submitted to the Bureau of the Public Debt, Parkersburg, West Virginia 26101, for cancellation.

§ 353.29 Adjudication of claims.

(a) *General.* The Bureau of the Public Debt will adjudicate claims for lost, stolen or destroyed bonds on the basis of records created and regularly maintained in the ordinary course of business.

(b) *Claims filed 10 years after payment.* A bond for which no claim has been filed within 10 years of the recorded date of redemption will be presumed to have been properly paid. If a claim is subsequently filed, a photographic copy of the bond will not be available to support the disallowance.

(c) *Claims filed six years after final maturity.* No claim filed six years or more after the final maturity of a savings bond will be entertained unless the claimant supplies the serial number of the bond.

Subpart G—Interest

§ 353.30 Series EE bonds.

Series EE bonds are issued at a discount. The accrued interest is added to the issue price at stated intervals and is payable only at redemption as part of the redemption value. Information regarding interest rates and redemption values is found in Department of the Treasury Circular, Public Debt Series No. 1–80 (31 CFR Part 351).

§ 353.31 Series HH bonds.

(a) *General.* Series HH bonds are current-income bonds issued at par (face amount). Interest on a Series HH bond is paid semiannually by check, beginning six months from issue date. Interest ceases at maturity, or, if a bond is redeemed before maturity, as of the end of the preceding interest payment period. For example, if a bond on which interest is payable on January 1 and July 1 is redeemed on September 1, interest ceases as of the preceding July 1, and no adjustment of interest will be made for the period from July 1 to September 1. However, if the date of redemption falls on an interest payment date, interest ceases on that date. Information regarding interest rates is found in Department of the Treasury Circular, Public Debt Series No. 2–80 (31 CFR Part 352).

(b) *Redemption value.* Series HH bonds acquired in an authorized exchange or reinvestment are redeemable at face amount. An interest adjustment will be made upon redemption of Series HH bonds purchased for cash, if redeemed within a limited period of time after issue; if held beyond this period, they are redeemable at face amount. Information as to the amount of the interest adjustment and the time period to which it applies is found in Department of the Treasury Circular, Public Debt Series No. 2–80 (31 CFR Part 352).

(c) *Payment of interest.* Series HH bond interest accounts are maintained by the Bureau of the Public Debt, Parkersburg, West Virginia 26101. Interest will be paid on each interest payment date by check mailed to the address specified for the delivery of checks in the purchase application, exchange subscription, notification of change of address or request for reissue. If no instruction is given as to the delivery of interest checks, the address inscribed on the bond for the owner or the first-named coowner will be used.

(d) *Delivery of interest.* (1) *Notices affecting delivery of interest checks.* To insure appropriate action, notices affecting the delivery of interest checks on Series HH bonds, including changes of addresses, must be received by the Bureau of the Public Debt, Parkersburg, West Virginia 26101, at least one month prior to the interest payment date. Each notice must identify the bonds by the name and taxpayer identifying number of the bondowner. The notice must be signed by the owner or coowner, or, in the case of a minor or incompetent, as provided in paragraph (e) or (f) of this section.

(2) *Owner or coowner deceased.* (i) *Sole owner.* Upon receipt of notice of the death of the owner of a bond, payment of interest on the bond will be suspended until satisfactory evidence is submitted as to who is authorized to endorse and collect interest checks on behalf of the estate of the decedent, in accordance with the provisions of Subpart L.

(ii) *Coowner.* Upon receipt of notice of the death of the coowner to whom interest is being mailed, payment of interest will be suspended until a request for change of address is received from the other coowner, if living, or, if not, until satisfactory evidence is submitted as to the individual who is authorized to endorse and collect interest checks on behalf of the estate of the last deceased coowner, in accordance with the provisions of Subpart L.

(iii) *Owner with beneficiary.* In the case of a bond registered in the form "A payable on death to B", the check will be drawn to the order of "A"alone unless the Bureau of the Public Debt, Parkersburg, West Virginia 26101, receives notice of A's death. In that event, the payment of interest will be suspended until the bond is presented for payment or reissue. Interest so withheld will be paid to the person entitled to the bond.

(e) *Representative appointed for the estate of a minor, incompetent, absentee, et al.* Interest on Series HH bonds is paid in accordance with the provisions of § 353.60 to the representative appointed for the estate of an owner who is a minor, incompetent, absentee, et al. If the registration of the bonds does not include reference to the owner's status, the bonds should be submitted for reissue to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Parkersburg, West Virginia 26101, so that interest checks may be properly drawn and delivered. They must be accompanied by the proof of appointment required by § 353.60.

(f) *Adult incompetent's estate having no representative.* If an adult owner of a Series HH bond is incompetent to endorse and collect the interest checks and no legal guardian or similar representative has been appointed to act for him or her, the relative, or other person, responsible for his or her care and support, may apply to the Bureau of the Public Debt for recognition as voluntary guardian for the purpose of receiving, endorsing, and collecting the checks.

(g) *Reissue during interest period.* Physical reissue of a Series HH bond will be made without regard to interest payment dates. The Series HH interest accounts maintained by the Bureau of the Public Debt will be closed in the first week of the month preceding each interest payment date. Interest checks will be drawn to the order of the persons shown to be entitled on these accounts as of the date the accounts are closed.

(h) *Endorsement of checks.* Interest checks must be endorsed in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department of the Treasury Circular No. 21, current revision (31 CFR Part 240).

(i) *Nonreceipt or loss of check.* If an interest check is not received or is lost after receipt, the Bureau of the Public Debt, Parkersburg, West Virginia 26101, should be notified and advised of the bond serial number, the inscription on the bond, including the taxpayer identifying number of the bondowner, and the interest payment date.

Subpart H—General Provisions for Payment

§ 353.35 Payment (redemption).

(a) *General.* Payment of a savings bond will be made to the person or persons entitled under the provisions of these regulations, except that checks in payment will not be delivered to addresses in areas with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States. See Department of the Treasury Circular No. 655, current revision (31 CFR Part 211). Payment will be made without regard to any notice of adverse claims to a bond and no stoppage or caveat against payment of a bond will be entered.

(b) *Series EE.* A Series EE bond will be paid at any time after six months from issue date at the current redemption value shown in Department of the Treasury Circular, Public Debt Series No. 1–80 (31 CFR Part 351).

(c) *Series HH.* A Series HH bond will be paid at any time after six months from issue date. A Series HH bond issued in an authorized exchange or reinvestment transaction will be paid at face amount. A Series HH bond issued

for cash will be paid at the current redemption value shown in Department of the Treasury Circular, Public Debt Series No. 2–80 (31 CFR Part 352). If the bond is redeemed at less than face value, the difference represents an adjustment of interest. A Series HH bond received during the month preceding an interest payment date will not be paid until that date.

§ 353.36 Payment during life of sole owner.

A savings bond registered in single ownership form (i.e., without a coowner or beneficiary) will be paid to the owner during his or her lifetime upon surrender with an appropriate request.

§ 353.37 Payment during lives of both coowners.

A savings bond registered in coownership form will be paid to either coowner upon surrender with an appropriate request, and upon payment (as determined in § 353.43), the other coowner will cease to have any interest in the bond. If both coowners request payment, payment will be made by check drawn in the form, "John A. Jones AND Mary C. Jones".

§ 353.38 Payment during lifetime of owner of beneficiary bond.

A savings bond registered in beneficiary form will be paid to the registered owner during his or her lifetime upon surrender with an appropriate request. Upon payment (as determined in § 353.43) the beneficiary will cease to have any interest in the bond.

§ 353.39 Surrender for payment.

(a) *Procedure for bonds of Series EE, in the names of individual owners or coowners only.* An individual who is the owner or coowner of a Series EE bond may present the bond to an authorized paying agent for redemption. The presenter must be prepared to establish his or her identity in accordance with Treasury instructions and identification guidelines. The owner or coowner must sign the request for payment on the bond or, if authorized, on a separate detached request, and add his or her address. If the request for payment has been signed, or signed and certified, before presentation of the bond, the paying agent must be satisfied that the person presenting the bond for payment is the owner or coowner and may require the person to sign the request for payment again. If the bond is in order for payment, the paying agent will make immediate payment at the current redemption value without charge to the presenter. Paying agents are not authorized to process any case involving partial redemption or any case in which supporting evidence is required.

(b) *Procedure for all other cases.* In the case of bonds to which the procedure in paragraph (a) does not apply, or if otherwise preferred, the owner or coowner, or other person entitled to payment, should appear before an officer authorized to certify requests for payment, establish his or her identity, sign the request for payment, and provide information as to the address to which the check in payment is to be mailed. The bond must be forwarded to a Federal Reserve Bank or Branch or the Bureau of the Public Debt. Usually, payment will be expedited by submission to a Federal Reserve Bank or Branch. In all cases, the cost and risk of presentation of a bond will be borne by the owner. Payment will be made by check drawn to the order of the registered owner or other person entitled and will be mailed to the address requested.

(c) *Date of request.* Requests executed more than six months before the date of receipt of a bond for payment will not be accepted. Neither will a bond be accepted if payment is requested as of a date more than three months in the future.

§ 353.40 Special provisions for payment

(a) *Owner's signature not required.* A bond may be paid by a paying agent or Federal Reserve Bank without the owner's signature to the request for payment, if the bond bears the special endorsement of a paying agent specifically qualified to place such an endorsement on savings bonds.

(b) *Signature by mark.* A signature by mark (X) must be witnessed by at least one disinterested person and a certifying officer. See Subpart J. The witness must attest to the signature by mark substantially as follows: "Witness to signature by mark", followed by his or her signature and address.

(c) *Name change.* If the name of the owner, coowner, or other person entitled to payment, as it appears in the registration or in evidence on file in the Bureau of the Public Debt, has been changed in any legal manner, the signature to the request for payment must show both names and the manner in which the change was made; for example, "Mary T. Jones Smith (Mary T. J. Smith or Mary T. Smith) changed by marriage from Mary T. Jones", or "John R. Young, changed by order of court from Hans R. Jung". See § 353.50.

(d) *Attorneys-in-fact.* A request for payment signed by an attorney-in-fact will be recongized if it is accompanied by a copy of a power of attorney, executed before a certifying officer, that authorizes the attorney-in-fact to sell or redeem the grantor's Treasury securities. See § 353.65 for separate rules relating to the use of powers of attorney for incompetent or physically disabled individuals.

§ 353.41 Partial redemption.

A bond of Series EE or HH may be redeemed in part at current redemption value, but only in amounts corresponding to authorized denominations, upon surrender of the bond to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt in accordance with § 353.39(b). In any case in which partial redemption is requested, the phrase "to the extent of $—— (face amount) and reissue of the remainder" should be added to the request. Upon partial redemption of the bond, the remainder will be reissued as of the original issue date, as provided in Subpart I.

§ 353.42 Nonreceipt or loss of check issued in payment.

If a check in payment of a bond surrendered for redemption is not received within a reasonable time or is lost after receipt, notice should be given to the same agency to which the bond was surrendered for payment. The notice should give the date the bond was surrendered for payment and describe the bond by series, denomination, serial number, and registration, including the taxpayer identifying number of the owner.

§ 353.43 Effective date of request for payment.

The Department of the Treasury will treat the receipt of a bond with an appropriate request for payment by (a) a Federal Reserve Bank or Branch, (b) the Bureau of the Public Debt, or (c) a paying agent authorized to pay that bond, as the date upon which the rights of the parties are fixed for the purpose of payment.

§ 353.44 Withdrawal of request for payment.

(a) *Withdrawal by owner or coowner.* An owner or coowner, who has surrendered a bond to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt or to an authorized paying agent with an appropriate request for payment, may withdraw the request if notice of intent to withdraw is received by the same agency prior to payment either in cash or through the issuance of the redemption check.

(b) *Withdrawal on behalf of deceased owner or incompetent.* A request for payment may be withdrawn under the same conditions as in paragraph (a) of this section by the

executor or administrator of the estate of a deceased owner or by the person or persons who could have been entitled to the bond under Subpart L, or by the legal representative of the estate of a person under legal disability, unless surrender of the bond for payment has eliminated the interest of a surviving coowner or beneficiary. See § 353.70(b) and (c).

Subpart I—Reissue and Denominational Exchange

§ 353.45 General.

Reissue of a bond may be made only under the conditions specified in these regulations, and only at (a) a Federal Reserve Bank or Branch, or (b) the Bureau of the Public Debt. Reissue will not be made if the request is received less than one full calendar month before the final maturity date of a bond. The request, however, will be effective to establish ownership as though the requested reissue had been made.

§ 353.46 Effective date of request for reissue.

The Department of the Treasury will treat the receipt by (a) a Federal Reserve Bank or Branch or (b) the Bureau of the Public Debt of a bond and an acceptable request for reissue as determining the date upon which the rights of the parties are fixed for the purpose of reissue. For example, if the owner or either coowner of a bond dies after the bond has been surrendered for reissue, the bond will be regarded as having been reissued in the decedent's lifetime.

§ 353.47 Authorized reissue—During lifetime.

A bond belonging to an individual may be reissued in any authorized form of registration upon an appropriate request for the purposes outlined below.

(a) *Single ownership.* A bond registered in single ownership form may be reissued—

(1) To add a coowner or beneficiary; or

(2) To name a new owner, with or without a coowner or beneficiary, but only if (i) the new owner is related to the previous owner by blood (including legal adoption) or marriage; (ii) the previous owner and the new owner are parties to a divorce or annulment; or (iii) the new sole owner is the trustee of a personal trust estate which was created by the previous owner or which designates as beneficiary either the previous owner or a person related to him or her by blood (including legal adoption) or marriage.

(b) *Coownership.* (1) *Reissue—to name a related individual as owner or coowner.* During the lifetime of both coowners, a coownership bond may be reissued in the name of another individual related by blood (including legal adoption) or marriage to either coowner:

(i) As single owner,

(ii) As owner with one of the original coowners as beneficiary, or

(iii) As a new coowner with one of the original coowners.

(2) *Reissue—to name either coowner alone or with another individual as coowner or beneficiary.* During the lifetime of both coowners, a coownership bond may be reissued in the name of either coowner alone or with another individual as coowner or beneficiary if:

(i) After issue of the submitted bond, either coowner named thereon marries, or the coowners are divorced or legally separated from each other, or their marriage is annulled; or

(ii) Both coowners on the submitted bond are related by blood (including legal adoption) or marriage to each other.

(3) *Reissue—to name the trustee of a personal trust estate.* A bond registered in coownership form may be reissued to name a trustee of a personal trust estate created by either coowner or by some other person if (i) either coowner is a beneficiary of the trust, or (ii) a beneficiary of the trust is related by blood or marriage to either coowner.

(c) *Beneficiary.* A bond registered in beneficiary form may be reissued:

(1) To name the beneficiary as coowner;

(2) To substitute another individual as beneficiary; or

(3) To eliminate the beneficiary, and, if the beneficiary is eliminated, to effect any of the reissues authorized by paragraph (a) of this section.

§ 353.48 Restrictions on reissue.

(a) *Denominational exchange.* Reissue is not permitted solely to change denominations.

(b) *United States Treasury.* Reissue may not be made to eliminate the United States Treasury as coowner.

§ 353.49 Correction of errors.

A bond may be reissued to correct an error in registration upon appropriate request supported by satisfactory proof of the error.

§ 353.50 Change of name.

An owner, coowner, or beneficiary whose name is changed by marriage, divorce, annulment, order of court, or in any other legal manner after the issue of the bond should submit the bond with a request for reissue to substitute the new name for the name inscribed on the bond. Documentary evidence may be required in any appropriate case.

§ 353.51 Requests for reissue.

A request for reissue of bonds in coownership form must be signed by both coowners, except that a request solely to eliminate the name of one coowner may be signed by that coowner only. A bond registered in beneficiary form may be reissued upon the request of the owner, without the consent of the beneficiary. Public Debt forms are available for requesting reissue.

Subpart J—Certifying Officers

§ 353.55 Individuals authorized to certify.

The following individuals are authorized to act as certifying officers for the purpose of certifying a request for payment, reissue, or a signature to a Public Debt form:

(a) *Officers generally authorized.* (1) *At banks, trust companies, and member organizations of the Federal Home Loan Bank System.*

(i) Any officer of a bank incorporated in the United States, the territories or possessions of the United States, or the Commonwealth of Puerto Rico.

(ii) Any officer of a trust company incorporated in the United States, the territories or possessions of the United States, or the Commonwealth of Puerto Rico.

(iii) Any officer of an organization that is a member of the Federal Home Loan Bank System. This includes Federal savings and loan associations.

(iv) Any officer of a foreign branch or a domestic branch of an institution indicated in (i) through (iii).

(v) Any officer of a Federal Reserve Bank, a Federal Land Bank, or a Federal Home Loan Bank.

(vi) Any employee of an institution in (i) through (v), who is expressly authorized to certify by the institution.

Certification by these officers or designated employees must be authenticated by a legible imprint of either the corporate seal of the institution or of the issuing or paying agent's stamp. The employee expressly authorized to certify by an institution must sign his or her name over the title "Designated Employee".

(2) *At issuing agents that are not banks or trust companies.* Any officer of an organization, not a bank or a trust company, that is qualified as an issuing agent for bonds of Series EE. The agent's stamp must be imprinted in the certification.

(3) *By United States officials.* Any judge, clerk, or deputy clerk of a United States court, including United States courts for the territories and possessions

of the United States and the Commonwealth of Puerto Rico; any United States Commissioner, United States Attorney, or United States Collector of Customs, including their deputies; in the Internal Revenue Service, any Regional Commissioner, District Director, Service Center Director, or Internal Revenue agent.

(b) *Officers with limited authority.* (1) *In the Armed Forces.* Any commissioned officer or warrant officer of the Armed Forces of the United States, but only for members of the respective services, their families, and civilian employees at posts, bases, or stations. The certifying officer must indicate his or her rank and state that the individual signing the request is one of the class whose request the certifying officer is authorized to certify.

(2) *At the Veterans Administration, Federal penal institutions, and United States Public Health Service hospitals.* Any officer in charge of a home, hospital, or other facility of the Veterans Administration, but only for the patients, or employees of the facility; any officer of a Federal penal institution or a United States Public Health Service hospital expressly authorized to certify by the Secretary of the Treasury or his designee, but only for the inmates, patients or employees of the institution involved. Officers of Veterans Administration facilities, Federal penal institutions, and Public Health Service hospitals must use the stamp or seal of the particular institution or service.

(c) *Authorized officers in foreign countries.* Any United States diplomatic or consular representative, or the officer of a foreign branch of a bank or trust company incorporated in the United States whose signature is attested by an imprint of the corporate seal or is certified to the Department of the Treasury. If none of these individuals is available, a notary public or other officer authorized to administer oaths may certify, but his or her official character and jurisdiction must be certified by a United States diplomatic or consular officer under seal of his or her office.

(d) *Authorized officers in particular localities.* The Governor and the Treasurer of Puerto Rico; the Governor and the Commissioner of Finance of the Virgin Islands; the Governor and the Director of Finance of Guam; the Governor and the Director of Administrative Services of American Samoa; or designated officers of the Panama Canal Commission.

(e) *Special provisions.* If no certifying officer is readily accessible, the Commissioner of the Public Debt, Deputy Commissioner, any Assistant Commissioner, or other designated official of the Bureau or of a Federal Reserve Bank or Branch is authorized to make special provision for any particular case.

§ 353.56 General instructions and liability.

(a) The certifying officer must:

(1) Require the person presenting a bond, or an appropriate Public Debt transaction form, to establish his or her identity in accordance with Department of the Treasury instructions and identification guidelines;

(2) Place a notation on the back of the bond or on the appropriate Public Debt transaction form, or in a separate record, showing exactly how identification was established; and

(3) Affix, as part of the certification, his or her official signature, title, seal or issuing or paying agent's stamp, address, and the date of execution.

(b) The certifying officer and, if such person is an officer or an employee of an organization, the organization will be held fully responsible for the adequacy of the identification.

§ 353.57 When a certifying officer may not certify.

Certifying officers may not certify the requests for payment of bonds, or appropriate Public Debt transaction forms if, in their own right or in a representative capacity, they—

(a) Have an interest in the bonds, or

(b) Will, by virtue of the requests being certified, acquire an interest in the bonds.

§ 353.58 Forms to be certified.

When required in the instructions on a Public Debt transaction form, the form must be signed before an authorized certifying officer.

Subpart K—Minors, Incompetents, Aged Persons, Absentees, et al.

§ 353.60 Payment to representative of an estate.

(a) The representative of an estate of an owner who is a minor, an aged person, incompetent, absentee, et al., may receive payment upon request:

(1) If the registration shows the name and capacity of the representative;

(2) If the registration shows the capacity but not the name of the representative and the request is accompanied by appropriate evidence; or

(3) If the registration includes neither the name of the representative nor his or her capacity but the request is accompained by appropriate evidence.

(b) Appropriate evidence for paragraphs (a)(2) and (a)(3) of this section includes a certified copy of the letters of appointment or, if the representative is not appointed by a court, other proof of qualification. Except in the case of corporate fiduciaries, the evidence must show that the appointment is in full force and be dated not more than one year prior to the presentation of the bond for payment. The request for payment appearing on the back of a bond must be signed by the representative as such, for example, "John S. Jones, guardian (committee) of the estate of Henry W. Smith, a minor (an incompetent)".

§ 353.61 Payment after death.

After the death of the ward, and at any time prior to the representative's discharge, the representative of the estate will be entitled to obtain payment of a bond to which the ward was solely entitled.

§ 353.62 Payment to minors.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of the minor's estate, payment will be made to the minor upon his or her request, provided the minor is of sufficient competency to sign the request for payment and to understand the nature of the transaction. In general, the fact that the request for payment has been signed by a minor and certified will be accepted as sufficient proof of competency and understanding.

§ 353.63 Payment to a parent or other person on behalf of a minor.

If the owner of a savings bond is a minor and the form of registration does not indicate that there is a representative of his or her estate, and if the minor is not of sufficient competency to sign the request for payment and to understand the nature of the transaction, payment will be made to either parent with whom the minor resides or to whom legal custody has been granted. If the minor does not reside with either parent, payment will be made to the person who furnishes the chief support for the minor. The request must appear on the back of the bond in one of the following forms:

(a) *Request by parent.*

I certify that I am the mother of John C. Jones (with whom he resides) (to whom legal custody has been granted). He is ——— years of age and is not of sufficient understanding to make this request.

Mary Jones on behalf of
John C. Jones

(b) *Request by other person.*

I certify that John C. Jones does not reside with either parent and that I furnish his chief support. He is ——— years of age and is not

of sufficient understanding to make this request.

Alice Brown, grandmother,
On behalf of John C. Jones

§ 353.64 Payment, reinvestment, or exchange—Voluntary guardian of an incompetent.

When an adult owner of bonds is incapable of requesting payment and there is no other person legally qualified to do so, the relative or other person responsible for the owner's care and support may submit an application for recognition as voluntary guardian for the purpose of redeeming the bonds in the following situations:

(a) The proceeds of the bonds are needed to pay expenses already incurred, or to be incurred during a 90-day period, for the support of the incompetent or his or her legal dependents.

(b) If the bonds have finally matured and it is desired to redeem them and reinvest the proceeds in other savings bonds, the new bonds must be registered in the name of the incompetent, followed by words showing he or she is under voluntary guardianship; for example, "John Jones 123–45–6789, under voluntary guardianship". A living coowner or beneficiary named on the matured bonds must be designated on the new bonds unless the named person furnishes a certified statement consenting to omission of his or her name. If an amount insufficient to purchase an additional bond of any authorized denomination of either series remains after the reinvestment, the voluntary guardian may furnish additional funds sufficient to purchase another bond of either series in the lowest available denomination. If additional funds are not furnished, the remaining amount will be paid to the voluntary guardian for the use and benefit of the incompetent. The provisions for reinvestment of the proceeds of matured bonds are equally applicable to any authorized exchange of bonds of one series for those of another.

§ 353.65 Payment—Attorney-in-fact of an incompetent or a physically disabled person.

A request for payment by an individual as attorney-in-fact of an incompetent or a physically disabled owner will be honored if the power of attorney grants the attorney-in-fact authority to sell or redeem the grantor's securities, sell his or her personal property, or otherwise grants similar authority. The power of attorney must provide that the grantor's subsequent incapacity will not affect the authority granted. The request must be supported by a copy of the power of attorney and evidence of the incapacity of the grantor.

§ 353.66 Reissue.

A bond on which a minor or other person under legal disability is named as the owner or coowner, or in which he or she has an interest, may be reissued under the following conditions:

(a) A minor for whose estate no representative has been appointed may request reissue if the minor is of sufficient competency to sign his or her name to the request and to understand the nature of the transaction.

(b) A bond on which a minor is named as beneficiary or coowner may be reissued in the name of a custodian for the minor under a statute authorizing gifts to minor upon the request of the adult whose name appears on the bond as owner or coowner.

(c) A minor coowner for whose estate no representative has been appointed, may be named sole owner upon the request of the competent coowner.

(d) Reissue to eliminate the name of a minor or incompetent for whose estate a legal representative has been appointed is permitted only if supported by evidence that a court has authorized the representative of the minor's or incompetent's estate to request the reissue. See § 353.23.

Except to the extent provided in paragraphs (a) through (d), above, reissue will be restricted to a form of registration which does not adversely affect the existing ownership or interest of a minor who is not of sufficient understanding to make a request, or other person under legal disability. Requests for reissue should be executed by the person authorized to request payment under §§ 353.60 and 353.63, or the person who may request recognization as voluntary guardian under § 353.64.

Subpart L—Deceased Owner, Coowner or Beneficiary

§ 353.70 General rules governing entitlement.

The following rules govern ownership or entitlement where one or both of the persons named on a bond have died without the bond having been surrendered for payment or reissue:

(a) *Single owner bond.* If the owner of a bond registered in single ownership form has died, the bond becomes the property of that decedent's estate, and payment or reissue will be made as provided in this Subpart.

(b) *Coowner bond.* (1) *One coowner deceased.* If one of the coowners named on a bond has died, the surviving coowner will be recognized as the sole and absolute owner, and payment or reissue will be made as though the bond were registered in the name of the survivor alone. Any request for reissue by the surviving coowner must be supported by proof of death of the other coowner.

(2) *Both coowners deceased.* If both coowners named on a bond have died, the bond becomes the property of the estate of the coowner who died last, and payment or reissue will be made as if the bond were registered in the name of the last deceased coowner alone. Proof of death of both coowners will be required to establish the order of death.

(3) *Simultaneously death of both coowners.* If both coowners die under conditions where it cannot be established, either by presumption of law or otherwise, which coowner died first, the bond becomes the property of both equally, and payment or reissue will be made accordingly.

(c) *Beneficiary bond.* (1) *Owner deceased.* If the owner of a bond registered in beneficiary form has died and is survived by the beneficiary, upon proof of death of the owner, the beneficiary will be recognized as the sole and absolute owner of the bond. Payment or reissue will be made as though the bond were registered in the survivor's name alone. A request for payment or reissue by the beneficiary must be supported by proof of death of the owner.

(2) *Beneficiary deceased.* If the beneficiary's death occurs before, or simultaneously with, that of the registered owner, payment or reissue will be made as though the bond were registered in the owner's name alone. Proof of death of the owner and beneficiary is required to establish the order of death.

(d) *Nonresident aliens.* If the person who becomes entitled to a bond because of the death of an owner is an alien who is a resident of an area with respect to which the Department of the Treasury restricts or regulates the delivery of checks drawn against funds of the United States or its agencies or instrumentalities, delivery of the redemption check will not be made so long as the restriction applies. See Department of the Treasury Circular No. 655, current revision (31 CFR Part 211).

§ 353.71 Estate administered.

(a) *During administration.* The legal representative of an estate may request payment of bonds, including interest or redemption checks, belonging to the

estate or may have the bonds reissued in the names of the persons entitled to share in the estate under the following conditions:

(1) When there is more tha one legal representative, all must join in the request for payment or reissue, unless § 353.75(a)(1) or (b) applies.

(2) The request for payment or reissue must be signed in the form: "John A. Jones, administrator of the estate (or executor of the will) of Henry M. Jones, deceased". The request must be supported by evidence of the legal representative's authority in the form of a court certificate or a certified copy of the legal representative's letters of appointment which must be dated within six months of the date of presentation of the bond, unless the evidence shows that the appointment was made within one year prior to the presentation of the bond.

(3) For reissue, the legal representative must certify that each person in whose name reissue is requested is entitled to the extent specified and must certify that each person has consented to the reissue. If a person in whose name reissue is requested desires to name a coowner or beneficiary, the person must execute an additional request for reissue on the appropriate form.

(b) *After administration.* If the estate of the decedent has been settled through judicial proceedings, the bond and interest and redemption checks will be paid, or the bond will be reissued, upon the request of the person shown to be entitled by the court order. The request must be supported by a certified copy of the legal representative's court-approved final account, the decree of distribution, or other pertinent court records. If two or more persons have an interest in the bond, they must enter into an agreement concerning the bond's disposition. If the person entitled desires to name a coowner or beneficiary, a separate request must be made on an appropriate form.

(c) *Special provisions for small amounts.* Special procedures are available for establishing entitlement to, or effecting disposition of, savings bonds and interest and redemption checks if the aggregate face amount, excluding interest checks, does not exceed $1,000.

§ 353.72 Estate not administered.

(a) *Special State law provisions.* A request for payment or reissue of a bond by the person who has qualified under State law to receive or distribute the assets of a decedent's estate will be accepted, provided evidence of the person's authority is submitted.

(b) *Agreement of persons entitled.* If there is no legal representative for the estate of a decedent, the bonds will be paid to, or reissued in the name of, the persons entitled, pursuant to an agreement and request executed by all persons entitled to share in the decedent's personal estate. If the persons entitled to share in the decedent's personal estate include minors or incompetents, payment or reissue of the bonds must be made to them or in their names unless their interest in the bonds is otherwise protected.

(c) *Creditors.* An institutional creditor of a deceased owner's estate is entitled to payment only to the extent of its claim.

(d) *Special provisions for payment of small amounts—survivors of the decedent.* (1) If the face amount of the bond does not exceed $500 and there is no legal representative of the deceased owner's estate, the bond will be paid upon the request of the person who paid the burial expenses and who has not been reimbursed.

(2) If there is no legal representative of the estate of a decedent who died without a will, and the total face amount of bonds in the estate does not exceed $1,000 (face amount), the bonds may be paid to the decedent's survivors upon request in the following order of precedence:

(i) Surviving spouse;

(ii) If no surviving spouse, to the child or children of the decedent, and the descendants of deceased children by representation;

(iii) If none of the above, to the parents of the decedent, or the survivor;

(iv) If none of the above, to the brothers and sisters, and the decendants of deceased brothers or sisters by representation;

(v) If none of the above, to other next-of-kin, as determined by the laws of the owner's domicile at death;

(vi) If none of the above, to persons related to the decedent by marriage.

The payment pursuant to this subsection shall be made upon the request and agreement of the survivors to receive the redemption proceeds individually and for the account of any persons entitled. Interest checks held for the estate of a decedent will be distributed with the bonds.

Subpart M—Fiduciaries

§ 353.75 Payment or reissue during the existence of the fiduciary estate.

(a) *Payment or reissue before maturity.* (1) *Request from the fiduciary named in the registration.* A request for reissue or payment prior to maturity must be signed by all of the fiduciaries unless by statute, decree of court, or the terms of the governing instrument, any lesser number may properly execute the request. If the fiduciaries named in the registration are still acting, no further evidence will be required. In other cases, evidence to support the request will be required, as specified:

(i) *Fiduciaries by title only.* If the bond is registered only in the titles, without the names, of fiduciaries not acting as a board, satisfactory evidence of their incumbency must be furnished, except in the case of bonds registered in the title of public officers as trustees.

(ii) *Boards, committees, commission, etc.* If a bond is registered in the name of a governing body which is empowered to act as a unit, and which holds title to the property of a religious, educational, charitable or nonprofit organization or a public corporation, the request should be signed in the name of the body by an authorized person. Ordinarily, a signed and certified request will be accepted without further evidence.

(iii) *Corporate fiduciaries.* If a bond is registered in the name of a public or private corporation or a governmental body as fiduciary, the request must be signed by an authorized officer in the name of the organization as fiduciary. Ordinarily, a signed and certified request will be accepted without further evidence.

(2) *Trustee of a common trust fund.* A bond held by a financial institution in a fiduciary capacity may be reissued in the name of the institution as trustee of its common trust fund to the extent that participation in the common trust fund is authorized by law or regulation. The request for reissue should be executed by the institution and any cofiduciary.

(3) *Successor fiduciary.* If the fiduciary in whose name the bond is registered has been replaced by another fiduciary, satisfactory evidence of successorship must be furnished.

(b) *Payment at or after final maturity.* At or after final maturity, a request for payment signed by any one or more of the fiduciaries will be accepted. Payment will be made by check drawn as the bond is registered.

§ 353.76 Payment or reissue after termination of the fiduciary estate.

A bond registered in the name or title of a fiduciary may be paid or reissued to the person who has become entitled by reason of the termination of a fiduciary estate. Requests for reissue made by a fiduciary pursuant to the termination of a fiduciary estate should be made on the appropriate form. Requests for payment or reissue by other than the fiduciary must be accompanied by evidence to

show that the person has become entitled in accordance with applicable State law or otherwise. When two or more persons have become entitled, the request for payment or reissue must be signed by each of them.

§ 353.77 Exchanges by fiduciaries.

Fiduciaries are authorized to request an exchange of bonds of one series for those of another, pursuant to any applicable Department of the Treasury offering. A living coowner of beneficary named on the bonds submitted in exchange may be retained in the same capacity on the new bonds.

Subpart N—Private Organizations (Corporations, Associations, Partnerships, et cetera) and Governmental Agencies, Units and Officers

§ 353.80 Payment to corporations or unincorporated associations.

A bond registered in the name of a private corporation or an unincorporated association will be paid to the corporation or unincorporated association upon a request for payment on its behalf by an authorized officer. The signature to the request should be in the form, for example, "The Jones Coal Company, a corporation, by John Jones, President", or "The Lotus Club, an unincorporated association, by William A. Smith, Treasurer". A request for payment so signed and certified will ordinarily be accepted without further evidence of the officer's authority.

§ 353.81 Payment to partnerships.

A bond registered in the name of an existing partnership will be paid upon a request for payment signed by a general partner. The signature to the request should be in the form, for example, "Smith and Jones, a partnership, by John Jones, a general partner". A request for payment so signed and certified will ordinarily be accepted as sufficient evidence that the partnership is still in existence and that the person signing the request is authorized.

§ 353.82 Reissue or payment to successors of corporations, unincorporated associations, or partnerships.

A bond registered in the name of a private corporation, an unincorporated association, or a partnership which has been succeeded by another corporation, unincorporated association, or partnership by operation of law or otherwise, in any manner whereby the business or activities of the original organization are continued without substantial change, will be paid to or reissued in the name of the succeeding organization upon appropriate request on its behalf, supported by satisfactory evidence of successorship. The appropriate form should be used.

§ 353.83 Reissue or payment on dissolution of corporation or partnership.

(a) *Corporations.* A bond registered in the name of a private corporation which is in the process of dissolution will be paid to the authorized representative of the corporation upon a request for payment, supported by satisfactory evidence of the representative's authority. At the termination of dissolution proceedings, the bond may be reissued upon the request of the authorized representative in the names of those persons, other than creditors, entitled to the assets of the corporation, to the extent of their respective interests. Proof will be required that all statutory provisions governing the dissolution of the corporation have been complied with and that the persons in whose names reissue is requested are entitled and have agreed to the reissue. If the dissolution proceedings are under the direction of a court, a certified copy of an order of the court, showing the authority of the representative to make the distribution requested must be furnished.

(b) *Partnerships.* A bond registered in the name of a partnership which has been dissolved by death or withdrawal of a partner, or in any other manner:

(1) Will be paid upon a request for payment by any partner or partners authorized by law to act on behalf of the dissolved partnership, or

(2) Will be paid to or reissued in the names of the persons entitled as the result of such dissolution to the extent of their respective interests, except that reissue will not be made in the names of creditors. The request must be supported by satisfactory evidence of entitlement, including proof that the debts of the partnership have been paid or properly provided for. The appropriate form should be used.

§ 353.84 Payment to certain institutions.

A bond registered in the name of a church, hospital, home, school, or similar institution, without reference in the registration to the manner in which it is organized or governed or to the manner in which title to its property is held, will be paid upon a request for payment signed on behalf of such institution by an authorized representative. A request for payment signed by a pastor of a church, superintendent of a hospital, president of a college, or by any official generally recognized as having authority to conduct the financial affairs of the particular institution will ordinarily be accepted without further proof of authority. The signature to the request should be in the form, for example, "Shriners' Hospital for Crippled Children, St. Louis, Missouri, by William A. Smith, Superintendent", or "St. Mary's Roman Catholic Church, Albany, New York, by the Rev. John Smyth, Pastor".

§ 353.85 Reissue in name of trustee or agent for reinvestment purposes.

A bond registered in the name of a religious, educational, charitable or nonprofit organization, whether or not incorporated, may be reissued in the name of a financial institution, or an individual, as trustee or agent. There must be an agreement between the organization and the trustee or agent holding funds of the organization, in whole or in part, for the purpose of investing and reinvesting the principal and paying the income to the organization. Reissue should be requested on behalf of the organization by an authorized officer using the appropriate form.

§ 353.86 Reissue upon termination of investment agency.

A bond registered in the name of a financial institution, or individual, as agent for investment purposes only, under an agreement with a religious, an educational, a charitable, or a nonprofit organization, may be reissued in the name of the organization upon termination of the agency. The former agent should request such reissue and should certify that the organization is entitled by reason of the termination of the agency. If such request and certification are not obtainable, the bond will be reissued in the name of the organization upon its own request, supported by satisfactory evidence of the termination of the agency. The appropriate form should be used.

§ 353.87 Payment to governmental agencies, units, or their officers.

(a) *Agencies and units.* A bond registered in the name of a State, county, city, town, village, or in the name of a Federal, State, or local governmental agency, such as a board, commission, or corporation, will be paid upon a request signed in the name of the governmental agency or unit or by an authorized officer. A request for payment so signed and certified will ordinarily be accepted without further proof of the officer's authority.

(b) *Officers.* A bond registered in the official title of an officer of a governmental agency or unit will be paid upon a request for payment signed

by the officer. The request for payment so signed and certified will ordinarily be accepted as proof that the person signing is the incumbent of the office.

Subpart O—Miscellaneous Provisions

§ 353.90 Waiver of regulations.

The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may waive or modify any provision or provisions of these regulations. He may do so in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 353.91 Additional requirements; bond of indemnity.

The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may require (a) such additional evidence as he may consider necessary or advisable, or (b) a bond of indemnity, with or without surety, in any case in which he may consider such a bond necessary for the protection of the interests of the United States.

§ 353.92 Supplements, amendments, or revisions.

The Secretary of the Treasury may at any time, or from time to time, prescribe additional, supplemental, amendatory, or revised rules and regulations governing United States Savings Bonds of Series EE and HH.

[FR Doc. 79-39046 Filed 12-21-79; 8:45 am]
BILLING CODE 4810-40-M

federal register

Wednesday
December 26, 1979

Part III

International Trade Commission

Procedures for Conduct of Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

federal register

Wednesday
December 26, 1979

Part III

International Trade Commission

Procedures for Conduct of Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 207

Procedures for the Conduct of Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

AGENCY: United States International Trade Commission.

ACTION: Final rules.

SUMMARY: The Trade Agreements Act of 1979 approves and implements trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations. It will bring about extensive changes in the U.S. countervailing duty and antidumping duty laws, primarily through amendment of the Tariff Act of 1930. These rules amend Part 201, repeal existing Part 207, and establish a new part 207 of the Commission rules to provide procedures for the conduct of Commission antidumping and countervailing duty investigations under the changes required by the Trade Agreements Act of 1979. These rules set forth procedures for the conduct of Commission investigations under section 303 and title VII of the Tariff Act of 1930 (19 U.S.C. 1303 and 1671–1677), section 516A of the Tariff Act of 1930 (19 U.S.C. 1516A), and sections 102–107 of the Trade Agreements Act of 1979, Pub. L. No. 96–39, 93 Stat. 144.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Edward M. Lebow, Esq., or Edward Easton, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., telephone (202) 523–0486 or 523–0379, respectively.

SUPPLEMENTARY INFORMATION: An analysis of public comments on the proposed rules follows.

Introduction

On October 15, 1979, a Notice of Proposed Rulemaking was published in the **Federal Register** (44 FR 59392) proposing to add a new Part 207 to title 19, chapter II, of the Code of Federal Regulations and to delete the present part 207. Notice was given that comments concerning the proposed rulemaking were to be submitted on or before November 29, 1979. Submissions from approximately 20 interested persons and organizations were received by December 3, 1979. The submissions covered all of the areas addressed in the proposed rules, with the exception of judicial review. Many of the ideas contained in the comments have been accepted by the Commission and incorporated in its final rules; other suggestions were not adopted. The following is a summary of the proposals made in the comments received by the Commission with an explanation of why certain proposed amendments were or were not adopted. This summary has been organized in accordance with the principal subparts of the proposed rules.

Subpart A

Two comments were directed at the failure of the proposed rules to explain clearly that an injury determination will not be required in countervailing duty cases with respect to dutiable merchandise imported from a nation which is not a "country under the Agreement." The explanatory materials on § 207.1 have been clarified to make it explicit that a determination of injury pursuant to title VII of the Act is not required with respect to dutiable merchandise imported from a nation which is not a "country under the Agreement."

One comment noted that the definition of "ex parte meeting" § 207.2(f) was limited to communications of factual information between parties and Commissioners and certain staff, whereas section 777(3) of the Act covers "interested parties or other persons." We agree that the proposed rule was narrower than the law required and have made an appropriate change in the final rule. The same comment also suggested that "arguments," in addition to "factual information," be made subject to the ex parte rule. This change, however, is not required by the statute and has not been incorporated in the final rule.

Another major area of comments in this subpart concerned protective orders for the release of confidential information to attorneys or other representatives of interested parties in countervailing duty and antidumping investigations. Several comments suggested that the access to confidential information by representatives other than attorneys will not be adequately administerable by the Commission because strong sanctions are not available in the event of a breach of the protective order by representatives other than attorneys. It was also suggested that in-house counsel be excepted from the terms of the protective order, since access by in-house counsel to confidential information would have a chilling effect on submitters of sensitive information. The proposed rules have been amended accordingly so that only independent attorneys, and not in-house counsel, economists, or other professionals, will have access to confidential information under protective order. The only exception to this rule is that independent, nonlegal professionals who have signed a protective order will have access to such information if they are working for an attorney who has also signed a protective order. Thus, the attorney will also be responsible for any breach by the professionals working for him.

Other comments on the protective order provision were directed at the Commission's proposal for the automatic release under protective order upon application by interested parties who are parties to the proceeding of domestic price and cost of production information submitted by the petitioner or an interested party in support of the petitioner. Some comments stated that this release was too automatic and that the Commission should incorporate a standard of need for the information to be satisfied by the requesting interested party. On the other hand, some comments suggested that the proposed protective order provision was too narrow and did not take full advantage of the statutory authorization for the Commission to release all confidential information under protective order. In responding to these comments, the Commission has decided to add a standard of need similar to that incorporated in rule 26 of the Federal Rules of Civil Procedure. Before the Secretary releases domestic price and cost of production information to an interested party, an interested party must demonstrate a substantial need for the information in the prosecution of his case and that he is unable without undue hardship to obtain the substantial equivalent of the information by other means.

In the past, the Commission has not released any confidential information under protective order in antidumping and countervailing duty investigations and has found this practice to be very helpful in obtaining sensitive data quickly in order to fulfill its statutory mandate of determining within a short time whether there is injury to U.S. industries. Accordingly, the final rule has been amended to permit the disclosure to interested parties who are parties to the proceeding of confidential information other than domestic price and cost of production only when all such interested parties agree to such disclosure. This does not exercise the full range of the Commission's authority to release confidential information

dealing with data other than domestic price or cost of production. It is conceivable, however, that, after the Commission has accumulated administrative experience with these protective order requests, it may modify its rules to allow greater access to such information. It would be unwise for the Commission, in the absence of such experience, to reverse its long-standing practice.

A final comment on subpart A contended that the Commission erred in proposing language in § 207.9 which requires a tie vote to be construed as affirmative in every determination under title VII of the Tariff Act. This comment also criticized the second sentence in § 207.9, which requires an affirmative vote on any theory of injury to be construed as affirmative when tallying the votes of Commissioners. The Commission believes that § 207.9 correctly reflects section 771(11) of the Act; thus, no changes have been made.

Subpart B

Several comments were received concerning the timing of notices and submissions in preliminary determination investigations. The proposed rules envisaged a 20-day period between the filing of a petition and the date on which the Commission would institute a formal investigation during which the Director of Operations would conduct informal investigative activities. It was proposed that the Commission would institute a formal investigation only after an affirmative petition determination had been made by the administering authority. Several comments pointed out that the effect of this proposed procedure would be to allow for exceedingly short periods within which parties would have had to make written submissions to the Commission. The Commission had made this proposal with the view of not instituting investigations contemporaneously with the administering authority so that private industry would not be burdened by requests for information from the Commission in cases which were eventually to be rejected by the administering authority as being based on insufficient petitions. The comments received by the Commission, however, suggest that private industry is more concerned with difficulties in preparing submissions within exceedingly brief periods than with the possibility of unnecessary work being required for questionnaires. The Commission's final rule attempts to balance these concerns by providing for a notice of investigation issued by the Commission upon filing of a petition, or soon thereafter, and for the termination of such an investigation in the event that the administering authority determines that the petition is insufficient. The Director is expected to consult with the administering authority concerning the sufficiency of a petition; thus, a notice of investigation may not be issued immediately. It is anticipated that the Commission staff will limit its requests for information during this first 20-day period and also will notify all persons to whom such requests for information had been made in the event that the administering authority makes a negative petition determination. Another effect of instituting a formal investigation by the Commission upon or soon after the filing of a petition is to extend notice for the filing of written statements with the Commission in preliminary investigations from the period of 4 days (which received much adverse comment) to a period of approximately 21 days.

Other comments with respect to subpart B dealt with the Commission proposal that the Director of Operations conduct a conference in lieu of a full Commission hearing in preliminary investigations. Several comments suggested that this procedure would deprive interested parties of an opportunity to argue fully their positions before the Commission. It was also suggested that in the event a conference and not a full Commission hearing were held, the Commission would rely excessively on its staff instead of exercising its statutorily required independent judgment in reaching its determination. These comments, however, ignore the provision of the Trade Agreements Act which very clearly do not require any form of Commission hearing or conference in a preliminary investigation. The Commission, by allowing a conference with the staff, has struck an appropriate balance between the exigency of reaching determinations of reasonable indication of injury in every antidumping and countervailing duty case (as opposed to only a limited number of special cases in the past) against providing an opportunity to interested parties to have a hearing in every case. The Commission is also aware that the procedures required by the Trade Agreements Act have made antidumping and countervailing duty investigations more litigious and hence expensive for all concerned, and therefore chooses, when it is able, to avoid unnecessary formalization of presentations before the agency. The Commission has, nevertheless, decided to reserve to itself the authority in special circumstances to order a full hearing in preliminary investigations.

A final category of comments on subpart B was directed at the concept of delegation by the Commission to the Director of Operations for the conduct of preliminary investigations. At the outset, it should be emphasized that even though the Director of Operations and his staff are authorized by subpart B to conduct investigative activities on behalf of the Commission, and even to file recommended findings of fact with the Commission, it is still the function of the Commission itself to make the determination of reasonable indication of injury based on the material provided by the staff. The Commission has successfully followed a similar procedure for several years in unfair trade practice investigations under section 337 of the Tariff Act of 1930.

Subpart C

A large number of comments were directed at what was perceived to be an excessive limitation on the submission by parties of information to the Commission subsequent to the filing of prehearing statements. The Commission has made two significant changes in its rules to respond to these comments. First, argument will be permitted at the hearing not only on points raised in the prehearing statements, but also with respect to informtion not available at the time the prehearing statement was filed. Second, the Commission has decided to allow posthearing briefs of a limited length within a time to be fixed at the hearing. In this way, parties will be able to respond to new controversies and information raised at the hearing.

The Commission also received comments to the effect that limiting a nonparty participant at the hearing to a "brief statement of its position with respect to the subject matter of the investigation" was overly narrow. It is the position of the Commission that such a standard is, on the contrary, extremely broad and will allow persons appearing before the Commission to bring their expertise to bear on the issues at hand.

A final comment submitted in this area concerned the unavailability of cross-examination of witnesses at the hearing. The hearing conducted by the Commission in antidumping and countervailing duty investigations is not a hearing governed by the adjudicative provisions of the Administrative Procedure Act. It is, therefore, not the intention of the Commission to change its current practice set forth in § 201.12(c), which limits questioning of witnesses to the purpose of assisting the Commission to obtain relevant and

material facts with respect to the subject matter of the investigation.

Other significant comment concerned proposed §§ 207.26 and 207.27, which inform parties what the statute directs the Commission to consider in making its determinations of material injury. One group of comments suggested that because § 207.26 sets forth what constitutes material injury, a complete and balanced treatment would require the Commission to enumerate also the elements of "threat of material injury." These standards are not in the statute itself but are in the legislative history. The Commission has adopted this suggestion and amended paragraph (d) of § 207.26 to reflect the pertinent legislative history.

Other comments expressed concern that the Commission, by enumerating factors which indicate the presence of injury, might have intended to change its current practice of satisfying itself that there exists a causal relationship between subsidized or dumped imports and injury to domestic industries. These comments also suggested that the Commission make clear that the examination of such a causal relationship does not mean that the Commission will expect petitioners to assume the burden of demonstrating that their injury is not a result of factors other than the dumped or subsidized imports. Accordingly, the Commission has changed the language in its final rules to show that the Commission will continue its practice of requiring a causal relationship without weighing the causes.

Subpart D

In spite of a comment to the effect that the failure of the Secretary of the Treasury to find "substantial doubt" as to the injury of a U.S. industry and to refer an investigation to the Commission under section 201(c)(2) of the Antidumping Act, 1921, constitutes a determination by the Secretary of the Treasury that there is a reasonable indication of material injury to a domestic industry within the meaning of section 701 or 731 of the Act, the Commission understands section 102(b) of the Act to require it to make an independent preliminary determination of reasonable indication of injury in circumstances where the Secretary has not yet made a tentative determination under the Antidumping Act before the effective date of the Trade Agreements Act.

Comments from several sources, including the Executive Branch, suggested that § 207.31 be amended to allow greater flexibility for the Commission in choosing the priority of injury determinations with respect to outstanding countervailing duty orders requiring such determinations. Accordingly, this rule was amended also to allow consideration of the trade interests of the United States and the volume of trade concerned.

Subpart E

One comment read sections 704(a) and 734(a) of the Act and § 207.40(a) as literally prohibiting the Commission from terminating an investigation until the administering authority has issued a preliminary determination and suggested that this could cause the Commission to wait for an event which will never occur. The Commission, however, interprets the Act to mean that termination of an investigation by the administering authority also terminates the Commission's investigation. Any other reading of the statute would leave the Commission with no statutory basis for terminating investigations which are terminated by the administering authority prior to its preliminary determination. This clearly was not the intent of the Congress.

A comment was received to the effect that the Commission's intention to use section 603 of the Trade Act of 1974 for factfinding during investigations which are suspended as a result of agreements to eliminate injury completely is inappropriate and may cause conflict with foreign interests who believe the suspension process will remove from them all obligations to supply information to the United States Government. The Commission intends to leave its proposed rule unchanged. Commission factfinding is directed primarily at domestic markets and industries. In addition, the Commission will use its discretion where appropriate to avoid unnecessary conflict with our trading partners. However, it is necessary for the Commission to retain authority to keep its information up to date during the suspension of an investigation in the event that the suspension is ended and the Commission must go forward to make a determination of injury within a brief period. Another comment argued that section 603 authority is limited to matters encompassed completely within the Trade Act of 1974. The Commission disagrees and reads section 603 more broadly. Section 332 of the Tariff Act of 1930 also grants broad investigative powers to the Commission.

As proposed, § 207.41 sets forth the scope of investigations to review agreements to eliminate completely injury caused by subsidized or less-than-fair-value imports. Proposed § 207.43 provided that the Commission, in making determinations in such investigations, would consider all of the merchandise subject to investigation without regard to the agreement. Because complete elimination of injurious effects suggests that all of the merchandise subject to the investigation must be covered by the agreement, a review "without regard to the agreement" would appear to be impossible; thus, §§ 207.41 and 207.43, literally read, were contradictory. The Commission intended the two rules to provide for a scope of review covering all imports which were the subject of the suspended investigation, regardless of whether the agreement applied to less than all imports (as, for example, where most—but not all—of the foreign exporters accede to the agreement). The Commission, therefore, has changed § 207.43 to provide merely that the Commission will consider all of the merchandise subject to the investigation.

Another comment indicated a technical error in § 207.45(a)(2), namely, that the word "not" was omitted in two places which resulted in an improper statement of the subject of the Commission's review. The Commission has revised the language to read "whether changed circumstances exist which indicate that an industry in the United States would *not* be threatened with material injury or the establishment of such an industry would *not* be materially retarded if the countervailing duty order or antidumping order were modified or revoked." (Emphasis supplied here only.)

Finally, several comments on § 207.45 stated that the Commission should provide explicitly for requests for review of dumping findings issued under the Antidumping Act, 1921. The Commission has added language to the final rule to provide for review of both dumping findings issued under the Antidumping Act, 1921, and countervailing duty orders issued under the duty-free merchandise provisions of section 303(b) of the Tariff Act.

A section-by-section analysis of the final rules follows.

§ 207.1 Applicability of part.

This introductory rule makes the procedures set forth in part 207 applicable to all investigations conducted by the Commission under section 303 or title VII of the Tariff Act of 1930 (the Act). The inclusion of section 303 investigations is required by section 103 of the Trade Agreements Act of 1979, which makes the procedures and findings with respect to countervailing duty investigations set

forth in title VII of the Act applicable to merchandise imported from any nation which is not a "country under the Agreement" (defined in section 701(b) of the Act) and which is free of duty. A determination of injury pursuant to title VII of the Act is not required with respect to dutiable merchandise imported from a nation which is not a "country under the Agreement."

Subpart A—General Provisions

Subpart A contains rules applicable to all Commission investigations under section 303 and title VII of the Act and sections 102–107 and title X of the Trade Agreements Act.

§ 207.2 Definitions applicable in Part 207

This rule defines certain terms used repeatedly in Part 207.

(a) The term "the Act" is defined to mean the Tariff Act of 1930.

(b) The definition of "administering authority" is taken directly from section 777(1) of the Act. Section 103 of the Trade Agreements Act, amending section 303(b) of the Act, provides that the duty imposed by section 303(a) is to be administered in accordance with title VII (section 771(1)).

(c) The definition of "country under the Agreement" is taken directly from section 701(b) of the Act.

(d) The term "Director" is defined to mean the Commission's Director of Operations or someone appointed to act in that capacity, or, if there is neither, a person designated by the Chairman to fulfill the responsibilities of the Director with respect to investigations under this part.

(e) The definition of "effective date" reflects the provisions of section 107 of the Trade Agreements Act of 1979.

(f) The definition of "ex parte meeting" is derived from section 777(a)(3) of the Act. The Commission intends that only the Director of Operations will make a "final recommendation" to the Commission within the meaning of section 777(a)(3)(B) of the Act. The term "other person" as used in this rule does not refer to Commission staff.

(g) The term "injury" is defined to mean material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States. The definition is intended to allow shorthand reference throughout part 207 to the three types of harm at which section 303 and title VII of the Act are directed.

(h) The definition of "interested party" is taken directly from section 771(9) of the Act.

(i) The term "party" is defined to include two classes of persons: (1) interested parties who have filed an appearance with the Commission under § 201.13, and (2) any other person who, after manifesting a proper interest in the subject matter of the Commission investigation, has filed such an appearance. A person who is not an interested party and who chooses to become a party to an investigation will receive copies of all documents served pursuant to § 207.3. However, such a person will also be required to comply with the obligations of a party, including service of documents under § 207.3 and submission of a prehearing statement under § 207.22.

(j) The definition of "record" reflects the definition of the record for purposes of judicial review contained in section 516A(b)(2)(A) of the Act. The Commission is of the view that the term "information" in section 516A(b)(2)(A)(i) includes only information that goes to the facts under investigation, and not to staff documents relating to administrative deadlines, travel arrangements, guidelines for conducting investigations and similar matters. The Commission intends, therefore, that such documents not be made a part of the record.

§ 207.3 Service of documents.

This rule establishes requirements for the service of documents on parties to an investigation. Any party submitting a document for inclusion in the record is required to serve a copy of each such document on all other parties to the investigation. Persons not complying with these obligations may be removed from party status. This rule also provides that all documents, except transcripts, placed on the public record by the Commission staff must be made available to each party to the investigation.

§ 207.4 The record.

This rule establishes requirements for the maintenance of the record of Commission proceedings. The record will be divided into a public portion and a nonpublic portion consisting of documents which contain business confidential or other privileged information.

The Director is authorized by this rule to conduct such audits as he deems necessary. The absence of an audit will be presumed to indicate that the Director decided that no audit was necessary or desirable.

Materials received from the administering authority will be placed on the record and designated public or nonpublic in conformity with the designation assigned to them by the administering authority. Requests for access to or release of materials originating with the administering authority will be referred to that agency for its advice. Although the Secretary will make the final decision as to whether the material in question will be released, he will give serious consideration to the advice of the administering authority.

§ 207.5 Ex parte meetings.

This rule establishes requirements for the maintenance and content of ex parte meeting records as required by section 777(a)(3) of the Act. The rule provides that a record of each such meeting, as defined in § 207.2(f), shall be placed in the record, and that each meeting record shall include the identity of the persons present, the date, time and place of the meeting, and a summary of the matters discussed or submitted.

§ 207.6 Reports of progress of investigation.

This rule establishes requirements for the Commission Secretary to inform the parties to an investigation of the progress of that investigation. Such reports are required "from time to time upon request" by section 777(a)(2) of the Act. To prevent an undue burden on the Commission staff, the section provides that no progress report will be furnished (1) less than 30 days after notice of an investigation appears in the **Federal Register**, or (2) less than 30 days after issuance of the previous report on the progress of the same investigation. Reports will be limited to a statement of the official actions, if any, taken by the Commission since the last such report. It is contemplated that the Secretary on his own initiative will issue monthly reports updating the progress of all investigations over 30 days old.

§ 207.7 Limited disclosure of certain confidential information under a protective order.

(a) *In general.* This subsection establishes procedures for the disclosure of domestic price and cost information under protective order to attorneys, except in-house counsel, of interested parties who are parties to the investigation. Disclosure of any business information under protective order is authorized by section 777(c)(1) of the Act, but disclosure of domestic price or cost of production information submitted by the petitioner or an interested party in support of the petitioner may be required under court order pursuant to section 777(c)(2) of the Act. In fact, the Commission rarely, if ever, collects domestic cost of

production information, and it only collects price information relevant to the products in question. The term "domestic price" as used in this rule does not mean the price of an imported product in the United States. The Secretary will release such domestic price and cost information under a protective order if the interested party applying for such information demonstrates to the satisfaction of the Secretary a substantial need for the information in the prosecution of his case and that he is unable without undue hardship to obtain the substantial equivalent of the information by other means. Decisions of the Secretary denying requests for release of such information will be directly appealable to the Customs Court. Requests for release under protective order of confidential information other than such domestic price or cost of production data may be granted by the Secretary only where all the interested parties who are parties to the proceeding agree to the terms of the request. Although the Commission is authorized by section 777(c)(1) of the Act to release additional confidential information under protective order to any party to the investigation, this rule limits disclosure of such additional information to interested parties who are parties to the proceeding and only when all such interested parties agree to this disclosure. Given the Commission's lack of experience with protective orders in antidumping and countervailing duty investigations and the fact that the Customs Court will not be exercising the direction provided in the Act for requests for domestic price and cost of production information, the Commission is not going to exercise the full range of its authority to release confidential information dealing with data other than domestic prices or cost of production until it has accumulated administrative experience with these protective order requests.

(b) *Protective order.* This subsection establishes the conditions for the release to attorneys (except in-house counsel) of confidential information under a protective order.

(c) *Final disposition of material released under protective order.* This subsection establishes procedures and requirements for the final disposition of material released under protective order. At the completion of an investigation (or at such earlier date as the Secretary deems appropriate), all copies of the released material and all other materials containing the confidential information must be returned to the Secretary. Returned materials must be accompanied by a certificate from the person to whom the release was made attesting to his good faith effort to ascertain that no additional copies have been made available to any person to whom disclosure was not specifically authorized.

(d) *Sanctions.* This subsection establishes sanctions for breach of a Commission protective order. Section 777(c)(1)(B) of the Act authorizes the Commission to establish such sanctions for breach of protective order as it determines to be appropriate. The sanctions contained in this subsection include being barred from practice before the Commission, referral of any breach to the U.S. Attorney and to the ethics panel of the appropriate professional association, and striking from the record any information or briefs submitted by the offender.

(e) *Sanction procedures.* This subsection establishes the right of any person accused of breaching a protective order to be heard by the Commission before a determination regarding sanctions is made.

§ 207.8 Questionnaires to have the force of subpoenas; subpoena enforcement.

This rule provides that Commission questionnaires have the force of a subpoena, provided they are labeled as subpoenas and signed by a Commissioner. In the event any person refuses or is unable to produce the information requested in such a questionnaire in a timely fashion, the Commission may (1) in accordance with section 776(b) of the Act use the best information otherwise available in making its determination, (2) seek judicial enforcement of its subpoena under 19 U.S.C. 1333, or (3) take any other actions it deems necessary and appropriate, including waiver of any time limits set forth in part 207. *See Usery v. Whitten Machine Works, Inc.*, 554 F. 2d 498 (5th Cir. 1977).

§ 207.9 Affirmative determinations by divided Commission.

This rule establishes a voting rule for investigations under part 207 to apply in instances where the Commissioners voting are evenly divided regarding whether any determination should be affirmative or negative. The rule is intended to implement and clarify section 771(11) of the Act.

The rule provides that, if the Commissioners voting on a determination required under section 303 or title VII of the Act are evenly divided regarding whether the determination should be affirmative or negative, the Commission will be deemed to have made an affirmative determination. In order to conform to what the Commission believes to have been the intent of Congress, this section has been drafted to cover all Commission determiations under Part 207 wherein a Commissioner may vote affirmatively in more than one way. Thus, when the issue before the Commission is to determine whether there is (sections 705 and 735 of the Act), whether there would be (section 104(b) of the Trade Agreements Act), or whether there is a reasonable indication of (sections 702 and 732 of the Act) either (1) material injury, (2) threat of material injury, or (3) material retardation, an affirmative vote on any of the issues will be treated as a vote that the Commission's determination should be affirmative.

Subpart B—Preliminary Determinations

Subpart B provides a procedural framework for preliminary investigations under section 303 and title VII of the Tariff Act of 1930, as amended, viz., the filing of petitions, the amendment of petitions, the conduct of preliminary investigations by the Commission's Director of Operations, the submission of written comments by persons interested in the subject matter of investigations, the conduct of conferences among interested parties and the staff of the Director of Operations or hearings before the Commission, the submission of the recommendation of the Director to the Commission, the preliminary determination by the Commission as to whether there is a reasonable indication of injury, and the issuance of appropriate notification to interested parties and to the public through the **Federal Register** of Commission actions.

§ 207.10 Filing of petition with Commission.

Section 207.10 implements the requirement in sections 702(b) and 732(b) of the Act for simultaneous filings of countervailing duty and antidumping investigation petitions with the administering authority and the Commission.

§ 207.11 Contents of petition.

This rule restates the requirements for a petition set forth in sections 702(b) and 732(b) of the Act. Reference is made to the factors relating to injury which will be considered by the Commission pursuant to section 771(7) of the Act and § 207.26 with the expectation that the petitioner will include information relevant to these issues. The rule also requires a petitioner alleging critical

circumstances to provide reasonably available information relevant to the additional findings which the Commission must make pursuant to sections 705(b)(4)(A) and 735(b)(4)(A) of the Act in the event critical circumstances are found by the administering authority. Petitioners are advised to consult the applicable regulations of the administering authority for the required contents of a petition.

§ 207.12 Notice of investigation of reasonable indication of injury.

Upon receipt of a petition or of notice that the administering authority has initiated an investigation based on information available to it, the Director will consult with the administering authority and, as soon as practicable, institute a formal investigation to determine whether there is reasonable indication of injury under section 703(a) or 733(a) of the Act and publish a notice to that effect in the **Federal Register.**

§ 207.13 Cooperation with administering authority; preliminary investigation.

This rule provides that the authority to conduct investigations of reasonable indication of material injury is delegated from the Commission to the Director of Operations. The delegation includes the exercise of the Director's discretion as to how best to conduct each such investigation. Information adduced through the investigative activities of the Director will be placed on the record.

The decision to delegate the conduct of such investigations from the Commission to the Director is based upon the Commission's administrative experience. Currently, the Commission administers 30-day investigations in a limited number of investigations under secton 201(c)(2) of the Antidumping Act, 1921. The use of questionnaires and public hearings presided over by the full Commission in these investigations has been extremely taxing on the resources of the agency. The agency's resources are not great enough to conduct such proceedings in both preliminary and final investigations especially in view of the anticipated caseload of new and transitional investigations.

This rule also authorizes the Director to cooperate with the administering authority after a petition is filed to assist the administering authority with its determination under section 702(c) or 732(c) of the Act regarding whether a petition alleges the elements necessary for the imposition of a duty under section 701(a) or 731(a) of the Act. The Director will also cooperate with the administering authority with respect to proposed amendments to petitions. It is the intention of the Commission that this rule satisfy its statutory obligation under sections 702(b) and 732(b) of the Act concerning amendments to petitions. Notwithstanding any assistance provided by the Director to the administering authority under this rule, all determinations under sections 702(c) and 732(c) are ultimately to be made by the administering authority.

§ 207.14 Negative petition determination.

This rule implements sections 702(c) and 732(c) of the Act, which provide that in those cases in which the administering authority determines that the petition does not allege the elements necessary for the imposition of a countervailing or antidumping duty, as the case may be, and accordingly, the petitioned-for investigation is dismissed, the Commission shall terminate its contemporaneous investigation. Because notice will have been provided by the administering authority, no additional notice of termination will be issued by the Commission.

§ 207.15 Written statements and conference.

Section 207.15 provides that any person may submit to the Commission on or before a date specified in the Commission's notice of investigation a written statement of information pertinent to the subject matter of the investigation. Joint conferences may be scheduled for parties if the Director deems them appropriate. Conferences will be held after public notice and in accordance with § 201.12(a). The transcripts of such conferences will be placed on the administrative record of the investigation. Although it does not appear to be feasible generally to schedule formal hearings before the Commission within the available time, the Commission is authorized to hold a hearing in lieu of the Director's holding a conference.

§ 207.16 Recommendation of Director.

This rule requires the Director of Operations to prepare a recommendation to the Commission based upon the record of the investigation of reasonable indication of injury. The Commission may choose to accept or reject this recommendation in whole or in part.

§ 207.17 Determination by Commission of reasonable indication of injury.

This rule provides that, in all cases other than those in which the administering authority dismisses the petition, the Commission shall make a determination, based upon the best information before it at the time, of whether there is reasonable indication of injury by reason of imports of merchandise which is the subject of the investigation. It is anticipated that the large number of investigations and the short time available in which to conduct them may necessitate preliminary determinations frequently to be made by internal Commission consecutive voting procedures rather than at scheduled public meetings.

§ 207.18 Notice of preliminary determination.

This rule provides that the Commission shall notify all parties to its preliminary investigation of its determination and publish a notice of its determination in the **Federal Register.** In cases where the Commission's preliminary determination is affirmative, the Director of Operations may continue such investigative activities as he deems appropriate pending notice of an affirmative preliminary determination or a final determination from the administering authority.

Subpart C—Final Determinations

Subpart C contains the procedures specifically applicable to final determinations.

§ 207.20 Notice of investigation.

Although it is not required by the statute, by this rule the Commission intends to give to the public notice of its commencement of an investigation to reach a final determination under section 705(b) or 735(b) of the Act. In the event of a negative final determination by the administering authority subsequent to an affirmative preliminary determination, the Commission's investigation shall terminate. Because notice will have been provided by the administering authority, no additional notice will be issued by the Commission.

§ 207.21 Staff report.

This rule requires the Commission to place on the record a staff report containing preliminary findings of fact. It is intended that portions of the staff report containing confidential or privileged information be placed on the nonpublic record and the remainder of the staff report, including a nonconfidential summary of the confidential or privilege portions be placed on the public record. Section 207.04 provides for the maintenance of the record in two portions, the public portion containing nonconfidential material and the nonpublic portion containing privileged and confidential

material. This rule sets anticipated time limits for submission of the staff report. In 75-day investigations it will generally be filed on or before the 45th day after the date of the corresponding Commission notice of investigation. In 120-day investigations or extended investigations under section 735(a)(2) of the Act the staff report will generally be placed on the record on the third day after the date of issue by the administering authority of its final determination. In 180-day investigations the staff report will generally be placed on the record on or before the 130th day after the date of the corresponding Commission notice.

The purpose of this procedure is to provide to the parties a preliminary indication of the Commission staff's view of the affected industry. Parties will be able to prepare their prehearing statements in such a way as to address one common body of information describing the allegedly injured United States industry. The intention of this is to make for a more cogent and pointed briefing of the issues.

§ *207.22 Prehearing statement.*

This rule requires each party to submit to the Commission a prehearing statement within 15 days after the date of service by the Commission to the parties of the public portion of the staff report discussed in the preceding rule. The preparation of prehearing statements following receipt of the staff report will allow the parties to address the disputed issues directly and will enable the Commission to conduct a concise and penetrating hearing. It should be noted that the prehearing statements called for by this rule should not be confused with the submission of copies of witnesses' prepared testimony required by § 201.12(d).

§ *207.23 Hearing.*

Section 774 of the Act requires the Commission to hold a hearing at least once prior to making a final determination under section 705(b) or 735(b) of the Act, if any party to the investigation submits a timely written request. Section 207.23 sets forth the procedures for conducting such a hearing. The rule requires a person desiring to appear at a hearing to notify the Secretary of the Commission no later than 5 days prior to the date of the hearing. Each party appearing at the hearing must limit its arguments to a nonconfidential summary of the information and arguments contained in its prehearing statement, to a nonconfidential rebuttal of the information and arguments contained in the prehearing statements of other parties, and to information not available at the time its prehearing statement was filed. Each other person, i.e., not a party, shall limit its presentation at the hearing to a brief statement of its position with respect to the subject matter of the investigation.

The purpose of this rule is to focus and direct the hearing to the issues briefed in the prehearing statements. By generally limiting the arguments presented at the hearing to issues raised in the prehearing statements, the rule ensures that other parties will be advised of all adversary positions. Nevertheless, because all information pertinent to the proceeding may be unavailable at the time prehearing statements are prepared, the rule also allows arguments at the hearing with respect to subsequently available information. Persons appearing at the hearing who are not parties, namely, consumer or other groups with no direct economic interest in the outcome of the proceeding, may appear and make a statement at the hearing.

It is anticipated that parties will make copies of witnesses' formal testimony available before the beginning of the hearing in accordance with § 201.12(d), and that hearing presentations will be brief, to the point, and will, to the greatest extent possible, summarize the arguments set forth in the prehearing statement and in the witnesses' prepared written testimony.

A verbatim transcript will be made of the hearing and will be subject to nonsubstantive revision in accordance with paragraph (c)(2) of this rule. The transcript will be placed on the public record.

§ *207.24 Posthearing submissions.*

This rule supersedes § 201.12(g). The Commission may order interested parties to submit within a specified time posthearing statements responsive to questions or requests of Commissioners made at the hearing. The short time between the hearing and the promulgation of the Commission's opinion in these investigations will make it impossible for the Commission to give careful analysis to extensive posthearing briefs. Accordingly, the rule limits posthearing briefs to ten double-spaced pages. Any other posthearing submissions must be responsive to Commission requests or questions.

§ *207.25 Final determination by the Commission.*

This rule restates sections 705(A)(1) and 735(A) (1) of the Act, which require the Commission to make a final determination of injury. Paragraph (b) of this rule restates the provisions of the Act which allow the Commission 120 days from the time the administering authority makes its affirmative preliminary determinations to make a final determination under section 705 or 735 of the Act. However, if the administering authority takes more than 75 days to make its final determination, then the Commission is guaranteed by the Act and by this rule at least 45 days after the final determination of the administering authority to make its final determination. Thus, if the administering authority takes more than 75 days to make its final determination, the total elapsed time from the administering authority's preliminary determination to the Commission's final determination will be more than 120 days.

Paragraph (c) of this rule, again tracking the Act, provides that, if the administering authority makes an affirmative final determination following a negative preliminary determination, then the Commission will have 75 days after the date of that affirmative final determination to make its final determination.

Paragraph (d) of this rule sets forth the additional findings required by the Act in special situations. If the finding of the administering authority as to critical circumstances under section 705(a)(2) of the Act is affirmative, then the Commission must make a finding that there is material injury which will be difficult to repair and that the material injury is by reason of massive imports of the subsidized merchandise over a relatively short period of time. The corresponding provision in the antidumping area found in section 735(a)(3) of the Act requires the Commission to make a determination as to whether the material injury in critical circumstances is by reason of massive imports to an extent that, in order to prevent such material injury from recurring, it is necessary to impose the duty provided for in section 731 of the Act retroactively on those imports.

The final subsection of this rule is based on sections 705(b)(4)(B) and 735(b)(4)(B) of the Act, which require the Commission, when it makes a final determination that there is no material injury, but that there is a threat of material injury, to determine whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under section 705(a) and 735(a) of the Act would have been found but for any suspension of liquidation of entries of the merchandise.

§ 207.26 Factors considered in determination of material injury.

This rule incorporates the factors set forth in section 771(7) of the Act to be considered by the Commission in making its determinations of injury under the Act. The illustrative factors which the Commission may consider in making its determination of threat of injury, derived from the report of the Committee on Ways and Means (H.R. Rep. No. 96–317, 96th Cong., 1st Sess. 47 (1979)), is also incorporated in this rule. The factors listed in this rule are not exclusive. Commission determinations of injury are governed ultimately by the standards in the following rule and by the judgment and discretion of the Commission.

§ 207.27 Standard for determination.

This rule reiterates that the presence or absence of any factor which the Commission is required to consider under the preceding rule shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury. The term "material injury" means harm which is not inconsequential, immaterial, or unimportant.

The enumeration in § 207.26 of the factors which must be considered in making countervailing and antidumping injury determinations—i.e., factors which for the first time are specified in the statutory text and consist of various factors, some of which singly or in combination have been considered relevant and determinative by the Commission under current law—provides no basis for changing the causality relationships which must be found to exist under existing law. It has been the long and uniform interpretation of existing law that an affirmative injury determination by the Commission requires the existence of a causal relationship between the subsidized or dumped U.S. imports and injury to a U.S. industry. This causation linkage between the offending imports and injury is based in existing law on the language in section 201(a) of the Antidumping Act and in section 303(b) of the Tariff Act that such injury is "by reason of the importation of such merchandise." Both section 701(a) and 731 of the new provisions for antidumping and countervailing duties also require the same linkage test, viz, that the injury is "by reason of imports of that merchandise." The Commission will consider factors other than subsidization or dumping which contribute to injury. However, the law does not require the Commission to determine that imports subsidized or sold at less than fair value are injuring an industry in the United States to a degree greater than any one or a combination of other factors as a condition necessary for an affirmative determination.

§ 207.28 Publication of notice of determination.

This rule incorporates the standards of section 705(d) and 735(d) of the Act, which require the Commission to notify the petitioner, other parties to the investigation, and the administering authority of the Commission's determination and of the facts and conclusions of law upon which the determination is based. Notice of such determination will be published by the Commission in the **Federal Register.**

Subpart D—Transition

This subpart sets forth rules implementing for the Commission sections 102, 103, and 104 of the Trade Agreements Act of 1979 with respect to investigations under section 303 of the Tariff Act of 1930 and the Antidumping Act, 1921, that are pending as of the effective date of title VII of the Tariff Act of 1930, which the Commission now expects to be January 1, 1980. These rules also prescribe the priorities the Commission will use in scheduling investigation and consideration of certain classes of cases arising under this subpart.

§ 207.30 Pending investigations and preexisting countervailing duty orders.

This rule implements sections 102 and 103 of the Trade Agreements Act of 1979 by setting forth the principles for instituting, and the procedures applicable to, investigations under title VII of the Tariff Act of 1930, as amended by the Trade Agreements Act, which were the subject of investigations pending before the effective date. Under section 103 of the Trade Agreements Act, investigations pursuant to section 303 of the Tariff Act of 1930 are subject to the procedural rules of title VII of the new law except to the extent that those rules would not be applicable to such proceedings. These rules may not be applicable because the product concerned is not a product of a country under the agreement, is not a duty free article, or is a duty-free article from a country as to which the international obligations of the United States do not require an injury determination. As to section 303 cases that are subject to title VII, and cases that concern products that were the subject of pending investigations under the Antidumping Act, 1921, section 102 generally provides that the investigation of the same matter would continue after the effective date of the new law so as to begin the proceeding under the new law as if the determination under the new law that is most closely analogous to the latest determination actually made under the old law had been made on the effective date. Finally, § 207.30 implements section 104 of the Trade Agreements Act concerning countervailing duty orders in effect pursuant to the provisions of existing law which require some further action by the Commission. As to these various classes of cases, the following rules apply.

Under paragraph (a)(1), if the Secretary has not made a preliminary determination, including either a preliminary determination under section 303(a)(4) of the Tariff Act of 1930 or section 201(b)(1) of the Antidumping Act, 1921, then the Commission will institute an investigation to determine whether there is a reasonable indication of injury in accordance with title VII of the Tariff Act of 1930 as enacted by the new law. Since the new law clearly intends that the Commission have the full 45 days that would normally be allocated to it for such a preliminary determination, this rule interprets section 102(a)(1) and section 102(b)(1) as providing the Commission with the full 45 days normally available for a reasonable indication determination under the new law, even though with respect to petition-initiated investigations, section 102 provides that these investigations are to begin "as if" an affirmative decision on institution had been made on the effective date. This interpretation is based upon the fact that under the new law, no time periods are calculated from the institution decision under title VII, and therefore the statute can only be read to allow a full 45-day period.

Under paragraph (a)(2), if the administering authority has made a preliminary but not a final determination as of the effective date, then the Commission proceeds with respect to the same subject matter under rules applicable to Commission investigations following a preliminary determination of the administering authority under the new law (see subpart C). These rules provide that if the administering authority's preliminary determination is affirmative, then the commission institutes an investigation leading to a final determination subject to certain counting rules provided for in the law; and if the administering authority's preliminary determination is negative, then the Commission does not institute a formal investigation unless and until the

administering authority makes a final affirmative determination. Consistent with § 207.18 concerning negative preliminary determinations by the administering authority, § 207.30(a)(2) provides that the Director will continue his investigative activities as appropriate pending the administering authority's final determination.

Under paragraph (b) of this rule, if the Commission is conducting an injury investigation under existing law as of the effective date of the new law, then on the effective date it shall institute a 75-day injury investigation subject to certain rules for the treatment of preexisting determinations of the Secretary of Treasury provided for in section 102 of the Act.

Paragraph (c) of this rule implements section 104(a)(2) of the Trade Agreements Act, which requires the Commission to make 180-day injury investigations with respect to certain countervailing duty orders of which the administering authority is required to notify the Commission by January 7, 1980. When this notice, together with the most current information the administering authority has with respect to the net subsidy benefiting the merchandise subject to the countervailing duty order is received by the Commission, this rule would provide that these investigations begin. The investigations which are subject to this provision concern countervailing duty orders issued under section 303(d) of the Tariff Act of 1930 by the Secretary of the Treasury with respect to products of a country under the Agreement that were either waived or that, waived or not, were issued after July 26, 1979, and before the effective date, or fell in certain other categories set forth in the regulation.

Under paragraph (d) of this rule, other countervailing duty orders are made subject to the petition process provided for in section 104(b) of the Trade Agreements Act. These requests may be made in a simple manner, but provision is also made for the Director to require requesters to make their request by filing a form he prescribes that would require information he considers necessary to conduct the investigation.

§ 207.31 Scheduling the institution of investigation of certain unwaived investigations.

This rule sets forth the principles upon which the Commission may delay institution of investigations arising under section 104(b) of the Trade Agreements Act, relating to unwaived, preexisting countervailing duty orders issued before the date of enactment of the Trade Agreements Act, which are provided for in § 207.30(d). The Commission at present expects, based upon the official record of outstanding countervailing duty orders set forth at 19 CFR 159.47(f) and upon other information available to it at the time of this notice, to have before it approximately 30 investigations upon which action is required earlier than action would be required in cases arising under section 104(b). The Commission has therefore tentatively determined to assign to these other cases a higher priority than it would assign to cases arising under section 104(b). This higher priority will result in a conservation of administrative resources and, ultimately, public funds. The delay in investigation of cases arising under section 104(b) is justified by the Congressional determination to permit these cases to be decided in a much longer period of time than any other class of cases arising under the new law. The classes of cases which, because of the shorter time limits that are applicable to them, have higher priority than cases arising under section 104(b) are (1) new petitions filed under title VII of the Act (requiring preliminary Commission determinations in 45 days); (2) pending investigations requiring Commission preliminary or final determinations (45-day to 120-day determinations); and (3) cases requiring—rather than requiring only on request—Commission investigations of certain countervailing duty orders under section 104(a) of the Trade Agreements Act (180 days).

The priorities the Commission has established would allow commencement of section 104(b) investigations at any time after they are filed, so long as within 10 days after the filing of a request for such an investigation, the Secretary would inform the administering authority of the filing of the request. This notice has the effect of requiring the administering authority to suspend liquidation of entries as to the affected merchandise. This effect does not, however, depend on commencement of an active Commission investigation. Subsequently, the rule would permit the Commission to commence a section 104(b) investigation at any time so long as it completes the investigation within 3 years after the request is filed in accordance with the law. If a number of such petitions is filed, as are presently expected, then priorities among various investigations may be set pursuant to the rule. One of the bases of these priorities would be consolidating cases relating to like products, which would be done pursuant to the Commission's authority under section 603 of the Trade Act of 1974 to consolidate its investigations.

§ 207.32 Procedures for pending investigations.

The purpose of this subsection is to make clear that the procedural rules applicable to investigations conducted under subparts B and C would apply to investigations arising under subpart D. Thus, the time limitations applicable under those subparts to the filing of staff reports, and the definitions and rules concerning hearings, the record, ex parte contacts, and so on, would all apply with full force with respect to Commission investigations in pending investigations and investigations of outstanding countervailing duty orders.

Subpart E—Investigations To Review Negotiated Agreements, and Investigations To Review Outstanding Determinations

This subpart describes procedures that implement portions of title VII of the Act, as amended by the Trade Agreements Act, which provide for special determinations in antidumping and countervailing duty investigations by the Commission. These determinations are principally found in sections 704, 734, and 751 of title VII. Subpart E concerns the termination of Commission investigations, completion and reinstitution of suspended investigations, and investigations to review both the suspension agreements of the administering authority and the determinations of the Commission when circumstances appear to have changed from those prevailing at the time of the determination.

§ 207.40 Termination and suspension of investigation.

Section 207.40 concerns the termination and suspension of Commission investigations. Paragraph (a) implements section 704(a) and 734(a) of the Act which permit the Commission to terminate an investigation after the adminstering authority has made a preliminary determination only upon the withdrawal of the petition by the petitioner and after notice to all parties to the investigation. The Act does not require the Commission to terminate an investigation where it has a reason for not terminating notwithstanding the withdrawal of the petition.

Paragraph (b) provides that, upon receipt of a notice that the administering authority has suspended an investigation under section 704(b) or 734(b) of the Act, the Secretary shall issue a notice suspending the Commission's investigation. This

provision is set forth in sections 704(f)(1)(B) and 734(f)(1)(B) of the Act. The notice shall not prevent the Director from conducting such investigative activities as he deems necessary, since investigative activity is authorized by section 603 of the Trade Act of 1974 and section 1332 of the Act.

Paragraph (c) provides for the resumption of suspended investigations upon notification from the admininstering authority that the agreements between the negotiating authority and foreign governments or foreign exporters which led to the suspension of an investigation no longer meet the requirements of the Act. Procedures and the time limits for the Commission's investigation and final determination are established.

§ 207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value.

This rule concerns the Commission's review of agreements negotiated by the administering authority to eliminate the injurious effect of subsidized imports or imports sold at less than fair value. The rule implements the provisions of sections 704(h) and 734(h) of the Act, which provide standing requirements for petitions for such review and a 75-day time limit for the Commission's final determination.

§ 207.42 Investigation continued upon request.

This rule concerns the provision in sections 704(g) and 734(g) of the Act for the Commission, upon request, to continue an investigation after the publication of the notice of suspension of the investigation by the administering authority.

§ 207.43 Commission determination in investigations to review agreements and in continued investigations.

This rule provides that in investigations to review agreements and in continued investigations, described in §§ 207.41 and 207.42, the Commission shall consider all of the merchandise subject to the investigation, not merely the merchandise covered by the agreements negotiated by the administering authority.

§ 207.44 Consolidation of investigations.

This rule provides that the Commission shall consolidate investigations under section 704(g) of the Act with investigations under section 704(h) of the Act whenever such consolidation is appropriate. This rule is authorized by section 335 of the Act and by section 603 of the Trade Act of 1974.

§ 207.45 Investigation to review outstanding determinations.

This rule implements section 751 of the Act which provides for the Commission to review a determination concerning an agreement to suspend an investigation or a determination concerning injury to a domestic industry upon the receipt of information showing changed circumstances. The rule also provides for review of outstanding orders issued under the Antidumping Act and the duty-free merchandise provisions of section 303(b) of the Act. In the absence of good cause, an investigation to review a determination or suspension agreement will not be instituted until at least 24 months after the date of publication of the notice of the determination or suspension. Paragraph (b) provides that the procedures set forth in Subpart C of these rules shall apply to review investigations and that such investigations shall be completed within 120 days. This provision implements section 751 of the Act.

§ 207.46 Modification, clarification, or correction of a determination.

Section 207.46 provides that the Commission will issue any modification, clarification, or correction of a determination as may be necessary. This authority has been previously exercised. *See* Clarification of Determination in Investigation of Steel Wire Rope from Japan (38 FR 27560 (1973)).

Subpart F—Judicial Review

Subpart F deals with judicial review of Commission determinations under section 303 and title VII of the Act.

§ 207.50 Judicial Review.

This rule establishes procedures to facilitate judicial review of Commission determinations in the U.S. Customs Court under section 516A of the Act. The rule provides that a copy of the record (as defined in § 207.2(j)) in the Commission proceeding, or a certified list of the items therein, will be transmitted to the Court by the Commission's Secretary in accordance with the rules of the Court. The Commission's General Counsel is appointed the Commission's agent for service of process in cases arising under section 516A.

§ 207.51 Judicial review of denial of applications for disclosure of certain confidential information under protective order.

This rule establishes procedures to facilitate judicial review in the U.S. Customs Court under section 777(c)(2) of the Act of Commission determinations not to disclose under protective order confidential information concerning domestic price or cost of production.

Paragraph (a) of the rule deals with transmittal of the record and reflects section 2633(c) of the proposed Customs Courts Act of 1979. S. 1654, 96th Cong., 1st Sess. sec. 2633(c) (1979). Paragraph (a) provides that, when a court order is sought under section 777(c)(2), the Secretary shall within 5 days after service of a summons and complaint upon the Commission transmit to the Court under seal the confidential information involved along with "pertinent parts of the record." Pertinent parts of the record is defined in subsection (c) to consist of (1) the application for Commission disclosure, together with any documents filed in support thereof or in opposition thereto, (2) any governmental memoranda relating to the Commission's denial, and (3) the Commission's denial of the application. Subsection (d) provides that the Commission's General Counsel is appointed the Commission's agent for service of process in cases arising under section 777(c)(2).

Conforming Amendments

The Trade Agreements Act requires several changes in existing Commission rules for conducting subsidy and antidumping investigations. These necessary conforming amendments are primarily technical in nature, and are confined to part 201 of title 19 of the Code of Federal Regulations (19 CFR 201.00–.41). The amendments are as follows.

§ 201.1 Applicability of part.

There presently exists a grammatical error in the second sentence of this section. By substituting "through" for "and" in the phrase "parts 202 and 207, inclusive," it is intended to make clear that rules of special application may appear in all of Parts 202, 204, 205, and 207 which in case of conflict will take precedence over the rules of general application set forth in Part 201.

§ 201.2 Definitions.

The conforming amendments propose three additional definitions for terms used extensively in Part 207, but which are found in other parts as well. The new definitions—"Trade Agreements

Act," "rule," and "Secretary"—and self-explanatory.

§ 201.7 Investigative authority and initiation of investigations.

Present rule 201.7 provides the means by which investigations may be initiated by the Commission. The methods outlined in the rule remain applicable under the new law, and are retained in a new paragraph (b). Paragraph (a) is added to make clear the Commission's prerogative to take those steps necessary for the expeditious and economical conduct of its proceedings. For example, separate investigations conducted under part 207 relating to like products may be combined if the circumstances warrant. Similarly, adjudicative investigations conducted under part 210 involving complaints and countercomplaints of unfair trade practices may be consolidated into a single proceeding.

§ 201.9 Methods employed in obtaining information; § 201.11 Public hearings.

In several sentences in these rules the word "evidence" is used in describing the information gathered in the course of Commission nonadjudicative proceedings. To make clear that the information upon which the Commission rests its determination in these proceedings is not evidence in the sense that it has been tested in an adjudicative forum, the word "information" is substituted for "evidence" where it now appears—in § 201.9, § 201.11(c), § 201.12(e), and § 201.12(g).

§ 201.12 Conduct of nonadjudicative hearings or conferences.

Besides the changes of the word "evidence" to "information" described above, the following amendments are proposed for § 201.12:

(a) Section 201.12(a) is amended by the addition of the words "or conferences" after the term "hearings" in each place such term is used, including the title of the rule. This amendment establishes procedures for the conduct of conferences which may be held pursuant to subpart B of Part 207 of these rules.

(d) *Submission of prepared statements.*

Section 201.12(d) is amended to require that witnesses' prepared statements shall be submitted not less than 3 business days prior to a hearing. Distribution of such statements for the first time at the hearing will no longer be allowed. The strict time requirement is necessary in view of the expedited conduct of investigations set forth in new Part 207.

(f) *Hearing transcripts.*

"(f)" is a typographical error denoting this subsection. The amendment will correctly number the paragraph as § 201.12(h).

(i) *Requests.*

New paragraph (i) will allow parties to request the Commission (or its delegate) to take specific action thought to be necessary by the requester to facilitate the proceeding in which he is involved. It is contemplated that such requests will involve the timing or conduct of specific proceedings and similar matters. By requiring service of such requests on all parties, the rule provides an opportunity for comment or objection; however, it is not intended that a motions practice will evolve in Commission nonadjudicative investigations. The Commission will make an appropriate response to a request, but that may include taking no action.

§ 201.13 Who may enter an appearance.

Section 201.13(a) is amended to delete the requirement that an appearance be entered "for the purpose of appearing at a public hearing." Because parties may enter an appearance without participating in any hearing, the requirement is unnecessarily restrictive.

By order of the Commission.

Issued: December 19, 1979.

Kenneth R. Mason,

Secretary.

Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207) is hereby repealed. A new Part 207 is established as follows:

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM INPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

Sec.
207.1 Applicability of part.

Subpart A—General Provisions

207.2 Definitions applicable in part 207.
207.3 Service of documents.
207.4 The record.
207.5 Ex parte meetings.
207.6 Reports of progress of investigation.
207.7 Limited disclosure of certain confidential information under a protective order.
207.8 Questionnaires to have the force of subponenas; subpoena enforcement.
207.9 Affirmative determinations by divided Commission.

Subpart B—Preliminary Determinations

207.10 Filing of petition with Commission.
207.11 Contents of petition.
207.12 Notice of investigation of reasonable indication of injury.
207.13 Cooperation with administering authority; preliminary investigation.
207.14 Negative petition determination.
207.15 Written statements and conference.
207.16 Recommendation of Director.
207.17 Determination by Commission of reasonable indication of injury.
207.18 Notice of preliminary determination.

Subpart C—Final Determinations

207.20 Notice of investigation.
207.21 Staff report.
207.22 Prehearing statement.
207.23 Hearing.
207.24 Posthearing submissions.
207.25 Final determination by the Commission.
207.26 Factors considered in determination of material injury.
207.27 Standard for determination.
207.28 Publication of notice of determination.

Subpart D—Transition

207.30 Pending investigations and existing countervailing duty orders.
207.31 Scheduling the institution of investigation of certain unwaived investigations.
207.32 Procedures for pending investigations.

Subpart E—Terminated, Suspended and Continued Investigations, Investigations to Review Negotiated Agreements, and Investigations to Review Outstanding Determinations

207.40 Termination and suspension of investigation.
207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value.
207.42 Investigation continued upon request.
207.43 Commission determination in investigations to review agreements and in continued investigations.
207.44 Consolidation of investigations.
207.45 Investigation to review outstanding determinations.
207.46 Modification, clarification, or correction of a determination.

Subpart F—Judicial Review

207.50 Judicial review.
207.51 Judicial review of denial of application for disclosure of certain confidential information under protective order.

Authority: Sections 303, 332, 335, and 701–778 of the Tariff Act of 1930 (19 U.S.C. 1303, 1332, 1335, 1671–1677); sec. 603 of the Trade Act of 1974 (19 U.S.C. 2582); secs. 3, 102–107, 1001, and 1002 of the Trade Agreements Act of 1979.

§ 207.1 Applicability of part.

Part 207 applies to proceedings of the Commission under section 303, section 516A and title VII of the Tariff Act of 1930 (19 U.S.C. 1303, 1516A and 1671–1677) (the Act) and sections 102–107 of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144). Subpart A sets forth rules of general applicability. Subpart B sets forth rules dealing with

preliminary investigations under section 303 and title VII of the Act. Subpart C sets forth rules dealing with investigations requiring final determinations under section 303 and title VII of the Act. Subpart D is concerned with transitional cases, *i.e.*, pending cases and countervailing duty orders under existing law. Subpart E addresses termination of an investigation, suspension and continuation of an investigation, and investigations to review negotiated agreements and determinations in effect. Subpart F deals with judicial review of determinations made by the Commission under section 303 and title VII of the Act.

Subpart A—General Provisions

§ 207.2 Definitions applicable in Part 207.

For the purposes of this part, the following terms have the meanings hereby assigned to them:

(a) The term *the Act* means: The Tariff Act of 1930.

(b) The term *administering authority* means: The Secretary of the Treasury, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under section 303 or title VII of the Act is transferred by law.[1]

(c) The term *country under the Agreement* [2] means:

A country—

(1) Between the United States and which the Agreement on Subsidies and Countervailing Measures applies, as determined under section 2(b) of the Trade Agreements Act of 1979,

(2) Which has assumed obligations with respect to the United States which are substantially equivalent to obligations under the Agreement, as determined by the President, or

(3) With respect to which the President determines that—

(i) There is an agreement in effect between the United States and that country which—

(A) Was in force on June 19, 1979, and

(B) Requires unconditional most-favored-nation treatment with respect to articles imported into the United States,

(ii) The General Agreement on Tariffs and Trade does not apply between the United States and that country, and

(iii) The agreement described in subparagraph (i) does not expressly permit—

(A) Actions required or permitted by the General Agreement on Tariffs and Trade, or required by the Congress, or

(B) Nondiscriminatory prohibitions or restrictions on importation which are designed to prevent deceptive or unfair practices.

(d) The term *Director* means: The incumbent Commission Director or Acting Director, Office of Operations, or, in the absence of either, a person designated by the Chairman.

(e) The term *effective date* means: January 1, 1980, or such other date as is required by section 107 of the Trade Agreements Act as the effective date of title I of that act.

(f) The term *ex parte meeting* [3] means: Any communication between

(1) Any interested party or other person providing factual information in connection with an investigation, and

(2) Any Commissioner or Commissioners, or members of Commissioner's staffs, or the Director of Operations,

in which less than all parties participate, and which is not a hearing or conference for which an opportunity to participate is given to the parties.

(g) The term *injury* [4] means: Material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States, by reason of the importation into the United States of a class or kind of merchandise which is found by the administering authority to be (1) subsidized, or (2) sold, or likely to be sold, at less than its fair value.

(h) The term *interested party* [5] means: (1) A foreign manufacturer, producer, or exporter, or the United States importer, of merchandise which is the subject of an investigation under title VII of the Act, or a trade or business association a majority of the members of which are importers of such merchandise;

(2) The government of a country in which such merchandise is produced or manufactured;

(3) A manufacturer, producer, or wholesaler in the United States of a like product;

(4) A certified union or recognized union or group or workers which is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a like product; and

(5) A trade or business association a majority of whose members manufacture, produce, or wholesale a like product in the United States.

(i) The term *party* means: Any interested party who has entered an appearance with the Commission or any other person who, after showing under § 201.13 to the satisfaction of the Commission a proper interest in the subject matter of an investigation, has filed such an appearance.

(j) The term *record* means: (1) All information presented to or obtained by the Commission during the course of a proceeding, including completed questionnaires, information obtained from the administering authority pursuant to sections 702(d)(2), 732(d)(2), 703(d)(3), 733(d)(3), 705(c), and 735(c) of the Act, written communications from any party, recommended findings of fact by the Director of Operations, staff reports, all governmental memoranda pertaining to the case, and the record of ex parte meetings required to be kept pursuant to section 777(a)(3) of the Act; and

(2) A copy of all Commission orders and determinations, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

§207.3 Service of documents.

Any party submitting a document for inclusion in the record of the investigation shall, in addition to complying with § 201.8, serve a copy of each such document on all other parties to the investigation in the manner prescribed in § 201.16. Failure to comply with the requirements of this rule may result in removal from status as a party. The Commission shall make available to all parties to the investigation a copy of each document, except transcripts of conferences and hearings, placed in the record of the investigation by the Commission.

§ 207.4 The record.

(a) *Maintenance of the record.* The Secretary shall maintain the record of each proceeding conducted by the Commission pursuant to section 303 or title VII of the Act. The record shall be maintained contemporaneously with each actual filing in the record. It shall be divided into public and nonpublic sections. The Secretary shall also maintain a contemporaneous index of all documents, including exhibits thereto, and all other materials incorporated in the record. All material filed with the Secretary shall be placed in the record. All material which is placed in the record shall be maintained in the public record, with the exception of material which is privileged, or which is business confidential information submitted in accordance with § 201.6. Privileged and business confidential material shall be maintained in the nonpublic record.

(b) *Audits by the Director.* The Director may in his discretion audit completed questionnaires or otherwise

[1] *See* sec. 303 and 771(1) of the Act.

[2] *See* sec. 701(b) of the Act.

[3] *See* sec. 777(a)(3) of the Act.

[4] *See* secs. 701(a) and 731 of the Act.

[5] *See* sec. 771(9) of the Act.

verify information received in the course of a proceeding. To the extent an audit or verification results in new or different information, the Director shall place such information on the record.

(c) *Materials provided by the administering authority.* Materials received by the Commission from the administering authority shall be placed on the Commission's record and shall be designated by the Commission as public or nonpublic in conformity with the applicable designation of the administering authority. Any requests to the Commission either to permit access to such materials or to release such materials shall be referred to the administering authority for its advice.

§207.5 Ex parte meetings.

There shall be included in the record of each proceeding a record of ex parte meetings as required by section 777(a)(3) of the Act. The record of each ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted.

§ 207.6 Reports of progress of investigation.

The Secretary shall upon the request of a party inform the parties to an investigation of the progress of that investigation. No such progress report, however, shall be issued by the Secretary less than 30 days after the date of publication of commencement of an investigation by notice in the **Federal Register,** nor will the Secretary be required to issue a report on the progress of any investigation less than 30 days after the date of issuance of the previous such report with respect to the same investigation. A report shall be limited to a statement of what official actions the Commission has taken since the previous such report, if any.

§ 207.7 Limited disclosure of certain confidential information under a protective order.

(a) *In general.* Upon request of an attorney of a party to the investigation, excepting in-house counsel, which describes with particularity the information requested, sets forth the reasons for the request, and demonstrates a substantial need for the information in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the information by other means, the Secretary will make available confidential information concerning the domestic price and cost of production of the like product submitted by the petitioner or an interested party in support of the petitioner to such attorney under a protective order described in paragraph (b). Upon filing with the Secretary of an agreement among all interested parties who are parties to the proceeding requesting the release under protective order of confidential information submitted by such interested parties, other than domestic price and cost of production data, the Secretary may make such confidential information available to an attorney of such an interested party, excepting in-house counsel, under a protective order described in paragraph (b). The Secretary may adopt, from time to time, forms for submitting requests for disclosure pursuant to a protective order incorporating the terms of this rule. The Secretary shall determine whether the requirements for release of information under this rule have been satisfied. The Secretary's determination shall be final for purposes of review by the Customs Court under section 777(c)(2) of the Act.

(b) *Protective order.* The protective order under which information is made available to the attorney of a party shall require him to submit to the Secretary in a form prescribed by the Secretary a personal sworn statement that, in addition to such other conditions as the Secretary may require, he will:

(1) Not divulge any of the information so obtained and not otherwise available to him, to any person other than

(i) Personnel of the Commission concerned with the proceeding,

(ii) The person or agency from whom the information was obtained,

(iii) An attorney, excepting in-house counsel, employed on behalf of the party requesting the disclosure, and who has furnished a similar statement, or

(iv) Those persons independently contracted with, or employed or supervised by, the attorney having a need thereof in connection with the proceeding and who have furnished a similar statement;

(2) Use such information solely for the purposes of the Commission proceeding then in progress or for judicial or Commission review thereof;

(3) Not consult with any person not described in paragraph (b)(1) (iii) or (iv) concerning such confidential information without first having received the written consent of the Secretary and the attorney of the party from whom such confidential information was obtained;

(4) Not copy or otherwise reproduce any confidential material obtained under protective order except in accordance with procedures to be established by the Secretary; and

(5) Report promptly to the Secretary any breach of the protective order.

(c) *Final disposition of material released under protective order.* Upon completion of a proceeding, or at such earlier date as the Secretary may determine appropriate for particular data, the security of confidential information shall be protected by the return of all copies of materials released to attorneys of parties pursuant to this section and all other materials containing the confidential information, such as charts or notes based on any such information received under protective order, accompanied by a certificate from the attorney to whom the material was disclosed attesting to his personal, good faith belief that no other copies of such materials have been made available to the party he represents or any other person to whom disclosure was not specifically authorized.

(d) *Sanctions for breach of protective order.* The sworn statement referred to in paragraph (b) shall include an acknowledgment by the person providing it that breach thereof may, for up to seven years following publication of a determination that the order has been breached, subject to being barred from practice in any capacity before the Commission—

(1) The person submitting the statement, and

(2) Such person's partners, associates, employer, and employees.

Any breach of a protective order may be referred to the United States Attorney. In the case of an attorney, accountant, or other professional, such breach also may be referred to the ethics panel of the appropriate professional association, and the offender and the party he represents shall be subject to such other administrative sanctions as the Commission determines to be appropriate, including striking from the record any information or briefs submitted by, or on behalf of, the party represented by the offender.

(e) *Sanction procedures.* The Commission shall determine whether any person has violated a protective order, and may impose sanctions in accordance with paragraph (d). Any person against whom a sanction is proposed to be applied shall be afforded a reasonable opportunity to be heard before the determination is made.

§ 207.8 Questionnaires to have the force of subpoenas; subpoena enforcement.

Any questionnaire issued by the Commission in connection with any proceeding under section 303 or title VII of the Act, may be issued as a subpoena and subscribed by a Commissioner,

after which it shall have the force and effect of a subpoena authorized by the Commission. Whenever any party or any other person fails to respond adequately to such a subpoena or whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, the Commission may (a) use the best information otherwise available in making its determination; (b) seek judicial enforcement of the subpoena pursuant to 19 U.S.C. 1333; (c) take such other actions as are necessary and appropriate, including waiver of any time limitation set forth in this part, as necessary to obtain needed information; or (d) any combination of the above.

§ 207.9 Affirmative determinations by divided Commission.

If the Commissioners voting on a determination by the Commission under section 303 or Title VII of the Act are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph, when the issue before the Commission is to determine whether there is, whether there would be, or whether there is a reasonable indication of—

(a) Material injury to an industry in the United States,

(b) Threat of material injury to such an industry, or

(c) Material retardation of the establishment of an industry in the United States,

by reason of imports of the merchandise, an affirmative vote by any Commissioner on any of the issues shall be treated as a vote that the determination should be affirmative.

Subpart B—Preliminary Determinations

§ 207.10 Filing of petition with Commission.

Any interested party who files a petition with the administering authority pursuant to section 702(b)(1) or 732(b)(1) of the Act shall in accordance with section 702(b)(2) or 732(b)(2) of the Act file a copy of the petition with the Secretary of the Commission on the same day as the petition is filed with the administering authority.

§ 207.11 Contents of petition.

The petition shall allege the elements necessary for the imposition of a duty under section 701(a) or 731 of the Act and contain information reasonably available to the petitioner supporting the allegations. *See* § 207.26 for a list of factors relating to injury considered by the Commission. If the petition alleges critical circumstances, it shall also contain information reasonably available to the petitioner in support of the findings required to be made by the Commission pursuant to sections 705(b)(4)(A) and 735(b)(4)(A) of the Act. Petitioners are advised to refer to the administering authority's regulations concerning the contents of petitions.

§ 207.12 Notice of investigation of reasonable indication of injury.

Upon receipt by the Commission of a petition under § 207.10 or receipt of notice that the administering authority has commenced an investigation under section 702(a) or 732(a) of the Act, the Director shall, as soon as practicable after consultation with the administering authority, institute a preliminary investigation to determine whether there is reasonable indication of injury under section 703(a) or 733(a) of the Act and shall publish a notice to that effect in the **Federal Register**.

§ 207.13 Cooperation with administering authority; preliminary investigation.

Subsequent to institution of an investigation pursuant to § 207.12, the Director shall conduct such investigation as he deems appropriate. Information adduced in the investigation shall be placed on the record. The Director shall cooperate with the administering authority in its determination of the sufficiency of a petition and in its decision whether to permit any proposed amendment to a petition.

§ 207.14 Negative petition determination.

Upon receipt by the Commission of notice from the administering authority under section 702(d) or 732(d) of the Act that the administering authority has made a negative petition determination under section 702(c)(3) or 732(c)(3) of the Act, the investigation begun pursuant to § 207.12 shall terminate. The Director shall notify all persons who have received requests for information from him of the termination.

§ 207.15 Written statements and conference.

Any person may submit to the Commission on or before a date specified in the notice of investigation issued pursuant to § 207.12 a written statement of information pertinent to the subject matter of the investigation. If he deems it appropriate, the Director shall hold a conference pursuant to § 201.12(a). The conference, if any, shall be held after notice thereof is served on the parties and published in the **Federal Register** and shall be transcribed. Notwithstanding the foregoing, the Commission may decide to hold a hearing in lieu of the Director's holding of a conference.

§ 207.16 Recommendation of Director.

The Director shall submit to the Commission his recommendation based on the record concerning the existence of a reasonable indication of injury under section 703(a) or 733(a) of the Act.

§ 207.17 Determination by Commission of reasonable indication of injury.

Except in the case of a petition dismissed by the administering authority under section 702(c)(3) or 732(c)(3) of the Act, the Commission, within 45 days after the date on which a petition is filed under section 702(b) or 732(b) of the Act or on which it receives notice from the administering authority of an investigation commenced under section 702(a) or 732(a) of the Act, shall make a preliminary determination based upon the best information available to it at that time of whether there is reasonable indication of injury by reason of imports of the merchandise which is the subject of the investigation by the administering authority.

§ 207.18 Notice of preliminary determination.

The Commission shall notify the petitioner, other parties to the investigation, and the administering authority of its preliminary determination under section 703(a) or 733(a) of the Act and of the facts and conclusions of law upon which the determination is based, and it shall publish a notice of its determination in the **Federal Register**. If the Commission's preliminary determination is negative, the investigation shall be terminated. If the Commission's preliminary determination is affirmative, the Director may continue investigative activities pending notice by the administering authority of its preliminary determination under section 703(b) or 733(b) of the Act. If the administering authority's preliminary determination is affirmative, the Commission shall institute an investigation in accordance with subpart C. If the administering authority's preliminary determination is negative, the Director shall continue such investigative activities as he deems appropriate pending a final determination by the administering authority under section 705(a) or 735(a) of the Act.

Subpart C—Final Determinations

§ 207.20 Notice of investigation.

Upon receipt of notice from the administering authority of an affirmative preliminary determination under section 703(b) or 733(b) of the Act or, if the administering authority's preliminary determination is negative, of an affirmative final determination under section 705(a) or 735(a) of the Act, the Commission shall publish in the **Federal Register** a notice of its investigation to reach a final determination under section 705(b) or 735(b) of the Act. Upon receipt by the Commission of notice from the administering authority of its negative final determination under section 705(a) or 735(a) of the Act, the corresponding Commission investigation shall terminate.

§ 207.21 Staff report.

(a) The Director shall prepare and place in the record a staff report containing preliminary findings of fact. Portions of the staff report containing confidential or privileged information will be placed in the nonpublic record, and the remainder of the staff report, including a nonconfidential summary of the confidential or privileged portions, will be placed in the public record.

(b) (1) *75-day investigations.*—In injury investigations that are to be completed in 75 days, namely,

(i) Injury investigations following an affirmative final determination by the administering authority after a negative preliminary determination by the administering authority (§ 207.25(c)),

(ii) Investigations to review agreements to eliminate injurious effect (§ 207.41), or

(iii) Other investigations provided for in these rules incorporating by reference timing rules of this subpart (continued investigations provided for in § 207.42 and investigations in transition under subpart D),

the staff report shall be placed on the record by the Director within approximately 45 days of the date of issue of the corresponding Commission notice of investigation.

(2) *120-day or extended investigations.*—In injury investigations that are to be completed within 120 days, namely, injury investigations following an affirmative preliminary determination by the administering authority under § 207.25(b) and other investigations provided for in these rules that incorporate by reference timing rules of this subpart (continued investigations provided for in § 207.42 and investigations in transition provided for in subpart D of this part), or in investigations extended pursuant to section 735(a)(2) of the Act, the staff report shall normally be placed on the record by the Director on the third day after the date of issue by the administering authority of its affirmative final determination.

(3) *180-day investigations.*—In injury investigations concerning waived and certain other countervailing duty orders under § 207.30(c) of these rules, that are to be completed within 180 days, the staff report shall be placed on the record by the Director within approximately 130 days of the date of issue of the corresponding Commission notice of investigation.

§ 207.22 Prehearing statement.

Within 15 days after the date of service by the Commission to the parties of the public portion of the staff report, each party shall submit to the Commission a prehearing statement. A prehearing statement shall, to the extent possible, refer to the record and shall include:

(a) Exceptions, if any, to the preliminary findings of fact contained in the staff report;

(b) Any additional or proposed alternative findings of fact;

(c) Proposed conclusions of law; and

(d) Any other information and arguments which the party believes relevant to the subject matter of the Commission's determination under section 705(b) or 735(b) of the Act.

§ 207.23 Hearing.

(a) *In general.* The Commission shall hold a hearing in the course of an investigation upon the written request of any party to the investigation, or at its own instance, before making a final determination under section 705(b) or 735(b) of the Act. Any such request must be received by the Commission within 15 days after the date of publication in the **Federal Register** of the notice of investigation under this subpart.

(b) *Procedures.* Any such hearing shall be conducted after notice published in the **Federal Register**. The hearing shall not be subject to the provisions of Subchapter II, Chapter 5, Title 5, United States Code, or to section 702 of that title. Any person desiring to appear at a hearing shall notify the Secretary not later than five (5) days prior to the date of the hearing. Each party shall limit its presentation at the hearing to a nonconfidential summary of the information and arguments contained in its prehearing statement, to a nonconfidential analysis of the information and arguments contained in the prehearing statements required by § 207.22, and to information not available at the time its prehearing statement was filed. Each other person appearing shall limit its presentation at the hearing to a brief statement of its position with respect to the subject matter of the investigation. Hearings shall be subject to § 201.12, with the exception of paragraph (g) thereof.

(c) *Hearing Transcripts.* (1) *In general.* A verbatim transcript shall be made of all hearings or conferences held in connection with Commission investigations conducted under this part.

(2) *Revision of transcripts.* Within 10 days of the completion of a hearing, any person who testified at the hearing may submit proposed revisions to the transcript of his testimony to the Secretary. No substantive revisions will be permitted. If in the judgment of the Secretary a proposed revision does not alter the substance of the testimony in question, he will incorporate the revision into a revised transcript.

§ 207.24 Posthearing submissions.

Posthearing briefs concerning the information adduced at the hearing may be filed with the Secretary within a time specified by the official presiding at the hearing, provided that no such posthearing brief shall exceed 10 pages of textual material, double spaced, on 8½ x 11 inch stationery. In addition, the presiding official may permit persons to file within a specified time statements responsive to questions or requests made by the Commission at the hearing. Posthearing submissions which do not accord with this rule will not be accepted.

§ 207.25 Final determination by the Commission.

(a) *In General.* At the times specified below, the Commission shall make a final determination of whether—

(1) An industry in the United States—

(i) Is materially injured, or

(ii) Is threatened with material injury, or

(2) The establishment of an industry in the United States is materially retarded,

by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under section 705(a)(1) or 735(a)(1) of the Act.

(b) *Period for injury determination following affirmative preliminary determination by administering authority.* If the preliminary determination by the administering authority under section 703(b) or 733(b) of the Act is affirmative, then the Commission shall make the determination required by paragraph (a) of this rule before the later of—

(1) The 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 703(b) or 733(b) of the Act, or

(2) The 45th day after the day on which the administering authority makes its affirmative final determination under section 705(a)(1) or 735(a)(1) or (2) of the Act.

(c) *Period for injury determination following negative preliminary determination by administering authority.* If the preliminary determination by the administering authority under section 703(b) or 733(b) of the Act is negative, and its final determination under section 705(a)(1) or 735(a)(1) or (2) of the Act is affirmative, then the final determination by the Commission under this section shall be made within 75 days after the date of the administering authority's affirmative final determination.

(d) *Certain additional findings.* (1) If the finding of the administering authority as to critical circumstances under section 705(a)(2) of the Act is affirmative, then the final determination of the Commission shall include findings as to whether—

(i) There is material injury which will be difficult to repair, and

(ii) The material injury was by reason of such massive imports of the subsidized merchandise over a relatively short period.

(2) If the finding of the administering authority under section 735(a)(3) of the Act concerning critical circumstances is affirmative, then the final determination of the Commission shall include a finding as to whether the material injury is by reason of massive imports described in section 735(a)(3) of the Act to an extent that, in order to prevent such material injury from recurring, it is necessary to impose the duty imposed by section 731 of the Act retroactively on those imports.

(3) If the final determination of the Commission is that there is no material injury but that there is threat of material injury, then its determination shall also include a finding as to whether material injury by reason of imports of the merchandise with respect to which the administering authority has made an affirmative determination under sections 705(a) or 735(a) of the Act would have been found but for any suspension of liquidation of entries of the merchandise.

§ 207.26 Factors considered in determination of material injury.

(a) In making its determinations under section 703(a), 705(b), 733(a), and 735(b) of the Act, the Commission shall consider, among other factors—

(1) The volume of imports of the merchandise which is the subject of the investigation,

(2) The effect of imports of that merchandise on prices in the United States for like products, and

(3) The impact of imports of such merchandise on domestic producers of like products.

(b) For purposes of paragraph (a)—(1) In evaluating the volume of imports of merchandise, the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant.

(2) In evaluating the effect of imports of such merchandise on prices, the Commission shall consider whether—

(i) There has been significant price undercutting by the imported merchandise as compared with the price of like products of the United States, and

(ii) The effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred, to a significant degree.

(3) In examining the impact on the affected industry, the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—

(i) Actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

(ii) Factors affecting domestic prices, and

(iii) Actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.

(c) Special rules for agricultural products. (1) The Commission shall not determine that there is no material injury or threat of material injury to United States producers of an agricultural commodity merely because the prevailing market price is at or above the minimum support price.

(2) In the case of agricultural products, the Commission shall consider any increased burden on government income or price support programs.

(d) For purposes of this section—In determining whether there is a threat of material injury, the Commission shall consider among other factors—

(1) The rate of increase of subsidized or dumped exports to the U.S. market;

(2) Capacity in the exporting country to generate exports; and

(3) The availability of other export markets.

The Commission shall also consider such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the subsidy is an export subsidy inconsistent with the Agreement) provided by a foreign country and the effects likely to be caused by the subsidy.

§ 207.27 Standard for determination.

The presence or absence of any factor which the Commission is required to consider under § 207.26 shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury. The term "material injury" means harm which is not inconsequential, immaterial, or unimportant. In determining whether injury is occurring by reason of subsidized or less than fair value imports, the Commission will look at the effects of such imports on the domestic industry as set forth in § 207.26. The Commission will also take into account information presented to it or that it obtains, if any, demonstrating that the harm attributed by the petitioner to subsidized or less-than-fair-value imports is attributable to factors other than those listed in § 207.26, including volume and prices of nonsubsidized imports or imports not sold at less than fair value, contraction in demand or changes in patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology, and the export performance and productivity of the domestic industry. The effects from the subsidized or less than fair value imports will not be weighed against the effects associated with other factors which may be contributing to overall injury to an industry. Nor will the petitioner be required to bear the burden of proving the negative, that is, that material injury is not caused by such other factors.

§ 207.28 Publication of notice of determination.

Whenever the Commission makes a final determination under section 303 or title VII of the Act, it shall notify the petitioner, other parties to the investigation, and the administering authority of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the **Federal Register.**

Subpart D—Transition

§ 207.30 Pending investigations and existing countervailing duty orders.

(a) *Investigations in progress at the administering authority as of the effective date.* If, as of the effective date, there is an investigation in progress under section 303 of the Act as to whether a bounty or grant is being paid or bestowed on either duty-free imports subject to a Commission injury investigation or imports from a country under the agreement or, under the Antidumping Act, 1921, as to whether imports from a country are being or are likely to be sold in the United States or elsewhere at less than fair value, then the following rules apply: If the administering authority as of the effective date—

(1) Has not made a preliminary countervailing duty or a tentative antidumping determination, as the case may be, then the Commission shall issue a Notice of Investigation and commence an investigation with respect to the same matter in accordance with § 207.12 to determine whether there is a reasonable indication of injury, as provided for in sections 703(a) or 733(a) of the Act, which shall be completed within 45 days after the effective date;

(2) Has made a preliminary countervailing duty or a tentative antidumping determination, but not a final determination, then the Commission shall proceed in accordance with subpart C of these rules to investigate the same matter, except that in the event of a negative preliminary or negative tentative determination by the administering authority, the Director shall continue such investigative activities as he deems appropriate pending a final determination by the administering authority.

(b) *Investigations in progress at the Commission as of the effective date.* If, as of the effective date, the Commission is conducting an investigation under section 303 of the Act or section 201(a) of the Antidumping Act, 1921, as to whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, it shall terminate any such investigation and initiate an investigation concerning the same matter under title VII of the Act, which shall be completed within 75 days after the effective date, and it shall—

(1) Treat any final determination of the administering authority under section 303 as a final determination under section 705(a) of the Act and consider the net amount of the bounty or grant estimated or determined under section 303 as the net subsidy amount under subtitle A of title VII of the Act; and

(2) Treat any final determination of the administering authority under the Antidumping Act, 1921, as a final determination under section 735(a) of the Act.

(c) *Commission investigations of injury in cases in which countervailing duties were waived or a countervailing duty order was published after July 26, 1979.* Upon receipt by the Commission of the administering authority's most current net subsidy information pertaining to any countervailing duty order in effect on the effective date which the administering authority waived under section 303(d) of the Act or which was published after July 26, 1979, with respect to products of a country under the agreement, or the subject of which concerns frozen, boneless beef from the European Communities under Treasury Decision 76–109 (10 Cust. B. & Dec. 189 (1976)), the Commission shall commence an investigation to determine whether there is injury within the meaning of section 104(a)(2) of the Trade Agreements Act, which investigation shall be completed within 180 days after such receipt. The Secretary will transmit the Commission's determination to the administering authority and publish it in the **Federal Register.**

(d) *Commission investigation of injury in cases in which countervailing duty orders were published before July 26, 1979, and were not waived.* Within 3 years of the effective date, a request in writing may be filed on behalf of the government of a country under the Agreement or on behalf of exporters accounting for a significant portion of the exports to the United States of the merchandise subject to a countervailing duty order in effect on the effective date or issued pursuant to a court order in an action brought under section 516(d) of the Act, and not subject to paragraph (c) of this rule, then the Commission shall commence an investigation to determine whether there would be injury by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked. The request shall set forth the person, persons, or government making the request; the order as to which the request is made; the relief sought; the factual basis therefor; and otherwise be generally in compliance with part 201 of these rules. In addition, the Director may prescribe a form for making such requests, which shall be completed if available, and which may require information that the Director considers necessary to conduct the investigation. The Commission determination in such investigations shall be made within 3 years of the date of the receipt of the request that caused the Commission to investigate. Within 10 days after the filing of a request under this subsection, the Secretary shall notify the administering authority of the order or orders that are the subjects of the request. The Secretary will also transmit to the administering authority the Commission determination in investigations under this section, and publish notice thereof in the **Federal Register.**

§ 207.31 Scheduling the institution of investigation of certain unwaived investigations.

Among the factors considered by the Commission for establishing priorities of institution among requests under § 207.30(d) when the work before the Commission is such as to make immediate investigation in such cases impractical are:

(a) The trade interests of the United States;

(b) The length of time a countervailing duty order has been in effect (longest first);

(c) The volume of trade of the product in question; and

(d) The appropriateness of consolidation of investigations relating to like products.

§ 207.32 Procedures for pending investigations.

The procedures set forth in subpart B of this part, including applicable time limitations, shall apply to all investigations requiring a preliminary determination within 45 days. All other investigations described in this Subpart D shall comply with the procedures, including applicable time limitations, set forth in subpart C of this part.

Subpart E—Terminated, Suspended, and Continued Investigations, Investigations To Review Negotiated Agreements, and Investigations To Review Outstanding Determinations

§ 207.40 Termination and suspension of investigation.

(a) An investigation under title VII may be terminated by the Commission by giving notice in the **Federal Register** to all parties to the investigation, upon withdrawal of the petition by the petitioner. The Commission may not terminate an investigation, however, before a preliminary determination is made by the administering authority under section 703(b) or section 733(b) of the Act.

(b) Upon receipt of a notice of suspension of an investigation by the

administering authority under section 704 (b) or 734(b), the Secretary shall issue a notice of suspension of the Commission investigation. Such suspension shall not prevent the Director from conducting such other investigative activities as he deems appropriate with respect to the same matter.

(c) *Resumption of suspended investigation.* (1) *Purpose.* If the administering authority determines that an agreement described in subsection 704(b) or (c) or subsection 734 (b) or (c) of the Act is being, or has been violated, or no longer meets the requirements of section 704 or 734 of the Act (other than the requirement under subsections 704(c)(1) and 734(c)(1), of complete elimination of injury) and so notifies the Commission of its determination and, in the event that the investigation suspended by the agreement was not terminated, the Commission shall resume the investigation as if this determination of the administering authority were an affirmative preliminary determination under subsection 703(b) or 733(b) of the Act.

(2) *Period for injury determination.* The Commission shall make its final determination in conformity with the schedule established in § 207.25(b).

(3) *Procedures.* The procedures set forth in subpart C applicable to investigations requiring completion within 120 days shall apply to all investigations instituted under this § 207.40.

§ 207.41 Commission review of agreements to eliminate the injurious effect of subsidized imports or imports sold at less than fair value.

If the administering authority determines to suspend an investigation upon acceptance of an agreement to eliminate the injurious effect of subsidized imports or imports sold at less than fair value, the Commission shall, upon petition, initiate an investigation to determine whether the injurious effect of imports of the merchandise which was the subject of the suspended investigation is eliminated completely by the agreement. Petitions may be filed by a party to the investigation which is an interested party described in subparagraph (3), (4), or (5) of § 207.2(h). Investigations under this § 207.41 shall be completed within 75 days of their initiation.

§ 207.42 Investigation continued upon request.

Upon receipt of advice from the administering authority that it has received a request for the continuation of a suspended investigation pursuant to section 704(g) or 734(g) of the Act, the Commission shall continue the investigation. The procedures set forth in subparts B and C of this part, including applicable time limitations, shall apply to all continued investigations within this rule.

§ 207.43 Commission determination in investigations to review agreements and in continued investigations.

In making a final determination in investigations to review agreements described in § 207.41 or in continued investigations described in § 207.42, the Commission shall consider all of the merchandise which is the subject of the investigation.

§ 207.44 Consolidation of investigations.

The Commission may, when appropriate, consolidate continued investigations under section 704(g) or section 734(g) of the Act with investigations to review agreements for the elimination of injury under section 704(h) or section 734(h) of the Act.

§ 207.45 Investigation to review outstanding determination.

(a) *Purpose.* Upon the receipt of information concerning, or upon a request for the review of, a determination concerning a suspension agreement accepted under section 704 or 734 of the Act or an affirmative determination made under section 704(h)(2), 705(b), 734(h)(2), or 735(b) of the Act, or under the Antidumping Act or section 303(b) of the Act, which shows changed circumstances sufficient to warrant a review of such determination, the Commission shall institute an investigation to determine, as the case may be, (1) whether, in light of the alleged changed circumstances, the agreement continues to eliminate completely the injurious effect of imports of the merchandise; or (2) whether changed circumstances exist which indicate that an industry in the United States would not be threatened with material injury, or the establishment of such an industry would not be materially retarded, if the countervailing duty order or antidumping order were modified or revoked. In the absence of good cause shown, no investigation under this § 207.45 shall be instituted within 24 months of the date of publication of the notice of the suspension or determination.

(b) *Procedures.* The procedures set forth in subpart C applicable to investigations requiring completion within 120 days shall apply to all investigations instituted under this § 207.45.

§ 207.46 Modification, clarification, or correction of a determination.

Nothing in § 207.45 shall limit the inherent authority of the Commission to issue an appropriate modification, clarification, or correction of a determination within a reasonable time of its issuance.

Subpart F—Judicial Review

§ 207.50 Judicial review.

(a) *In general.* Persons entitled to judicial review under section 516A of the Act may seek review in the U.S. Customs Court.

(b) *Transmittal of record.* In the event a Commission determination is appealed to the U.S. Customs Court under section 516A, a copy of the record in the proceeding before the Commission, as such record is defined in § 207.2(j), or a certified list of all items therein, will be transmitted to the Court by the Secretary in accordance with the rules of the court.

(c) *Service of process.* The Commission's General Counsel shall be the Commission's agent for service of process in cases arising under section 516A of the Act.

§ 207.51 Judicial review of denial of application for disclosure of certain confidential information under protective order.

(a) *In general.* Persons entitled to judicial review under section 777(c)(2) of a Commission determination not to disclose confidential information concerning domestic price or cost of production may apply to the U.S. Customs Court for an order directing the Commission to make the information involved available.

(b) *Transmittal of record.* In the event a court order is sought under section 777(c)(2) requiring the Commission to disclose confidential information concerning domestic price or cost of production, the Secretary shall within 5 days after service of a summons and complaint upon the Commission transmit to the court under seal the confidential information involved along with pertinent parts of the record.

(c) *Pertinent parts of the record.* The pertinent parts of the record shall consist of (1) the application for Commission disclosure together with any documents filed in support thereof or in opposition thereto, (2) any Government memoranda relating to the Commission's determination, and (3) the Commission's action on the application.

(d) *Service of process.* The Commission's General Counsel shall be the Commission's agent for service of process in cases arising under section 777(c)(2) of the Act.

Conforming Amendments

The following changes are made in Part 201 of title 19 of the Code of Federal Regulations:

§ 201.1 [Amended]

1. Substitute the words "202 through 207" for the words "202 and 207" where they appear in § 201.1.

§ 201.2 [Amended]

2. Add new paragraphs (f), (g), and (h) to § 201.2 as follows—

(f) "Trade Agreements Act" means the Trade Agreements Act of 1979, Pub. L. No. 96–39, 93 Stat. 144.

(g) "Rule" means a section of the Commission Rules of Practice and Procedure (19 CFR Chapter II).

(h) "Secretary" means the Secretary of the Commission.

3. Revise § 201.7 to read as follows:

§ 201.7 Investigative authority and initiation of investigations.

(a) *Investigative authority.* In order to expedite the performance of its functions, the Commission may engage in investigative activities preliminary to and in aid of any authorized investigation, consolidate proceedings before it, and determine the scope and manner of its proceedings;

(b) *Initiation of investigations.* Investigations may be initiated by the Commission on the Commission's own motion, upon request of the President or the Special Representative for Trade Negotiations, upon resolution of the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon resolution of either branch of Congress, or upon application, petition, complaint, or request of private parties, as required or provided for in the pertinent statute, Presidential proclamation, Executive order, or in this chapter.

§ 201.9, 201.11 and 201.12 [Amended]

4. Substitute the word "information" for the word "evidence" where it appears in § 201.9, § 201.11(c), § 201.12(e), and § 201.12(g);

5. Add in § 201.12(a) the words "or conferences" after the term "hearings" in each place such term is used.

6. Substitute in § 201.12(d) the words "not less than 3 business days prior to the hearing" for the words "three business days prior to the hearing or as close to actual presentation at the hearing as possible."

7. Substitute "(h) *Hearing transcripts.*" for "(f) *Hearing transcripts.*" in § 201.12.

8. Add a new paragraph (i) to § 201.12 as follows—

§ 201.12 Conduct of nonadjudicative hearings.

* * * * *

(i) *Requests.* Any party to a nonadjudicatory investigation may request the Commission to take particular action with respect to any aspect of an investigation. Such requests shall be by letter addressed to the Secretary, shall be placed by him in the record, and served on all other parties. The Commission shall take such action or make such response as it deems appropriate.

§ 201.13 [Amended]

9. Delete from § 201.13(a), the language "for the purpose of appearing at a public hearing."

[FR Doc. 79–39263 Filed 12–21–79; 8:45 am]
BILLING CODE 7020–02–M

Reader Aids

Federal Register

Vol. 44, No. 248

Wednesday, December 26, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders (GPO)
202-275-3054	Subscription problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, DECEMBER

69271-69608	3
69609-69916	4
69917-70114	5
70115-70448	6
70449-70700	7
70701-71398	10
71399-71804	11
71805-72068	12
72069-72568	13
72569-73000	14
73001-74780	17
74781-75090	18
75091-75354	19
75355-75614	20
75615-76262	21
76263-76476	26

CFR PARTS AFFECTED DURING DECEMBER

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.

1 CFR

480	74791
490	75392

3 CFR

Administrative Orders:

Memorandums:

December 11, 1979	71809
December 14, 1979	74781

Executive Orders:

11223 (Amended by EO 12178)	71807
11322 (Revoked by EO 12183)	74787
11419 (Revoked by EO 12183)	74787
11888 (Amended by EO 12180, 12181)	72077, 72083
11978 (Revoked by EO 12183)	74787
12103 (Amended by EO 12176)	70705
12173	69271
12174	69609
12175	70703
12176	70705
12177	71805
12178	71807
12179	71811
12180	72077
12181	72083
12182	74785
12183	74787
12184	75091
12185	75093

Proclamations:

4705	70701
4706	71399
4707	72348
4708	72069
4709	74789

Reorganization Plans:

No. 3 of 1979	69273

4 CFR

6	70115
420	73001

5 CFR

212	75615
213	69611, 70449, 72569, 75615
214	75615
315	72569
317	75615
737	72570
871	70449
1250	75914
1251	75914
1252	75914
1253	75914
1254	75914
1255	75914
1256	75914
1257	75914
1258	75914
1259	75914
1260	75914
1261	75914
1262	75914
1263	75914
1264	75914
1265	75914
1266	75914
1267	75914
1268	75914
1269	75914

Proposed Rules:

Ch. I	69651
213	70483

6 CFR

701	73001
702	70086
703	70086
704	70086
705	72085, 73001-73003
706	72085, 73001, 73003
707	72085, 73003, 73004

7 CFR

Subtitle A	70450
6	75594
16	75355
68	73007
227	70451
230	71401
272	75617
273	72570, 75618
354	74791
401	75356, 75363, 76263
402	71813
403	74792
404	74792
406	74793
408	71813
409	71814
410	74794
411	74795
413	74796
414	74796
415	71815
416	72089
417	72089
418	72090
419	72093
420	75370
421	75371
423	70115
424	75372
425	75372
427	75373

428.....75373
430.....72094
431.....75374
432.....75375
433.....75376
434.....75356
435.....75095
436.....75363
729.....70452
905.....69917, 69918, 72095, 73008, 74797
906.....73008, 75102
907.....75376, 75377
908.....73008
909.....73008
910.....69918, 70454, 72572 73008, 75618
911.....73008
912.....69918, 73008
913.....69918, 73008
915.....73008
916.....73008
917.....73008
918.....73008
919.....73008
921.....73008
922.....73008
923.....73008
924.....73008
926.....73008
927.....73008
928.....71401, 73008
929.....73008
930.....73008
931.....73008
932.....73008
944.....73008
945.....73008
946.....73008
947.....73008
948.....73008
950.....73008
953.....73008
958.....73008
959.....73008
965.....73008
966.....73008
967.....73008
971.....73008
979.....73008
982.....70116
987.....69919
989.....70117
1049.....71402
1133.....75619
1260.....71404
1280.....72866, 72884, 72888
1421.....74798
1435.....69611
1427.....74797
1464.....69277, 69278
1701.....71405, 74799
1888.....76263
1945.....75104
1951.....75132
1980.....75104
2852.....69613, 72572

Proposed Rules:

Ch. VI.....76299
Ch. XXVIII.....75990
20.....74842
210.....75648
273.....70684, 75648
700.....76202
723.....71424
724.....74843
726.....69655
906.....69303
928.....70176
944.....69303
1004.....70483
1124.....75649
1260.....72838
1421.....69656, 71838
1426.....69656, 69657
1430.....75650
1438.....71839
1446.....71838
1802.....69937
1930.....69937
1960.....71839
1980.....70741
2851.....72599

8 CFR

214.....75165

9 CFR

75.....75620
78.....72574
92.....72574
112.....71406, 71407
113.....71407
201.....69279
202.....72575

Proposed Rules:

Ch. III.....75990
113.....71425
201.....71802
203.....71802
307.....69659
319.....71427
381.....69659

10 CFR

205.....72096
210.....70118
211.....70118, 72575
212.....69594, 70118, 70121, 72566
271.....69594
515.....69919
790.....75078

Proposed Rules:

2.....70408
19.....70408
20.....70408
21.....70408
30.....70408
40.....70408
50.....75167, 75651, 75652
51.....70408, 75652
60.....70408
70.....70408
211.....69664, 69962
212.....69599, 69602, 69664
376.....70390
390.....70390
430.....72276
456.....75956
477.....74844
570.....70799, 71842, 75174
576.....70692

12 CFR

Ch. VII.....74799
1.....76263
11.....69614
211.....70708
217.....75621
301.....75623
303.....73012, 75624
304.....73012, 74801, 75624
305.....75623
306.....75623
325.....75623
329.....75378
330.....75623
349.....74801
526.....75625
545.....72578
563.....72578
701.....75379

Proposed Rules:

Ch. II.....75393
Ch. VIII.....75180
210.....75174
211.....72181
225.....69629
226.....69630
265.....70708
309.....75652
339.....75654
545.....72602
563.....72602
613.....69631
614.....69631
616.....69631
708.....71816
720.....70709

13 CFR

108.....72102
118.....72102
120.....70455
121.....72582
122.....70455, 72102

Proposed Rules:

111.....72604
121.....75183
122.....75655

14 CFR

39.....75380, 76264–76267
71.....75381, 76268–76270
73.....70714, 72106
75.....70715
91.....75558
95.....76270
97.....73015
109.....72344
191.....72344
207.....69640
208.....69640
211.....69640
212.....69641
215.....69641
296.....69641
297.....69633
379.....74807
385.....69642
399.....69915
1209.....69935
1216.....69920

Proposed Rules:

Ch. I.....70177
39.....75394
71.....70181, 70742, 72182, 72183, 73110–73114
73.....72183
91.....70743
241.....69968
380.....69912
1214.....75395, 75656

15 CFR

11.....75382
368.....75382
370.....75382
385.....75382
386.....75382
918.....75054

Proposed Rules:

369.....69665
377.....69968
935.....69970
2303.....70743

16 CFR

5.....69284
13.....70125, 70126, 70716, 71408
305.....75133
306.....69920
438.....70456
460.....73017
600.....70457
1205.....70127, 70380
1500.....71411

Proposed Rules:

Ch. I.....75990
Ch. II.....73121
13.....70484, 74845
457.....70485

17 CFR

1.....71817
140.....72107
155.....71820
200.....70457
201.....75382
230.....70326
231.....70130, 74808
239.....70131
240.....70132, 70326, 71821, 72583, 75133
241.....74808
249.....70132

Proposed Rules:

Ch. I.....69304
229.....75399
230.....70349
231.....72604
239.....75399
240.....75399
241.....70189, 72604
249.....75399

18 CFR

2.....75383
4.....75383
1.....69284
2.....69935, 71821
271.....69642, 69935
274.....69642
284.....75383
701.....72583
707.....69921
713.....72892

Proposed Rules:

Ch. I.....70752
35.....70752
46.....71428
271.....70189
280.....73121
284.....73121
292.....69978

19 CFR

4.....70458

159.....70138, 75135
171.....70459
201.....76458
207.....76458

Proposed Rules:
4.....75685
6.....73122
144.....75685
151.....75685
159.....75685

20 CFR

404.....73018
676.....72584

Proposed Rules:
Ch. III.....72728

21 CFR

Ch. I.....72585
5.....75626
10.....70459
12.....70459
13.....70459
14.....70459
15.....70459
16.....70459
176.....75627
177.....74816
178.....69649
201.....74817
202.....74817
510.....71412, 74818
520.....71412, 72586, 74818
522.....71412
526.....71412
529.....72587
548.....69650
558.....71412, 74819
701.....75627
820.....75627
1000.....71728
1308.....71822

Proposed Rules:
Ch. I.....71428, 72728, 75990
25.....71742
58.....69666
70.....75659
131.....69668, 69669, 72613
170.....75662
182.....74845
184.....74845
320.....69669
333.....71428
357.....75666
438.....69768
452.....69670
868.....69673, 70486

22 CFR

42.....72108

23 CFR

170.....75552
172.....75552
420.....75552
620.....75552
650.....72109
713.....73018

Proposed Rules:
630.....70191
656.....70753
657.....69586
1251.....70192

24 CFR

201.....70716
207.....70716
300.....71412
570.....70717
571.....75136
600.....72036
886.....70362
888.....75383

Proposed Rules:
115.....72185
203.....72186
204.....72186
234.....70194
390.....69977, 75348
570.....69673
571.....69304, 75332
803.....70194, 76024
888.....70194, 76024
3282.....70195, 76176

25 CFR

31a.....70139
31b.....70139
31g.....70139
31h.....70139
112a.....70139

26 CFR

1.....73019
31.....75137
48.....69924
601.....72113

Proposed Rules:
1.....71429, 71430, 75183, 75670, 76303
7.....71429
16.....75670, 76303
17.....75670, 76303
20.....71436
25.....75185
31.....71430
36.....71430
46.....71430
48.....71430
49.....71430
154.....71430
160.....75670, 76303
301.....71430, 75185
601.....71430

27 CFR

5.....71613
13.....71613
19.....71613
170.....71613
173.....71613
186.....71613
194.....71613
195.....71613
196.....71613
197.....71613
200.....71613
201.....71613
211.....71613
212.....71613
213.....71613
231.....71613
240.....71613
250.....71613
251.....71613
252.....71613

Proposed Rules:
5.....69674, 70797, 71612
13.....69674, 70797, 71612
19.....69674, 70797, 71612
170.....69674, 70797, 71612
173.....69674, 70797, 71612
178.....75186
186.....69674, 70797, 71612
194.....69674, 70797, 71612
195.....69674, 70797, 71612
196.....69674, 70797, 71612
197.....69674, 70797, 71612
200.....69674, 70797, 71612
201.....69674, 70797, 71612
211.....69674, 70797, 71612
212.....69674, 70797, 71612
213.....69674, 70797, 71612
231.....69674, 70797, 71612
240.....69674, 70797, 71612
250.....69674, 70797, 71612
251.....69674, 70797, 71612
252.....69674, 70797, 71612

28 CFR

0.....69926

Proposed Rules:
42.....76303

29 CFR

40.....72587, 75628
775.....75628
1601.....75630
1952.....74819
1977.....74819
2200.....70106

Proposed Rules:
Ch. XXVI.....75405
1999.....69675
2200.....70195
2550.....74858

30 CFR

601.....69927
731.....75143
732.....75302

Proposed Rules:
250.....70196

31 CFR

316.....69286
317.....75058
321.....69286
332.....69286
342.....69286
351.....72826
352.....72838
353.....76440
530.....74841
535.....69286, 69650, 75352, 75353

Proposed Rules:
350.....72187

32 CFR

166.....75631
230.....70460, 74819
770.....76279
812.....71825
813.....71827
845.....75633
860.....69286
888h.....74819

Proposed Rules:
Ch. I.....76303, 76305
2002.....71842

32A CFR

Proposed Rules:
166.....71845

33 CFR

3.....70719
82.....69297
161.....70719
117.....73020
147.....73020
175.....73021, 73025
183.....73025
204.....69298
207.....69650

Proposed Rules:
117.....72188
150.....69305
158.....72188
160.....69306
207.....75407

35 CFR

Ch. I.....75306

36 CFR

223.....73028
1205.....74826

37 CFR

Proposed Rules:
201.....73123
202.....69977

38 CFR

Proposed Rule:
Ch. I.....74858

39 CFR

111.....70720
601.....71412

Proposed Rules:
927.....69682

40 CFR

51.....72589
52.....69928, 70140, 70141, 71780, 72116, 72118, 72589, 73031–73033, 74830, 75635
53.....72589
55.....72593
58.....72589
60.....69298, 70465
62.....76281
81.....70143, 70466
86.....69416
180.....70143, 75638

Proposed Rules:
Ch. I.....69978
52.....69683–69685, 70486, 70754, 70776, 71847, 72199, 72614, 72615, 74861, 75187, 75671, 76307, 76308, 76311
60.....75408
61.....70196
65.....69685, 71436
81.....69685, 70486
136.....69464, 75028
162.....76311
169.....75188
180.....70777
230.....72615
410.....69687
419.....75926
425.....69688

428.....75016
763.....73127

41 CFR

Ch. 44.....70424
101.....74832
Proposed Rules:
Ch. 51.....69308
24-1.....71438
101-20.....72200

42 CFR

36.....69933
Proposed Rules:
Ch. I.....72728
Ch. II.....72728
Ch. III.....72728
Ch. IV.....72728
31.....75672
32.....75672
35.....75672
85.....69689
85a.....69689
122.....71754, 75408
123.....71754, 75408
455.....75673
460.....73128

43 CFR

Ch. I.....71828
Ch. II.....72014
PLO 5690.....74836
Proposed Rules:
2090.....69868
2300.....69868
2310.....69868
2320.....69868
2340.....69868
2350.....69868
Public Land Orders:
5688.....70467
5689.....73034
5691.....73035

44 CFR

3.....75062
11.....73035
64.....71830, 71831, 72594, 72595
65.....71835, 75639
67.....70468, 72164, 75641, 76282
70.....75643-75645
205.....71790, 71793, 71794
206.....75576
Proposed Rules:
10.....70197
67.....70497, 70498, 70778-70791, 73130, 75675, 76322
70.....72178-72180
205.....75408

45 CFR

86.....71413
205.....75143
206.....75143
701.....75147
702.....75147
703.....75147
704.....75147
705.....75147
706.....75147
1010.....70145
1060.....69299
1061.....75645
Proposed Rules:
Subtitle A.....72728
Subtitle B.....72728
3.....75415
87.....75676
121i.....75024
174.....70652
175.....70652
176.....70652
1328.....70064

46 CFR

2.....73038
12.....70154
14.....70154
15.....70154
16.....70154
25.....73047
151.....69299
153.....69299
159.....73038
160.....73048, 73055
161.....73048
187.....72130
310.....69301
503.....70721
Proposed Rules:
4.....69308, 76327
26.....69308, 76327
33.....69311
35.....69308, 76327
42.....70791
78.....69308, 76327
93.....70791
94.....69311
97.....69308, 76327
109.....69308, 76327
167.....69308, 76327
185.....69308, 76327
192.....69311
196.....69308, 76327
508.....72616
510.....70795

47 CFR

O.....70471, 76294
1.....69301
18.....70472
63.....75156
64.....75156
73.....75384
74.....75384
83.....73095
87.....73098
90.....70158
94.....69301
95.....70158
97.....73099, 73100
Proposed Rules:
0.....73130
2.....74862
21.....74862
61.....73130
63.....73130
73.....75418-75421, 75683
87.....74862
90.....69689, 70498, 74862
97.....70499

49 CFR

1.....70163
171.....70721
172.....70721, 72131
173.....70721
174.....70721, 72131
175.....70721
176.....70721
177.....70721
178.....70721
192.....75384
195.....70164
231.....73101
399.....70721
501.....76295
571.....75385
1033.....69302, 70475-70477, 70733, 71828-71830, 72159, 72597, 72598, 75164, 75165
1043.....70167, 74838
1045B.....70167, 74838
1046.....70167, 74838
1112.....75386
1121.....73105
1125.....76295
1204.....72160
1249.....70478
1252.....70479
1300.....73132
1303.....73132
1304.....73132
1306.....73132
1307.....73132
1308.....73132
1310.....73132
1312.....73132
Proposed Rules:
192.....72201
571.....70204
1036.....71848
1041.....71438, 75188
1056.....75194
1060.....71849
1082.....71849
1100.....69693, 76327
1104.....76327
1125.....75188, 75190, 76328
1127.....71851

50 CFR

17.....70677, 75074, 75165
26.....72161, 74838
33.....75386-75390
603.....70480
611.....76295
652.....73108
Proposed Rules:
Ch. I.....76299
17.....70680, 70796, 73133
32.....70210
33.....70210
611.....72204
651.....69312, 71440
652.....70503
657.....75684

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 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
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

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

COMMUNITY SERVICES CORPORATION

67423 11–26–79 / Provision for use of Federal Register and Code of Federal Regulations as sole issuance system for regulations

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

37434 6–26–79 / Content and format for labeling for human prescription drugs

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner—

70362 12–6–79 / Section 8 Housing Assistance Program for the disposition of HUD-owned projects

Next Week's Deadlines for Comments on Proposed Rules

AGRICULTURE DEPARTMENT

Farmers Home Administration—

69130 11–30–79 / Rural rental housing loan policies, procedures, and authorizations; revision—redesignation; comments by 12–31–79

Food and Nutrition Service—

62453 10–30–79 / National School Lunch Program; assessment, improvement and monitoring system; comments 1–2–80

62442 10–30–79 / National School Lunch Program and State Administrative Expense Funds; Assessment, improvement and monitoring system; comments by 1–2–80

62466 10–30–79 / School Nutrition Programs; State Administrative Expense Funds; interim rule; comments period extended to 1–2–80

[Originally published at 44 FR 53487, Sept. 14, 1979]

62459 10–30–79 / State Administrative Expense Funds; AIMS sanctions; comments by 1–2–80

Food Safety and Quality Service—

62294 10–30–79 / Federal meat graders; wearing of frocks; comments by 12–31–79

Office of the Secretary—

62292 10–30–79 / Price-undercutting of domestic cheese by quota cheese (imports); comments by 12–31–79

COMMERCE DEPARTMENT

Industry and Trade Administration—

69665 12–9–79 / Restrictive trade practice or boycott provisions; comments by 1–4–80

National Oceanic and Atmospheric Administration—

69312 12–3–79 / Atlantic groundfish; permit sanctions; comments by 1–2–80

[Corrected at 44 FR 71440, Dec. 12, 1979]

62547 10–31–79 / High Seas Salmon Fishery off the Coast of Alaska east of 175° east longitude fishery management plan amendment; comments by 1–1–80

CONSUMER PRODUCT SAFETY COMMISSION

62526 10–31–79 / Environmental review; proposed procedures; comments by 12–31–79

DEFENSE DEPARTMENT

Engineers Corps—

61308 10–24–79 / Water resources policies and authorities; Establishment of wetlands; comments by 12–31–79

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

64094 11–6–79 / Clarity of regulations; inquiry; comments 12–31–79

Economic Regulatory Administration—

62848 10–31–79 / Crude oil reseller regulations; comments by 12–31–79

68855 11–30–79 / East coast residual fuel oil entitlements; comments by 12–31–79

69594 12–3–79 / Mandatory petroleum price regulations; unleaded gasoline production incentives; comments by 12–31–79

69602 12–3–79 / Resellers' and reseller-retailers' price rules for gasoline; comments by 12–31–79

63109 11–2–79 / Priority supply of crude oil and petroleum products under the Defense Production Act; comments by 12–31–79

ENVIRONMENTAL PROTECTION AGENCY

59287 10–15–79 / Clean Air Act; local or regional economic disruption and unemployment prevention in Ohio; reproposed determination; comments by 12–30–79

72615 12–14–79 / Guidelines for specification of disposal sites for dredged or fill materials; comments period extended to 1–2–80

[Originally published at 44 FR 54222, Sept. 18, 1979]

62545 10–31–79 / Maryland air quality attainment status designations; comments by 12–31–79

56856 10–2–79 / Notification of export for polychlorinated biphenyls and fully halogenated chlorofluoralkanes; comments by 12–31–79

68489 11–29–79 / Polychlorinated biphenyls; manufacturing, processing, distribution in commerce, and use prohibitions in hydraulic systems; clarifications; comments by 12–31–79

69683 12–4–79 / Proposed action on Florida SIP variance; comments by 1–3–80

69685 12–4–79 / Proposed delayed compliance order for General Motors Corp., GM Assembly Division, Fremont, Calif.; comments by 1–3–80

69116 11–30–79 / Protection of visibility; comments by 12–31–79

62810 10–31–79 / Timber products processing point source category; effluent limitations guidelines, pretreatment standards, and new performance standards; comments by 12–31–79

FEDERAL COMMUNICATIONS COMMISSION

37522 6–27–79 / Creation of an additional personal radio service; reply comments by 12–31–79

47359 8–13–79 / Financial reporting requirements for telephone companies; reply comments by 1–2–80

53548 9–14–79 / Uniform system of accounts and financial reporting requirements for telephone companies; reply comments by 1–2–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

63058 11–1–79 / Disaster assistance provisions; reorganization and revision; comments by 12–31–79

FEDERAL HOME LOAN BANK BOARD

62519 10–31–79 / Federal Home Loan Bank System, Federal Savings and Loan System, Federal Savings and Loan Insurance Corporation; proposed amendments concerning outside borrowing; comments by 12–31–79

FEDERAL MARITIME COMMISSION

62546 10–31–79 / Security for the protection of the public: Increase in maximum amount of required evidence of financial responsibility; comments by 1–2–80

FEDERAL RESERVE SYSTEM

62902, 62903 11–1–79 / Interstate banking restrictions for foreign banks; comments by 1–4–80 (2 documents)

GENERAL SERVICES ADMINISTRATION

65411 11–13–79 / Accident claims and withdrawal procedures concerning motor pool vehicles; comments by 12–31–79

62298 10–30–79 / Nondiscrimination against handicapped persons in programs and activities receiving Federal financial assistance; comments by 12–31–79

National Archives and Records Service—

66852 11–21–79 / Federal Advisory Committee management; comments by 1–5–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

52257 9–7–79 / Cacao products and confectionery; comments by 12–31–79

33238 6–8–79 / Current good manufacturing practice in manufacturing, processing, packing, or holding human food; comments by 12–31–79

63292–63426 11–2–79 / Medical devices; classification of anesthesiology devices (150 documents); comments by 1–2–80

69670 12–4–79 / Revocation of provisions for certification of adult dosage forms of erythromycin estolate; comments by 1–3–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Community Planning and Development—

69673 12–4–79 / Clarification of Small Cities Program provisions; comments by 1–3–80

68732 11–29–79 / Modular homes; exemption; comments by 12–31–79

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

62531 10–31–79 / Prepayment of insured single family mortgages; comments by 12–31–79

INTERSTATE COMMERCE COMMISSION

62312 10–30–79 / Class I railroads; adopting a cost center accounting and reporting system; comments by 12–31–79

JUSTICE DEPARTMENT

Prisons Bureau—

62252 10–29–79 / Control, custody, care, treatment and instruction of inmates; comments by 12–31–79

LABOR DEPARTMENT

Employment and Training Administration—

61604 10–26–79 / Labor certification process for temporary employment of aliens in U.S.; increase in maximum meal charge for agricultural employment; comments by 1–2–80

Occupational Safety and Health Administration—

66621 11–20–79 / Electrical standards; comments period extended to 11–30–79 to 12–31–79

[Originally published at 44 FR 55274, Sept. 25, 1979]

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

62542 10–31–79 / Commission operations and relocation procedures; "Head of household"; definition revised; comments by 12–31–79

NUCLEAR REGULATORY COMMISSION

75244 12–19–79 / Reactor Safeguards Advisory Panel, Ad Hoc Subcommittee on Three Mile Island, Unit 2, Accident Bulletins and Orders and Emergency Core Cooling System Subcommittee, Inglewood, Calif. (partially open), 1–3 and 1–4–80

PERSONNEL MANAGEMENT OFFICE

72570 12–14–79 / Post employment conflict of interest prohibitions; comments by 1–4–80

POSTAL SERVICE

69682 12–4–79 / Revision of provisions for penalties or fines, deductions, and damages related to transportation of mail; comments by 1–4–80

SECURITIES AND EXCHANGE COMMISSION

65774 11–15–79 / Bank holding companies and banks—requirements for form and content of financial statements; comments by 12–31–79

67671 11–27–79 / Form S–8 and proposed related rules under the Securities Act of 1933; comments by 12–31–79

67143 11–23–79 / Proposed amendments regarding exhibit requirements; comments by 12–31–79

66607 11–20–79 / Record production obligations of national securities exchanges and national securities associations; comments by 12–31–79

TRANSPORTATION DEPARTMENT

Coast Guard—

68488 11–29–79 / Napa River, Calif.; drawbridge operations; comments by 12–31–79

68495 11–29–79 / Safety approval of cargo containers; comments by 12–31–79

Federal Aviation Administration—

68479 11–29–79 / Pasco, Wash.; alteration of transition area; comments by 12–31–79

51691 9–4–79 / Reducing Federal expenditures of national airport and airway system; comments by 1–2–80

Federal Highway Administration—

63680, 63682 11–5–79 / National maximum speed limit; certification and monitoring requirements; comments by 1–4–80 (2 documents)

National Highway Traffic Safety Administration—

63680, 63682 11–5–79 / National maximum speed limit; certification and monitoring requirements; comments by 1–4–80 (2 documents)

Urban Mass Transportation Administration—

62918 11–1–79 / Standards and procedures for third party contracts; comments period extended to 1–4–80 [Originally published at 44 FR 54513, Sept. 20, 1979]

TREASURY DEPARTMENT

Fiscal Service—

72187 12–13–79 / Treasury bills; book entry account; comments by 1–4–80

VETERANS ADMINISTRATION

68491 11–29–79 / Construction contracts; comments by 12–31–79

68489 11–29–79 / Government-furnished headstone or marker; comments by 12–31–79

Next Week's Meetings

ARTS AND HUMANITIES, NATIONAL FOUNDATION

70605 12–7–79 / Humanities Panel, Washington, D.C. (closed), 1–2 through 1–5–80

70937 12–10–79 / Humanities Panel, Washington, D.C. (closed), 1–3 and 1–4–80

COMMERCE DEPARTMENT

Travel Service—

69706 12–4–79 / Travel Advisory Board, Washington, D.C. (open), 1–3–80

NUCLEAR REGULATORY COMMISSION

70015 12–5–79 / Reactor Safeguards Advisory Committee, Evaluation Subcommittee, Washington, D.C. (closed), 12–20–79

STATE DEPARTMENT

70266 12–6–79 / Advisory Committee on International Investment, Technology and Development, Washington, D.C. (open), 1–4–80

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

67195 11–23–79 / Pacific Fishery Management Council, Seattle, Wash., 1–5–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

75174 12–19–79 / Standby gasoline rationing plan, Seattle, Wash., 1–3 and 1–4–80

Federal Energy Regulatory Commission—

66783 11–21–79 / Definition of term "produced" as it relates to stripper wells; interim interpretative regulation, Washington, D.C., 1–3–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of Education—

69993 12–5–79 / Indian definition study, Raleigh, N.C., 1–4–80

TREASURY DEPARTMENT

Internal Revenue Service—

65995 11–16–79 / Requirement for submission of copies of certain employee withholding exemption certificates to IRS, Washington, D.C.; 1–4–80

List of Public Laws

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 5163 / Pub. L. 96–150 To authorize the sale to certain foreign nations of certain excess naval vessels. (Dec. 20, 1979; 93 Stat. 1091) Price $.75.

H.R. 3892 / Pub. L. 96–151 "Veterans Health Programs Extension and Improvement Act of 1979". (Dec. 20, 1979; 93 Stat. 1092) Price $.75

H.R. 5651 / Pub. L. 96–152 To establish by law the position of Chief of the Capitol Police, and for other purposes. (Dec. 20, 1979; 93 Stat. 1099) Price $.75.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

75645 12–21–79 / CSA—Energy crisis assistance program; implementing fiscal year 1980 supplemental appropriation; effective 12–21–79

75054 12–18–79 / Commerce/NOAA—Guidelines for Sea Grant Colleges and Regional Consortia; effective 12–18–79

75631 12–21–79 / DOD/Sec'y—Contractors receiving negotiated contract awards of $10 million or more; effective 9–30–79

75727 12–21–79 / HEW/SSA—Supplemental energy allowance program for the low-income population under Pub. L. 96–126; effective 12–21–79

75136 12–19–79 / HUD/CPD—Community development block grants for Indian Tribes and Alaska Natives, allocation of funds; effective 2–11–80

75689 12–21–79 / USDA/FNS—Donated foods to nutrition programs for the elderly; level of assistance—fiscal year 1980; effective 10–1–79

Deadlines for Comments on Proposed Rules

75676 12–21–79 / HEW/Civil Rights Office—Equal opportunity in employment provisions applicable to the Public Broadcasting Service, National Public Radio, and Public Telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting; comments by 2–19–80

75648 12–21–79 / USDA/FNS—National school lunch program; elimination of certain restrictions on the use of program funds by participating schools; comments by 2–19–80

Applications Deadlines

75236 12–19–79 / HEW/OE—Emergency School Aid Act Programs; apply by 9–30–80

75725 12–21–79 / HEW/OE—Follow through program; noncompeting continuation projects; apply by 12–29–80

75723 12–21–79 / HEW/OE—Follow through program; technical assistance; apply by 2–29–80

75522 12–20–79 / HEW/OE—Women's Educational Equity Act Program; apply by 1–20–80

75740 12–21–79 / Justice/LEAA—Competitive research grant on the relationships between crime and the abuse of drugs and alcohol; preliminary proposals by 4–1–80

75689 12–21–79 / USDA/FmHA—Technical and supervisory assistance grants; deadline for submission of pre-applications and use of funds for fiscal year 1980; apply by 2–15–80

Other Items of Interest

75720 12–21–79 / HEW/OASPE—National long-term care channeling demonstration program; intent to initiate program